

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

In the Matter of the Accusation)
Against:)
)
)
STEVEN LEO BALT, M.D.)
)
Physician's and Surgeon's)
Certificate No. A 87849)
)
Respondent)
_____)

File No. 03-2006-179527

DECISION

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

This Decision shall become effective at 5:00 p.m. on **April 23, 2009.**

IT IS SO ORDERED **March 24, 2009.**

MEDICAL BOARD OF CALIFORNIA

By: *Shelton Duruisseau*
Shelton Duruisseau, Ph.D., Chair
Panel A

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI, State Bar No. 128080
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5578
Facsimile: (415) 703-5480
6
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 03-2006-179527

12 STEVEN LEO BALT, M.D.
13 523 Fourth Street, Suite 100
San Rafael, CA 94901

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate No. A87849

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Barbara Johnston (Complainant) is the Executive Director of the Medical
21 Board of California. She brought this action solely in her official capacity and is represented in
22 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Lynne K.
23 Dombrowski, Deputy Attorney General.

24 2. Respondent Steven Leo Balt, M.D. (Respondent) is represented in this
25 proceeding by attorney Edward A. Hinshaw, Esq., whose address is Hinshaw, Draa, Marsh, Still
26 & Hinshaw, 12901 Saratoga Avenue, Saratoga, CA 95070.

27 3. On or about June 30, 2004, the Medical Board of California issued
28 Physician's and Surgeon's Certificate No. A87849 to Respondent. The Physician's and Surgeon's

1 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 03-2006-179527 and will expire on January 31, 2010, unless renewed.

3 JURISDICTION

4 4. Accusation No. 03-2006-179527 was filed before the Medical Board of
5 California (Board) , Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on August 11, 2008. Respondent timely filed his Notice of Defense contesting
8 the Accusation. A copy of Accusation No. 03-2006-179527 is attached as Exhibit A and
9 incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and
12 understands the charges and allegations in Accusation No. 03-2006-179527. Respondent has
13 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
14 Settlement and Disciplinary Order.

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

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

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in
26 Accusation No. 03-2006-179527.

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1 9. Respondent agrees that his Physician's and Surgeon's Certificate is subject
2 to discipline and he agrees to be bound by the Medical Board of California (Board) 's imposition
3 of discipline as set forth in the Disciplinary Order below.

4 CIRCUMSTANCES IN MITIGATION

5 10. Respondent Steven Leo Balt, M.D. has never been the subject of any
6 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Medical Board of California or other
10 professional licensing agency is involved, and shall not be admissible in any other criminal or
11 civil proceeding.

12 CONTINGENCY

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

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

26 14. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board may, without further notice or formal proceeding, issue and enter the
28 following Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No.
3 A87849 issued to Respondent Steven Leo Balt, M..D. (Respondent) is revoked. However, the
4 revocation is stayed and Respondent is placed on probation for two (2) years on the following
5 terms and conditions.

6 1. PSYCHOTHERAPY Within 60 calendar days of the effective date of this
7 Decision, respondent shall submit to the Board or its designee for prior approval the name and
8 qualifications of a board-certified psychiatrist or a licensed psychologist who has a doctoral
9 degree in psychology and at least five years of postgraduate experience in the diagnosis and
10 treatment of emotional and mental disorders. Upon approval, respondent shall undergo and
11 continue psychotherapy treatment, including any modifications to the frequency of
12 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

13 The psychotherapist shall consider any information provided by the Board or its
14 designee and any other information the psychotherapist deems relevant and shall furnish a written
15 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
16 psychotherapist any information and documents that the psychotherapist may deem pertinent.

17 Respondent shall have the treating psychotherapist submit quarterly status reports
18 to the Board or its designee. The Board or its designee may require respondent to undergo
19 psychiatric evaluations by a Board-appointed board-certified psychiatrist. If, prior to the
20 completion of probation, respondent is found to be mentally unfit to resume the practice of
21 medicine without restrictions, the Board shall retain continuing jurisdiction over respondent's
22 license and the period of probation shall be extended until the Board determines that respondent
23 is mentally fit to resume the practice of medicine without restrictions.

24 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.
25 Failure to undergo and continue psychotherapy treatment, or comply with any required
26 modification in the frequency of psychotherapy, is a violation of probation.

