

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

In the Matter of the Accusation )  
Against: )  
)  
)  
MICHAEL R. TRINDLE, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. G 63287 )  
)  
Respondent )  
\_\_\_\_\_ )

File No. 03-2002-132281

DECISION

The attached Stipulation and Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 29, 2004.

IT IS SO ORDERED February 27, 2004.

MEDICAL BOARD OF CALIFORNIA

By: 

**RONALD H. WENDER, M.D.**

Chair, Panel B

Division of Medical Quality

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSANK. MEADOWS, State Bar No. 115092  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, California 94102  
Telephone: (415) 703-5552  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

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**In the Matter of the Accusation Against:**

**Case No. 03 2002 132281**

12

**MICHAEL RYAN TRINDLE, M.D.  
611 Laurel Ave.  
Millbrae, CA 94030**

**STIPULATION AND ORDER**

13

14

**Physician and Surgeon Certificate  
No. G 63287**

15

16

**Respondent.**

17

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

19

20

1. Complainant, Ron Joseph, is the Executive Director of the Medical Board of  
21 California, Department of Consumer Affairs ("Board") and is represented by Bill Lockyer,  
22 Attorney General of the State of California and by Susan K. Meadows, Deputy Attorney General.

22

23

2. Michael Ryan Trindle, M.D. ("respondent") is represented by Kenneth L.  
24 Freeman, Attorney at Law, 711 Van Ness Avenue, Suite 240, San Francisco, California, 94102.

24

25

Respondent has been advised by his attorney, and is fully aware of the effect of this stipulation  
26 which respondent and his counsel have carefully read and fully understand.

26

27

3. Respondent has received and read the Amended Accusation (hereinafter  
28 "Accusation") which is presently on file and pending in Case Number 03 2002 132281 before the

1 Division of Medical Quality of the Medical Board of California, Department of Consumer  
2 Affairs (hereinafter the "Division"), a copy of which is attached as Exhibit A and incorporated  
3 herein by reference.

4           4. Respondent has carefully read, been fully advised by his counsel, and  
5 understands the charges and allegations in the Accusation and the effects of this Stipulation for  
6 Settlement.

7           5. Respondent is aware of his rights, including the right to a hearing on the  
8 charges and allegations, the right to confront and cross-examine witnesses who would testify  
9 against respondent, the right to testify and present evidence on his own behalf, as well as to the  
10 issuance of subpoenas to compel the attendance of witnesses and the production of documents,  
11 the right to contest the charges and allegations, and other rights which are accorded respondent  
12 pursuant to the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) and other  
13 applicable laws, including the right to seek reconsideration, review by the superior court, and  
14 appellate review.

15           6. Respondent voluntarily, knowingly, and intelligently waives and gives up each  
16 and every right set forth in paragraph 5 above.

17           7. For purposes of the settlement of the action pending against respondent in this  
18 matter, and to avoid a costly administrative hearing, respondent admits that the charges and  
19 allegations contained in the Accusation, if proven at trial, would constitute a basis for imposing  
20 discipline upon his physician's and surgeon's certificate under Business and Professions Code  
21 section 2234. Respondent hereby gives up his right to contest those charges and agrees to be  
22 bound by the Division's imposition of discipline as set forth in the Disciplinary Order below.

23           8. The admissions made by respondent herein are only for the purposes of this  
24 proceeding, or any other proceedings in which the Division of Medical Quality, Medical Board  
25 of California, or any other professional licensing agency is involved, and shall not be admissible  
26 in any other criminal or civil proceeding.

