

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
JAMES LLOYD RICE, M.D.)
Physician's and Surgeon's)
Certificate No. C 32074)
Respondent.)

File No. 10-2008-191270

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 4, 2010.

DATED January 5, 2010

MEDICAL BOARD OF CALIFORNIA



Hedy/Chang
Chair, Panel B

1 EDMUND G. BROWN JR.
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 ALEXANDRA M. ALVAREZ
Deputy Attorney General
4 State Bar No. 187442
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5 San Diego, CA 92101
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Attorneys for Complainant

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9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:
14 **JAMES LLOYD RICE, M.D.**
8950 Villa La Jolla, Suite A-219
15 **La Jolla, CA 92037**
16 **Physician's and Surgeon's Certificate No.**
C32074,
17
18 Respondent.

Case No. 10-2008-191270

OAH No. L-2009040687

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Barbara Johnston (Complainant) is the Executive Director of the Medical Board
23 of California. She brought this action solely in her official capacity and is represented in this
24 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Alexandra M.
25 Alvarez, Deputy Attorney General.

26 2. Respondent James Lloyd Rice, M.D. (Respondent) is represented in this
27 proceeding by attorney John A. Mitchell, Esq., whose address is 2366 Front Street, San Diego,
28 CA 92101, and Michael Meaney, Esq., 501 West Broadway, Suite 1220, San Diego, CA 92101.

1 3. On or about March 13, 1970, the Medical Board of California issued
2 Physician's and Surgeon's Certificate No. C32074 to James Lloyd Rice, M.D. (Respondent). The
3 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
4 charges brought in Accusation No. 10-2008-191270 and will expire on September 30, 2011,
5 unless renewed.

6 JURISDICTION

7 4. On March 18, 2009, Accusation No. 10-2008-191270 was filed before the
8 Medical Board of California (Medical Board), Department of Consumer Affairs, and is currently
9 pending against Respondent. A true and correct copy of the Accusation and all other statutorily
10 required documents were properly served on Respondent on March 24, 2009. Respondent timely
11 filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No.
12 10-2008-191270 is attached hereto as Exhibit A and incorporated herein by reference as if fully
13 set forth herein.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and understands
16 the charges and allegations in Accusation No. 10-2008-191270. Respondent has also carefully
17 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

19 6. Respondent is fully aware of his legal rights in this matter, including the right to
20 a hearing on the charges and allegations in the Accusation; the right to confront and cross-
21 examine the witnesses against him; the right to present evidence and to testify on his own behalf;
22 the right to the issuance of subpoenas to compel the attendance of witnesses and the production of
23 documents; the right to reconsideration and court review of an adverse decision; and all other
24 rights accorded by the California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each
26 and every right set forth above.

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CULPABILITY

8. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations contained in Accusation No. 10-2008-191270 and that he has thereby subjected his Physician's and Surgeon's Certificate No. C32074 to disciplinary action.

9. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 10-2008-191270 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving respondent in the State of California.

10. Respondent agrees that his Physician's and Surgeon's Certificate No. C32074 is subject to discipline and he agrees to be bound by the Medical Board's imposition of discipline as set forth in the Disciplinary Order below.

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CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Medical Board considers and acts upon it. If the Medical Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Medical Board shall not be disqualified from further action by having considered this matter.

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OTHER MATTERS

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

1 designee, be accepted towards the fulfillment of this condition if the course would have been
2 approved by the Board or its designee had the course been taken after the effective date of this
3 Decision.

4 Respondent shall submit a certification of successful completion to the Board or its
5 designee not later than 15 calendar days after successfully completing the course, or not later than
6 15 calendar days after the effective date of the Decision, whichever is later.

7 3. ETHICS COURSE Within 60 calendar days of the effective date of this
8 Decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in
9 advance by the Board or its designee. Failure to successfully complete the course during the first
10 year of probation is a violation of probation.

11 An ethics course taken after the acts that gave rise to the charges in the
12 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
13 or its designee, be accepted towards the fulfillment of this condition if the course would have
14 been approved by the Board or its designee had the course been taken after the effective date of
15 this Decision.

16 Respondent shall submit a certification of successful completion to the Board or its
17 designee not later than 15 calendar days after successfully completing the course, or not later than
18 15 calendar days after the effective date of the Decision, whichever is later.

19 4. NOTIFICATION Prior to engaging in the practice of medicine, the
20 respondent shall provide a true copy of the Decision and Accusation to the Chief of Staff or the
21 Chief Executive Officer at every hospital where privileges or membership are extended to
22 respondent, at any other facility where respondent engages in the practice of medicine, including
23 all physician and locum tenens registries or other similar agencies, and to the Chief Executive
24 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.
25 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar
26 days.