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1 2. MEDICAL EVALUATION AND TREATMENT Within 30 calendar
2 days of the effective date of this Decision, and on a periodic basis thereafter as may be required
3 by the Board or its designee, respondent shall undergo a medical evaluation by a
4 Board-appointed physician who shall consider any information provided by the Board or
5 designee and any other information the evaluating physician deems relevant, and shall furnish a
6 medical report to the Board or its designee. Respondent shall cooperate in providing the
7 evaluation physician any information and documents that the evaluating physician may deem
8 pertinent.

9 Following the evaluation, respondent shall comply with all restrictions or
10 conditions recommended by the evaluating physician within 15 calendar days after being notified
11 by the Board or its designee. If respondent is required by the Board or its designee to undergo
12 medical treatment, respondent shall within 30 calendar days of the requirement notice, submit to
13 the Board or its designee for prior approval the name and qualifications of a treating physician of
14 respondent's choice. Upon approval of the treating physician, respondent shall within 15
15 calendar days undertake medical treatment and shall continue such treatment until further notice
16 from the Board or its designee.

17 The treating physician shall consider any information provided by the Board or its
18 designee or any other information the treating physician may deem pertinent prior to
19 commencement of treatment. Respondent shall have the treating physician submit quarterly
20 reports to the Board or its designee indicating whether or not the respondent is capable of
21 practicing medicine safely. Respondent shall provide the Board or its designee with any and all
22 medical records pertaining to treatment that the Board or its designee deems necessary.

23 If, prior to the completion of probation, respondent is found to be physically
24 incapable of resuming the practice of medicine without restrictions, the Board shall retain
25 continuing jurisdiction over respondent's license and the period of probation shall be extended
26 until the Board determines that respondent is physically capable of resuming the practice of
27 medicine without restrictions. Respondent shall pay the cost of the medical evaluation(s) and
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1 treatment. Failure to undergo and continue medical treatment or to comply with the required
2 additional conditions or restrictions is a violation of probation.

3 3. ALCOHOL – ABSTAIN FROM USE Respondent shall abstain
4 completely from the use of products or beverages containing alcohol.

5 4. BIOLOGICAL FLUID TESTING Respondent shall immediately submit
6 to biological fluid testing, at respondent's expense, upon request of the Board or its designee.
7 Prior to practicing medicine, respondent shall, at respondent's expense, contract with a laboratory
8 or service – approved in advance by the Board or its designee – that will conduct random,
9 unannounced, observed, urine testing a minimum of four times each month. The contract shall
10 require that the results of the urine tests be transmitted by the laboratory or service directly to the
11 Board or its designee within four hours of the results becoming available. Failure to maintain
12 this laboratory or service during the period of probation is a violation of probation. A certified
13 copy of any laboratory test result may be received in evidence in any proceedings between the
14 Board and respondent. Failure to submit to or comply with the time frame for submitting to, or
15 failure to complete the required biological fluid testing, is a violation of probation.

16 5. SOLO PRACTICE Respondent is prohibited from engaging in the solo
17 practice of medicine.

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

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

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

3 8. 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 9. 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 10. PROBATION UNIT COMPLIANCE

11 Compliance With Probation Unit Respondent shall comply with the Board's
12 probation unit and all terms and conditions of the order.

13 Address Changes Respondent shall, at all times, keep the Board informed of
14 respondent's business and residence addresses. Changes of such addresses shall be immediately
15 communicated in writing to the Board or its designee. Under no circumstances shall a post office
16 box serve as an address of record, except as allowed by Business and Professions Code section
17 2021(b).

18 Place of Practice Respondent shall not engage in the practice of medicine in
19 respondent's place of residence.

20 License Renewal Respondent shall maintain a current and renewed California
21 physician's and surgeon's license.

22 Travel or Residence Outside California Respondent shall immediately inform the
23 Board, or its designee, in writing, of travel to any areas outside the jurisdiction of California
24 which lasts, or is contemplated to last, more than thirty (30) calendar days.

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

1 12. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent
2 should leave the State of California to reside or to practice, respondent shall notify the Board or
3 its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice
4 is defined as any period of time exceeding thirty calendar days in which respondent is not
5 engaging in any activities defined in sections 2051 and 2052 of the Business and Professions
6 Code.