27           9. This stipulation shall be subject to the approval of the Division. Respondent  
28 understands and agrees that the Medical Board's staff and counsel for complainant may



1 respondent forms the medical opinion, after a good faith prior examination, that a patient's medical  
2 condition may benefit from the use of marijuana, respondent shall so inform the patient and shall  
3 refer the patient to another physician who, following a good faith examination, may independently  
4 issue a medically appropriate recommendation or approval for the possession or cultivation of  
5 marijuana for the personal medical purposes of the patient within the meaning of Health and Safety  
6 Code section 11362.5. In addition, respondent shall inform the patient or the patient's primary  
7 caregiver that respondent is prohibited from issuing a recommendation or approval for the  
8 possession or cultivation of marijuana for the personal medical purposes of the patient and that the  
9 patient or the patient's primary caregiver may not rely on respondent's statements to legally possess  
10 or cultivate marijuana for the personal medical purposes of the patient. Respondent shall fully  
11 document in the patient's chart that the patient or the patient's primary caregiver was so informed.  
12 Nothing in this condition prohibits respondent from providing the patient or the patient's primary  
13 caregiver information about the possible medical benefits resulting from the use of marijuana.

14           14.     **CONTROLLED SUBSTANCES - SURRENDER OF DEA PERMIT**

15           Respondent is prohibited from practicing medicine until respondent provides  
16 documentary proof to the Division or its designee that respondent's DEA permit has been  
17 surrendered to the Drug Enforcement Administration for cancellation, together with any state  
18 triplicate forms and all controlled substances order forms. Thereafter, respondent shall not reapply  
19 for a new DEA permit without the prior written consent of the Division or its designee.

20           15.     **CONTROLLED SUBSTANCES - ABSTAIN FROM USE**

21           Respondent shall abstain completely from the personal use or possession of controlled  
22 substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as  
23 defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This  
24 prohibition does not apply to medications lawfully prescribed to respondent by another practitioner  
25 for a bona fide illness or condition.

26           Within 15 calendar days of receiving any lawful prescription medications, respondent  
27 shall notify the Division or its designee of the: issuing practitioner's name, address, and telephone  
28 number; medication name and strength; and issuing pharmacy name, address, and telephone number.

1                   16.     ALCOHOL - ABSTAIN FROM USE

2                   Respondent shall abstain completely from the use of products or beverages containing  
3 alcohol.

4                   17.     BIOLOGICAL FLUID TESTING

5                   Respondent shall immediately submit to biological fluid testing, at respondent's expense,  
6 upon the request of the Division or its designee. A certified copy of any laboratory test results may  
7 be received in evidence in any proceedings between the Board and the respondent. Failure to submit  
8 to, or failure to complete the required biological fluid testing, is a violation of probation.

9                   18.     DIVERSION PROGRAM

10                  Within 30 calendar days from the effective date of this Decision, respondent shall enroll  
11 and participate in the Board's Diversion Program until the Diversion Program determines that further  
12 treatment and rehabilitation are no longer necessary. Upon enrollment, respondent shall execute a  
13 release authorizing the Diversion Program to notify the Division of the following: 1) respondent  
14 requires further treatment and rehabilitation; 2) respondent no longer requires treatment and  
15 rehabilitation; and 3) respondent may resume the practice of medicine. Respondent shall execute  
16 a release authorizing the Diversion Program to provide confirmation to the Division whenever the  
17 Diversion Program has determined that respondent shall cease the practice of medicine.

18                  Within 5 calendar days after being notified by the Diversion Program of a determination  
19 that further treatment and rehabilitation are necessary, respondent shall notify the Division in writing.  
20 The Division shall retain continuing jurisdiction over respondent's license and the period of  
21 probation shall be extended until the Diversion Program determines that further treatment and  
22 rehabilitation are no longer necessary. Within 24 hours after being notified by the Diversion  
23 Program of a determination that respondent shall cease the practice of medicine, respondent shall  
24 notify the Division and respondent shall not engage in the practice of medicine until notified in  
25 writing by the Division or its designee of the Diversion Program's determination that respondent  
26 may resume the practice of medicine. Failure to cooperate or comply with the Diversion Program  
27 requirements and recommendations, quitting the program without permission, or being expelled for  
28 cause is a violation of probation.