27 This condition shall apply to any change(s) in hospitals, other facilities or
28 insurance carrier.

1 5. SUPERVISION OF PHYSICIAN ASSISTANTS During probation,
2 respondent is prohibited from supervising physician assistants.

3 6. OBEY ALL LAWS Respondent shall obey all federal, state and local
4 laws, all rules governing the practice of medicine in California, and remain in full compliance
5 with any court ordered criminal probation, payments and other orders.

6 7. QUARTERLY DECLARATIONS Respondent shall submit quarterly
7 declarations under penalty of perjury on forms provided by the Board, stating whether there has
8 been compliance with all the conditions of probation. Respondent shall submit quarterly
9 declarations not later than 10 calendar days after the end of the preceding quarter.

10 8. PROBATION UNIT COMPLIANCE Respondent shall comply with the
11 Board's probation unit. Respondent shall, at all times, keep the Board informed of respondent's
12 business and residence addresses. Changes of such addresses shall be immediately
13 communicated in writing to the Board or its designee. Under no circumstances shall a post office
14 box serve as an address of record, except as allowed by Business and Professions Code section
15 2021(b).

16 Respondent shall not engage in the practice of medicine in respondent's place of
17 residence. Respondent shall maintain a current and renewed California physician's and surgeon's
18 license.

19 Respondent shall immediately inform the Board, or its designee, in writing, of
20 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,
21 more than 30 calendar days.

22 9. INTERVIEW WITH THE BOARD, OR ITS DESIGNEE Respondent
23 shall be available in person for interviews either at respondent's place of business or at the
24 probation unit office, with the Board or its designee, upon request at various intervals, and either
25 with or without prior notice throughout the term of probation.

26 10. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent
27 should leave the State of California to reside or to practice, respondent shall notify the Board or
28 its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is

1 defined as any period of time exceeding 30 calendar days in which respondent is not engaging in
2 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

3 All time spent in an intensive training program outside the State of California
4 which has been approved by the Board or its designee shall be considered as time spent in the
5 practice of medicine within the State. A Board-ordered suspension of practice shall not be
6 considered as a period of non-practice. Periods of temporary or permanent residence or practice
7 outside California will not apply to the reduction of the probationary term. Periods of temporary
8 or permanent residence or practice outside California will relieve respondent of the responsibility
9 to comply with the probationary terms and conditions with the exception of this condition and the
10 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and
11 Cost Recovery.

12 Respondent's license shall be automatically cancelled if respondent's periods of
13 temporary or permanent residence or practice outside California total two years. However,
14 respondent's license shall not be cancelled as long as respondent is residing and practicing
15 medicine in another state of the United States and is on active probation with the medical
16 licensing authority of that state, in which case the two year period shall begin on the date
17 probation is completed or terminated in that state.

18 11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

19 In the event respondent resides in the State of California and for any reason
20 respondent stops practicing medicine in California, respondent shall notify the Board or its
21 designee in writing within 30 calendar days prior to the dates of non-practice and return to
22 practice. Any period of non-practice within California, as defined in this condition, will not apply
23 to the reduction of the probationary term and does not relieve respondent of the responsibility to
24 comply with the terms and conditions of probation. Non-practice is defined as any period of time
25 exceeding 30 calendar days in which respondent is not engaging in any activities defined in
26 sections 2051 and 2052 of the Business and Professions Code.

27 All time spent in an intensive training program which has been approved by the
28 Board or its designee shall be considered time spent in the practice of medicine. For purposes of

1 this condition, non-practice due to a Board-ordered suspension or in compliance with any other
2 condition of probation, shall not be considered a period of non-practice.

3 Respondent's license shall be automatically cancelled if respondent resides in
4 California and for a total of two years, fails to engage in California in any of the activities
5 described in Business and Professions Code sections 2051 and 2052.

6 12. COMPLETION OF PROBATION Respondent shall comply with all
7 financial obligations (e.g., probation costs) not later than 120 calendar days prior to the
8 completion of probation. Upon successful completion of probation, respondent's certificate shall
9 be fully restored.

10 13. VIOLATION OF PROBATION Failure to fully comply with any term or
11 condition of probation is a violation of probation. If respondent violates probation in any respect,
12 the Board, after giving respondent notice and the opportunity to be heard, may revoke probation
13 and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke
14 Probation, or an Interim Suspension Order is filed against respondent during probation, the Board
15 shall have continuing jurisdiction until the matter is final, and the period of probation shall be
16 extended until the matter is final.

17 14. LICENSE SURRENDER Following the effective date of this Decision, if
18 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
19 terms and conditions of probation, respondent may request the voluntary surrender of
20 respondent's license. The Board reserves the right to evaluate respondent's request and to
21 exercise its discretion whether or not to grant the request, or to take any other action deemed
22 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
23 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the
24 Board or its designee and respondent shall no longer practice medicine. Respondent will no
25 longer be subject to the terms and conditions of probation and the surrender of respondent's
26 license shall be deemed disciplinary action. If respondent reapplies for a medical license, the
27 application shall be treated as a petition for reinstatement of a revoked certificate.