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

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

21 13. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

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

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

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

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

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

21 16. LICENSE SURRENDER Following the effective date of this Decision, if
22 respondent ceases practicing due to retirement, or health reasons, or is otherwise unable to satisfy
23 the terms and conditions of probation, respondent may request the voluntary surrender of
24 respondent's license. The Board reserves the right to evaluate respondent's request and to
25 exercise its discretion whether or not to grant the request, or to take any other action deemed
26 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
27 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the
28 Board or its designee and respondent shall no longer practice medicine. Respondent will no


1 longer be subject to the terms and conditions of probation and the surrender of respondent's
2 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

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

10 ACCEPTANCE


11 I have carefully read the above Stipulated Settlement and Disciplinary Order and
12 have fully discussed it with my attorney, Edward A. Hinshaw, Esq. I understand the stipulation
13 and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
15 bound by the Decision and Order of the Medical Board of California.

16 DATED: 2/10/09

17
18 
19 Steven Leo Balt, M.D.
20 Respondent

21 I have read and fully discussed with Respondent Steven Leo Balt, M.D. the terms
22 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
23 Order. I approve its form and content.

24 DATED: 2/23/09

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26 
27 EDWARD A. HINSHAW, ESQ.
28 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: 2/26/2009

EDMUND G. BROWN JR., Attorney General
of the State of California

JOSE R. GUERRERO
Supervising Deputy Attorney General

Lynne K. Dombrowski
LYNNE K. DOMBROWSKI
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 03-2006-179527

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI, State Bar No. 128080
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5578
Facsimile: (415) 703-5480

6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 11, 20 08
BY Valerie M. ... ANALYST

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

11 In the Matter of the Accusation Against:
12 STEVEN LEO BALT, M.D.
13 523 Fourth Street, Suite 100
San Rafael, CA 94901
14 Physician's and Surgeon's Certificate No. A87849
15 Respondent.

Case No. 03-2006-179527

ACCUSATION

17 Complainant alleges:

18 PARTIES

19 1. Barbara Johnston (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Director of the Medical Board of California, Department of
21 Consumer Affairs.

22 2. On or about June 30, 2004, the Medical Board of California issued
23 Physician's and Surgeon's Certificate Number A87849 to Steven Leo Balt, M.D. (Respondent).
24 The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
25 charges brought herein and will expire on January 31, 2010, unless renewed.

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28 ///

JURISDICTION

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2 3. This Accusation is brought before the Medical Board of California
3 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code ("Code") unless otherwise indicated.

5 4. Section 2004 of the Code states, in pertinent part:

6 "The board shall have the responsibility for the following:

7 "(a) The enforcement of the disciplinary and criminal provisions of
8 the Medical Practice Act.

9 "(b) The administration and hearing of disciplinary actions.

10 "(c) Carrying out disciplinary actions appropriate to findings made
11 by a panel or an administrative law judge.

12 "(d) Suspending, revoking, or otherwise limiting certificates after
13 the conclusion of disciplinary actions.

14 "(e) Reviewing the quality of medical practice carried out by
15 physician and surgeon certificate holders under the jurisdiction of the board."

16 5. Section 820 of the Code states:

17 "Whenever it appears that any person holding a license, certificate or permit under
18 this division or under any initiative act referred to in this division may be unable to
19 practice his or her profession safely because the licentiate's ability to practice is impaired
20 due to mental illness, or physical illness affecting competency, the licensing agency may
21 order the licentiate to be examined by one or more physicians and surgeons or
22 psychologists designated by the agency. The report of the examiners shall be made
23 available to the licentiate and may be received as direct evidence in proceedings
24 conducted pursuant to Section 822."

25 6. Section 822 of the Code states:

26 "If a licensing agency determines that its licentiate's ability to practice his or her
27 profession safely is impaired because the licentiate is mentally ill, or physically ill
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1 affecting competency, the licensing agency may take action by any one of the following
2 methods:

- 3 (a) Revoking the licentiate's certificate or license.
- 4 (b) Suspending the licentiate's right to practice.
- 5 (c) Placing the licentiate on probation.
- 6 (d) Taking such other action in relation to the licentiate as the licensing agency in
7 its discretion deems proper.

8 The licensing agency shall not reinstate a revoked or suspended certificate or
9 license until it has received competent evidence of the absence or control of the condition
10 which caused its action and until it is satisfied that with due regard for the public health
11 and safety the person's right to practice his or her profession may be safely reinstated."

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

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

16 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
17 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,
18 the Medical Practice Act]. . .

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

21 "(f) Any action or conduct which would have warranted the denial of a
22 certificate."

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24
25 1. California Business and Professions Code section 2002, as amended and effective
26 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used
27 in the State Medical Practice Act (Cal. Bus. & Prof. Code, sections 2000 et seq.) means the
28 "Medical Board of California," and references to the "Division of Medical Quality" and the
"Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the
Medical Board.