1 **STANDARD CONDITIONS**

2 19. **NOTIFICATION**

3 Prior to engaging in the practice of medicine the respondent shall provide a true  
4 copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive Officer at  
5 every hospital where privileges or membership are extended to respondent, at any other facility  
6 where respondent engages in the practice of medicine, including all physician and locum tenens  
7 registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier  
8 which extends malpractice insurance coverage to respondent. Respondent shall submit proof of  
9 compliance to the Division or its designee within 15 calendar days.

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

12 20. **SUPERVISION OF PHYSICIAN ASSISTANTS**

13 During probation, respondent is prohibited from supervising physician assistants.

14 21. **OBEY ALL LAWS**

15 Respondent shall obey all federal, state and local laws, all rules governing the  
16 practice of medicine in California and remain in full compliance with any court ordered criminal  
17 probation, payments, and other orders.

18 22. **QUARTERLY DECLARATIONS**

19 Respondent shall submit quarterly declarations under penalty of perjury on forms  
20 provided by the Division, stating whether there has been compliance with all the conditions of  
21 probation. Respondent shall submit quarterly declarations not later than 10 calendar days after  
22 the end of the preceding quarter.

23 23. **PROBATION UNIT COMPLIANCE**

24 Respondent shall comply with the Division's probation unit. Respondent shall, at  
25 all times, keep the Division informed of respondent's business and residence addresses. Changes  
26 of such addresses shall be immediately communicated in writing to the Division or its designee.  
27 Under no circumstances shall a post office box serve as an address of record, except as allowed  
28 by Business and Professions Code section 2021(b).

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

4 Respondent shall immediately inform the Division or its designee, in writing, of  
5 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,  
6 more than thirty (30) calendar days.

7 **24. INTERVIEW WITH THE DIVISION OR IT'S DESIGNEE -**

8 Respondent shall be available in person for interviews either at respondent's place  
9 of business or at the probation unit office, with the Division or its designee upon request at  
10 various intervals and either with or without prior notice throughout the term of probation.

11 **25. RESIDING OR PRACTICING OUT-OF-STATE**

12 In the event respondent should leave the State of California to reside or to practice  
13 respondent shall notify the Division or its designee in writing 30 calendar days prior to the dates  
14 of departure and return. Non-practice is defined as any period of time exceeding thirty calendar  
15 days in which respondent is not engaging in any activities defined in sections 2051 and 2052 of  
16 the Business and Professions Code.

17 All time spent in an intensive training program outside the State of California which  
18 has been approved by the Division or its designee shall be considered as time spent in the  
19 practice of medicine within the State. A Board-ordered suspension of practice shall not be  
20 considered as a period of non-practice. Periods of temporary or permanent residence or practice  
21 outside California will not apply to the reduction of the probationary term. Periods of temporary  
22 or permanent residence or practice outside California will relieve respondent of the responsibility  
23 to comply with the probationary terms and conditions with the exception of this condition and  
24 the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance;  
25 and Cost Recovery.

26 Respondent's license shall be automatically cancelled if respondent's periods of  
27 temporary or permanent residence or practice outside California totals two years. However,  
28 respondent's license shall not be cancelled as long as respondent is residing and practicing



1 medicine in another state of the United States and is on active probation with the medical  
2 licensing authority of that state, in which case the two year period shall begin on the date  
3 probation is completed or terminated in that state.

4           26.    **FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT**

5           In the event respondent resides in the State of California and for any reason  
6 respondent stops practicing medicine in California, respondent shall notify the Division or its  
7 designee in writing within 30 calendar days prior to the dates of non-practice and return to  
8 practice. Any period of non- practice within California, as defined in this condition, will not  
9 apply to the reduction of the probationary term and does not relieve respondent of the  
10 responsibility to comply with the terms and conditions of probation. Non-practice is defined as  
11 any period of time exceeding thirty calendar days in which respondent is not engaging in any  
12 activities defined in sections 2051 and 2052 of the Business and Professions Code.

13           All time spent in an intensive training program which has been approved by the  
14 Division or its designee shall be considered time spent in the practice of medicine. For purposes  
15 of this condition, non-practice due to a Board-ordered suspension or in compliance with any  
16 other condition of probation, shall not be considered a period of non-practice.