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15. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, John A. Mitchell, Esq. and Michael Meancy, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. C32074. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/1/09 [Signature]
JAMES LLOYD RICE, M.D.
Respondent

I have read and fully discussed with Respondent James Lloyd Rice, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/1/09 [Signature]
Michael Meancy, Esq.
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 12/9/09

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
THOMAS S. LAZAR
Supervising Deputy Attorney General


ALEXANDRA M. ALVAREZ
Deputy Attorney General
Attorneys for Complainant

SD2009803476
Stipulation.rtf

Exhibit A

Accusation No. 10-2008-191270

1 EDMUND G. BROWN JR.,
Attorney General of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 MICHAEL S. COCHRANE, State Bar No. 185730
Deputy Attorney General
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6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2074
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 10-2008-191270

13 JAMES LLOYD RICE, M.D.
8950 Villa La Jolla, Suite A-219
14 La Jolla, California 92037

ACCUSATION

15 Physician's and Surgeon's Certificate
No. C32074,

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

- 20 1. Barbara Johnston (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Director of the Medical Board of California.
22 2. On or about March 13, 1970, the Medical Board of California (Board)
23 issued Physician's and Surgeon's Certificate Number C32074 to James Lloyd Rice, M.D.
24 (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times
25 relevant to the charges brought herein and will expire on September 30, 2009, unless renewed.

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JURISDICTION

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3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the [Medical Board], may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the [Medical Board].

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the [Medical Board].

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the [Medical Board].

“(4) Be publicly reprimanded by the [Medical Board].

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the [Medical Board] or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the [Medical Board] and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

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5. Section 2234 of the Code states, in pertinent part:

“The Division of Medical Quality¹ shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“... ”

“(e) The commission of any act involving dishonesty or corruption which is substantally related to the qualifications, functions, or duties of a physician and surgeon.

“... ”

6. Unprofessional conduct under section 2234 of the Code is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine.²

7. Section 2236 of the Code states, in pertinent part:

“(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

“... ”

“(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact

1. California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et. seq.) means the “Medical Board of California,” and references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision of law shall be deemed to refer to the Board

2. *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

1 that the conviction occurred.”

2 8. Section 2237 of the Code states, in pertinent part,

3 “(a) The conviction of a charge of violating any federal statutes or
4 regulations or any statute or regulation of this state, regulating dangerous drugs or
5 controlled substances, constitutes unprofessional conduct. The record of the
6 conviction is conclusive evidence of such unprofessional conduct. A plea or
7 verdict of guilty or a conviction following a plea of nolo contendere is deemed to
8 be a conviction within the meaning of this section.

9 “...”

10 9. Section 2238 of the Code states:

11 “A violation of any federal statute or federal regulation or any of the
12 statutes or regulations of this state regulating dangerous drugs or controlled
13 substances constitutes unprofessional conduct.”

14 10. Section 2261 of the Code states:

15 “Knowingly making or signing any certificate or other document directly
16 or indirectly related to the practice of medicine or podiatry which falsely
17 represents the existence or nonexistence of a state of facts, constitutes
18 unprofessional conduct.”

19 11. Section 2266 of the Code states:

20 “The failure of a physician and surgeon to maintain adequate and accurate
21 records relating to the provision of services to their patients constitutes
22 unprofessional conduct.”

23 12. Section 4324 of the Code states, in pertinent part:

24 “(a) Every person who signs the name of another, or of a fictitious
25 person, or falsely makes, alters, forges, utters, publishes, or attempts to pass, as
26 genuine, any prescription for any drugs is guilty of forgery, and upon conviction
27 thereof shall be punished by imprisonment in the state prison, or by imprisonment
28 in the county jail for not more than one year.

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“...”

FIRST CAUSE FOR DISCIPLINE

(Conviction of Violating a State Law Regulating Drugs)

13. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2237, of the Code, in that he has been convicted of a charge of violating a law regulating dangerous drugs or controlled substances, as more particularly described hereinafter:

(a) On or about April 21, 2008, the San Diego District Attorney filed a Complaint against respondent, alleging two counts of violating section 4324, subdivision (a) of the Code, a misdemeanor.

(b) On or about September 18, 2008, in the case entitled *People of the State of California v. James Lloyd Rice*, Superior Court Case No. CD213042, respondent pled guilty, by way of plea bargain, to one count of violating section 4324, subdivision (a) of the Code, a misdemeanor.

(d) The court deferred entry of judgment pursuant to Penal Code section 1000, with a Fourth Amendment waiver as a probation condition, and scheduled a probation hearing for September 24, 2010.