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

20           27.    **COMPLETION OF PROBATION**

21           Respondent shall comply with all financial obligations (e.g., cost recovery,  
22 restitution, probation costs) not later than 120 calendar days prior to the completion of probation.  
23 Upon completion successful of probation, respondent's certificate shall be fully restored.

24           28.    **VIOLATION OF PROBATION**

25           Failure to fully comply with any term or condition of probation is a violation of  
26 probation. If respondent violates probation in any respect, the Division, after giving respondent  
27 notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order  
28 that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension

1 Order is filed against respondent during probation, the Division shall have continuing jurisdiction  
2 until the matter is final, and the period of probation shall be extended until the matter is final.

3           29.    **COST RECOVERY**

4           Within 90 calendar days from the effective date of the Decision or other period  
5 agreed to by the Division or its designee, respondent shall reimburse the Division the amount of  
6 FIVE THOUSAND DOLLARS (\$5,000.00) for its investigative and prosecution costs. The  
7 filing of bankruptcy or period of non-practice by respondent shall not relieve the respondent  
8 his/her obligation to reimburse the Division for its costs.

9           30.    **LICENSE SURRENDER**

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

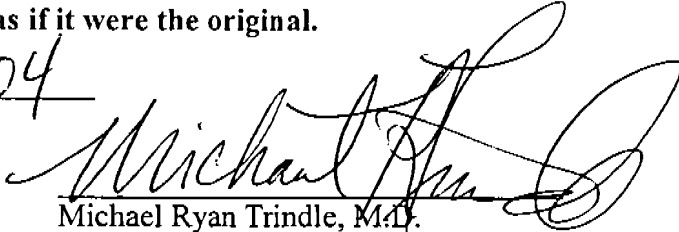
21          31.    **PROBATION MONITORING COSTS**

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

1 ACCEPTANCE

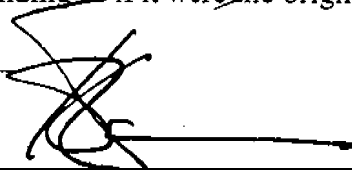
2 I, Michael Ryan Trindle, M.D., have carefully read the above stipulation. I enter into  
3 it freely, voluntarily, with the advice of counsel, and with full knowledge of its force and effect.  
4 I agree to be bound by the Order and Decision of the Division of Medical Quality, Medical Board  
5 of California. I agree that a facsimile copy of my signature to this stipulation and order  
6 shall be binding on me as if it were the original.

7 DATED: 1/12/04

8   
9 Michael Ryan Trindle, M.D.  
10 Respondent

11 I concur in the stipulation and agree that a facsimile copy of my signature to this  
12 stipulation and order shall be binding as if it were the original.

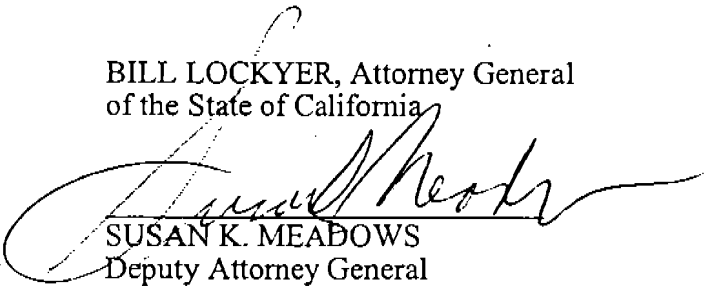
13 DATED: 1-12-04

14   
15 Kenneth L. Freeman  
16 Attorney for Respondent

17 I concur in the stipulation.

18  
19 DATED: 1-13-04

20 BILL LOCKYER, Attorney General  
21 of the State of California

22   
23 SUSAN K. MEADOWS  
24 Deputy Attorney General

25 Attorneys for Complainant  
26  
27

28 Exhibit A: Amended Accusation

**EXHIBIT A**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN K. MEADOWS, State Bar No. 115092  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, California 94102  
Telephone: (415) 703-5552  
5 Facsimile: (415) 703-5480  
6 Attorneys for Complainant

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
SACRAMENTO December 19 2003  
BY [Signature]

7  
8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 **In the Matter of the Accusation Against:**

Case No. 03 2002 132281

14 **MICHAEL RYAN TRINDLE, M.D.**  
15 **611 Laurel Ave.**  
16 **Millbrae, CA 94030**

**AMENDED**  
**ACCUSATION**

17 **Physician and Surgeon Certificate**  
18 **No. G 63287**

19 **Respondent.**

20 The Complainant alleges:

21 **PARTIES**

22 1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of  
23 California ("Medical Board" or "Board") and brings this accusation solely in his official capacity.

24 2. At all times material to this action, respondent, Michael Ryan Trindle, M.D.  
25 ("respondent") has held physician and surgeon certificate No. G 63287, which was issued to him  
26 by the Board on or about July 5, 1988. Unless renewed, the certificate will expire on July 31,  
27 2004. Said certificate has not been subject to previous disciplinary action by the Board.

28 **JURISDICTION**

3. This accusation is brought before the Division of Medical Quality of the Medical  
Board of California, Department of Consumer Affairs ("Division"), under the authority of the

1 following sections of the California Business and Professions Code ("Code").

2 4. Section 2227 of the Code provides that the Board may revoke, suspend for a period  
3 not to exceed one year, or place on probation, the license of any licensee who has been found  
4 guilty under the Medical Practice Act.

5 5. Section 2234 of the Code provides, in pertinent part, that unprofessional conduct  
6 includes, but is not limited to, the following:

7 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or  
8 abetting the violation of, or conspiring to violate, any provision of this chapter."

9 6. Section 822 of the Code provides, in pertinent part, that if a licensing  
10 agency determines that its licentiate's ability to practice his or her profession safely is impaired  
11 because the licentiate is mentally ill, the agency may take action by:

12 "(a) Revoking the licentiate's certificate or license.

13 "(b) Suspending the licentiate's right to practice.

14 "(c) Placing the licentiate on probation.

15 "(d) Taking such other action in relation to the licentiate as the licensing  
16 agency in its discretion deems proper."

17 7. Section 2239 (a) provides, in relevant part, that the use or prescribing for or  
18 administering to himself of any controlled substance; or the use of any of the dangerous drugs  
19 specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be  
20 dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that  
21 such use impairs the ability of the licensees to practice medicine safely constitutes unprofessional  
22 conduct.

23 8. Section 11173 of the Health and Safety Code provides, in relevant part,

24 "(a) No person shall obtain or attempt to obtain controlled substances, or  
25 procure or attempt to procure the administration of, or prescription for controlled  
26 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the  
concealment of a material fact."

27 9. Section 2238 of the Business and Professions Code provides, in pertinent part, that a  
28 violation of any federal statute. . . or any of the statues or regulations of this state regulating

1 dangerous drugs or controlled substances constitutes unprofessional conduct.

2 10. Welfare and Institutions Code section 14124.12 provides, in part, that a physician  
3 whose license has been placed on probation by the Medical Board shall not be reimbursed by  
4 Medi-Cal for "the type of surgical service or invasive procedure that gave rise to the probation."

5 11. Section 125.3 of the Code provides, in part, that the Board may request the  
6 administrative law judge to direct any licentiate found to have committed a violation or  
7 violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs of the  
8 investigation and enforcement of the case.

9 12. Section 2227 (also part of Article 12) provides that if probation is imposed, the  
10 respondent may be ordered to pay the cost of probation monitoring.