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to the Qualifications, Functions or Duties of a Physician and Surgeon)

14. Respondent is further subject to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly described hereinafter: Paragraph 13, above, is hereby incorporated by reference as if fully set forth herein.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Violation of Law Regulating Drugs)

3 15. Respondent is further subject to disciplinary action under sections 2227
4 and 2234, as defined by section 2238, of the Code, in that he has violated a state statute
5 regulating dangerous drugs or controlled substances, to wit, section 4324, subdivision (a), of the
6 Code, in that he made, created, and signed a fraudulent prescription as more particularly
7 described hereinafter:

8 (a) Paragraph 13, above, is hereby incorporated by reference as if fully set
9 forth herein.

10 (b) On or about February 11, 2008, California Highway Patrol (CHP) officer
11 J.A. discovered during a domestic violence investigation that of one of respondent's
12 patients, M.M., also a medical doctor, was self-prescribing medication under the false
13 name "Mark Matthews."

14 (c) Officer J.A. learned that respondent was M.M.'s psychiatrist, and he
15 interviewed respondent by telephone on April 14, 2008. Respondent confirmed he was
16 treating a patient named "Mark Matthews", and was prescribing Lexapro, an
17 antidepressant, to "Mark Matthews." Respondent further admitted to Officer J.A. that he
18 knew "Mark Matthews" was a false name for his patient M.M., and that he had
19 collaborated with the patient to prescribe medication under this false name to protect his
20 patient's reputation at the patient's request. Respondent further stated he picked the name
21 "Mark Matthews" so as to match the initials for the patient's real name. Respondent
22 stated he used the false name "Mark Matthews" in M.M.'s file, but that the other
23 information in M.M.'s file is accurate.

24 (d) Respondent told the CHP officer that he called in prescriptions for
25 Lezapro under the name "Mark Matthews" on September 16, 2003, October 21, 2003,
26 and January 4, 2005. Respondent admitted he knew it was illegal to prescribe medication
27 under a false name.

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1 (e) On April 21, 2008, CHP Officer J.A., Board Investigator B.B., and other
2 law enforcement conducted a search of respondent's office, pursuant to a search warrant.
3 A copy of respondent's medical chart for "Mark Matthews" was obtained. The chart did
4 not use M.M.'s real name.

5 FOURTH CAUSE FOR DISCIPLINE

6 (Making or Signing a False Document)

7 16. Respondent is further subject to disciplinary action under sections 2227
8 and 2234, as defined by section 2261, of the Code, in that he made or signed a document directly
9 or indirectly related to the practice of medicine which falsely represented the existence or
10 nonexistence of a state of facts, as more particularly described hereinafter:

11 (a) Paragraphs 13 and 15, above, are hereby incorporated by reference as if
12 fully set forth herein.

13 (b) Respondent repeatedly made or signed billing and medical records for
14 patient M.M. under the false name "Mark Matthews" between September 16, 2003 and April 14,
15 2008, with knowledge that the name was false.

16 FIFTH CAUSE FOR DISCIPLINE

17 (Dishonesty or Corruption)

18 17. Respondent is further subject to disciplinary action under section 2234, as
19 defined by section 2234, subdivision (e), of the Code, in that he has engaged in acts involving
20 dishonesty or corruption which are substantially related to the qualifications, functions, or duties
21 of a physician or surgeon, as more particularly described hereinafter: Paragraphs 13, 15, and 16,
22 above, are hereby incorporated by reference as if fully set forth herein.

23 SIXTH CAUSE FOR DISCIPLINE

24 (Failure to Maintain Adequate and Accurate Records)

25 18. Respondent is further subject to disciplinary action under section 2234, as
26 defined by section 2266, of the Code, in that he failed to maintain adequate and accurate records
27 pertaining to services for his patient, as more particularly described hereinafter: Paragraphs 13
28 15, and 16. above, are hereby incorporated by reference as if fully set forth herein.

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SEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

19. Respondent is further subject to disciplinary action under sections 2227 and 2234, of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly described hereinafter: Paragraphs 13, 14, 15, 16, 17, and 18, above, are hereby incorporated by reference as if fully set forth herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Physician's and Surgeon's Certificate Number C32074, issued to respondent James Lloyd Rice, M.D.;
- 2. Revoking, suspending or denying approval of respondent James Lloyd Rice, M.D.'s authority to supervise physicians' assistants, pursuant to section 3527 of the Code;
- 3. Ordering respondent James Lloyd Rice, M.D. if placed on probation, to pay the Board the costs of probation monitoring; and
- 4. Taking such other and further action as deemed necessary and proper.

DATED: March 18, 2009


BARBARA JOHNSTON
Executive Director
Medical Board of California
State of California
Complainant