11 13. This case was initiated upon receipt by the Board on March 21, 2002 of a Health  
12 Facility Reporting Form ("805") from The Permanente Medical Group, Inc., (hereinafter  
13 "TPMG") indicating that a summary suspension on the employment of respondent had been  
14 imposed, effective March 6, 2002, due to concerns about inconsistencies discovered in a routine  
15 audit of controlled substances and his unusual behavior. On March 18, 2002, while on  
16 suspension, Dr. Trindle was granted a leave of absence to attend a 30-day inpatient treatment  
17 program. No patient harm was reported. On June 3, 2002, the Board received a subsequent 805  
18 report from TPMG indicating that respondent resigned from staff effective August 2, 2002.

### 19 DRUGS

20 14. Sufenta is a schedule II narcotic controlled substance as defined in Health & Safety  
21 Code Section 11055 (c)(25) and a dangerous drug. It is an opioid analgesic used as a primary  
22 analgesic agent, approximately 5-7 times as potent as Fentanyl.

23 15. Fentanyl is a schedule II narcotic controlled substance & dangerous drug. It is used  
24 primarily for pain control, and has a high potential for abuse leading to physical and  
25 psychological dependence.

26 16. Propofol (diprivan 1% injectable emulsion) is for intravenous administration. It is a  
27 dangerous drug and an intravenous sedative-hypnotic agent used in the induction and  
28 maintenance of anesthesia or sedation.

1 FIRST CAUSE FOR DISCIPLINE

2 (Violation of Drug Statutes and Unprofessional Conduct - Sections 2238 and 2234)

3 17. Respondent has been in the Diversion program since 1998 when he self-referred.  
4 The instant investigation commenced when the Board received information from TPMG through  
5 the 805 process that respondent, an anesthesiologist, had been removed from duty and placed on  
6 administrative leave due to concerns about inconsistencies revealed in a routine pharmacy audit  
7 of controlled substances and suspicious behavior. Respondent voluntarily submitted to a urine  
8 test at the request of TPMG on March 5, 2002 and that urine test came back positive for  
9 Fentanyl. Respondent was in the Board's Diversion Program during the time that he tested  
10 positive for Fentanyl.

11 18. On or about June 26, 2002, respondent was interviewed by the Medical Board  
12 investigator in San Jose, California. Respondent was very cooperative and told the investigator  
13 the following:

14 a) He suffers from chronic depression which became progressively worse during  
15 the 2001 holiday season;

16 b) On Christmas day (December 25) of 2001 he was on call, alone in the hospital,  
17 and in emotional pain. He relapsed that day. His relapse lasted approximately seventy  
18 days (until approximately March 5, 2002) and he admitted that his drug of choice during  
19 that time period was Sufenta. Respondent further admitted that he used Fentanyl and  
20 Propofol. Respondent admitted that he diverted the Sufenta, Fentanyl, and Propofol from  
21 the hospital by over stating wastage of Sufenta, Fentanyl, and Propofol. His diversion of  
22 these drugs were discovered by TPMG during a routine pharmacy audit that is performed  
23 for each anesthesia provider at the hospital.

24 c) Respondent could not recall specifics but stated that he was certain that he  
25 worked at the hospital while under the influence of controlled substances.

26 d) Respondent advised the investigator that after his termination from TPMG he  
27 entered a treatment program. At the interview, on June 26, 2002, respondent signed a  
28 Statement of Understanding to enter into the Medical Board's Diversion Program.



1 19. Based on the allegations in paragraphs and subparagraphs 17 and 18 above, inclusive,  
2 respondent's license is subject to disciplinary action under sections 2238 and 2234 of the Code in  
3 that respondent violated, separately or jointly, the following state statutes governing dangerous  
4 drugs and controlled substances: (1) Section 4060 of the Business of Professions Code in that  
5 respondent possessed Sufenta, Fentanyl, and Propofol without having a valid prescription for  
6 such possession, and (2) Section 11173 of the Health and Safety Code in that respondent  
7 obtained Sufenta and Fentanyl, controlled substances, by fraud, deceit and misrepresentation, or  
8 subterfuge. Therefore, cause for discipline exists pursuant to section 2234 and section 2238 of  
9 the Code.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Violation of Section 2239 - Self-Administration of Controlled Substances)

12 20. The allegations of paragraphs 17 and 18, inclusive, are incorporated herein as if fully  
13 set forth.

14 21. Respondent's license is subject to disciplinary action under section 2239(a) in that  
15 respondent admitted that he had a substance abuse problem and that he relapsed while in the  
16 Board's Diversion Program. Respondent admitted that he diverted Sufenta, Fentanyl, and  
17 Propofol from the hospital for self-use and that he had gone to work at the hospital on occasion  
18 while under the influence of these controlled substances. Respondent's behavior as described  
19 above was injurious to himself and potentially injurious to the patients at the hospital that he was  
20 treating while under the influence of a controlled substance. Therefore, cause for discipline  
21 exists.

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Section 2239 - Self Administration of Alcohol in Such a Manner  
24 as to be Dangerous or Injurious to Himself or the Public)

25 22. The facts and allegations of the First and Second Causes of Discipline are  
26 incorporated herein by reference as though fully set forth.

27 23. After the initial Accusation was filed on July 17, 2003, respondent, while driving  
28 under the influence of alcohol hit another vehicle causing injury to the other driver and then he

1 fled the scene. The police chased him and he was stopped at the Bay Bridge. His blood alcohol  
2 level was .19. He was arrested and charged with driving under the influence and causing injury,  
3 fleeing the scene of an accident, and reckless driving while evading a police officer. The  
4 criminal charges are presently pending in San Mateo Superior Court.

5 24. On December 5, 2003, respondent was terminated from the Diversion Program for  
6 unsuccessful completion.

7 25. Respondent's license is subject to disciplinary action under section 2239(a) in that  
8 respondent, while under the influence of alcohol, hit another car and caused injury to the driver  
9 of that vehicle. He then fled the scene and endangered the lives of the public and police  
10 personnel by engaging the police in a car chase. Respondent's behavior as described above was  
11 dangerous and injurious to the public. Therefore, cause for discipline exists.

#### 12 FOURTH CAUSE FOR DISCIPLINE

13 (Section 822 - Mental or Physical Impairment)

14 26. On or about November 15, 2002, respondent signed a voluntarily agreement to  
15 undergo a psychiatric examination under sections 820, 821, and 823 of the Code. The psychiatric  
16 examination was conducted on or about February 3, 2003 and on April 4, 2003. A psychological  
17 assessment was conducted by a psychologist on or about March 18, 2003.

18 27. On or about May 14, 2003 the Board received the psychological assessment report  
19 and or about May 9, 2003 the Board received the psychiatric report regarding respondent's ability  
20 to practice medicine.

21 28. Based upon a review of records provided and the mental and psychological  
22 examination of respondent, the psychiatric evaluator concluded the following:

23 Dr. Trindle is motivated to avoid further substance abuse. *However*, Dr. Trindle  
24 continues to be at high risk for drug abuse and depression. Therefore, the following steps should  
25 be implemented:

- 26 (a) Dr. Trindle must remain in the Board's Diversion Program;  
27 (b) Dr. Trindle must attend twelve-step programs;  
28 (c) Dr. Trindle must undergo periodic random urine testing; and,

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(d) Dr. Trindle must continue in psychopharmacological treatment and psychotherapy. Dr. Trindle should undergo psychotherapy more than once a week and should undergo psychodynamic therapy at least twice per week for a period of time.


29. Based upon the above recommendations of the psychiatric evaluator, respondent must have restrictions placed on his medical license in order to practice safely and prevent future relapses. Therefore, cause exists for discipline pursuant to section 822 of the Code.

PRAYER

WHEREFORE, complainant requests that a hearing be held on the matters alleged above, and that following the hearing, the division issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 63287 issued to respondent Michael R. Trindle, M.D.;
2. Ordering respondent to pay the division the actual and reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring;
3. Prohibiting respondent from continuing to be or becoming the supervisor of a physician assistant;
4. Taking such other and further action as the division deems necessary and proper.

DATED: December 19, 2003

  
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RONALD JOSEPH, Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant

Trindle.Amended.Acc