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8. 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 that the conviction occurred.”

9. California Code of Regulations, title 16, section 1360, states:

“For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act.”

10. Section 490 of the Code states:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order

1 granting probation is made suspending the imposition of sentence, irrespective of a
2 subsequent order under the provisions of Section 1203.4 of the Penal Code.”

3 11. Section 493 of the Code states:

4 “Notwithstanding any other provision of law, in a proceeding conducted by a
5 board within the department pursuant to law to deny an application for a license or to
6 suspend or revoke a license or otherwise take disciplinary action against a person who
7 holds a license, upon the ground that the applicant or the licensee has been convicted of a
8 crime substantially related to the qualifications, functions, and duties of the licensee in
9 question, the record of conviction of the crime shall be conclusive evidence of the fact
10 that the conviction occurred, but only of that fact, and the board may inquire into the
11 circumstances surrounding the commission of the crime in order to fix the degree of
12 discipline or to determine if the conviction is substantially related to the qualifications,
13 functions, and duties of the licensee in question.

14 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
15 ‘registration.’”

16 FIRST CAUSE FOR DISCIPLINE

17 (Bus. & Prof. Code 822: Mental and/or Physical Impairment)

18 12. Respondent is subject to disciplinary action under section 822 in that his
19 ability to practice medicine safely is impaired because of mental or physical illness that, without
20 treatment and/or monitoring, affects his competency. The circumstances are as follows:

21 13. On or about November 7, 2007, Respondent voluntarily agreed to a
22 psychiatric evaluation by Board-approved psychiatrist, Charles Seaman, M.D.

23 14. During his evaluation on November 7, 2007, Respondent admitted to a
24 history of an eating disorder since his high school years for which he has sought treatment on
25 several occasions, including outpatient treatment from 1999-2001. According to Respondent, his
26 last reported eating disorder episode was on November 11, 2006. He indicated that he is
27 continuing with twice-monthly therapy for his eating disorder.

1 15. During his evaluation on November 7, 2007, Respondent also admitted to
2 a history of alcohol abuse which began in or about 1997.

3 16. In or about July 2003, Respondent began a psychiatric residency training at
4 Stanford University Hospital.

5 17. In or about October 10, 2004, Respondent was arrested for driving under
6 the influence of alcohol. Respondent pled guilty to a misdemeanor DUI charge, was fined
7 \$1500, sentenced to a 12-day work-program, and put on a 3-year court probation as a first-
8 offender.

9 18. On or about January 14, 2005, Respondent was arrested for petty theft
10 from an electronics store. In or about June 2005, Respondent pled guilty to a misdemeanor petty
11 theft, was fined and placed on a one-year court probation.

12 19. In or about March 2005, Respondent was arrested for petty theft from a
13 grocery store from which he stole approximately \$12 worth of sandwiches and sodas.
14 Respondent paid a \$1,000 fine and, in or about April 2005, the case was dismissed as a civil
15 compromise.

16 20. In or about May 2005, Respondent was interviewed by a Medical Board
17 investigator about his DUI conviction. Sometime in June 2005, Respondent contacted the
18 Medical Board's Diversion Program and was referred to a residential treatment program.

19 21. From about August 28, 2005 through about October 1, 2005, Respondent
20 was enrolled in the residential treatment program at The Meadows in Arizona, primarily for
21 treatment of an eating disorder. The recommendations for Respondent in October 2005, upon his
22 discharge from The Meadows program, were: to continue with an in-patient treatment program;
23 follow through with aftercare treatment; continue with his current medications; and follow-up
24 with his family physician within 4-6 weeks. Respondent's prognosis at discharge from The
25 Meadows was "fair due to the fact that he will have continued monitoring by the medical board."

26 22. From about November through December 2005, Respondent participated
27 in a 10-week out-patient program for alcohol abuse.

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1 23. From about July 2005 through sometime in November 2006 (except for
2 the times Respondent was in residential treatment programs), Respondent participated in
3 approximately weekly sessions with a psychotherapist regarding his alcohol dependence. This
4 out-patient therapy was required by his medical diversion program as a result of the shoplifting
5 arrest. Respondent later admitted that he was not honest during this therapy and failed to inform
6 his psychotherapist that his eating disorder and his shoplifting behavior had re-surfaced during
7 the time of his therapy.

8 24. On December 29, 2005, Respondent signed a contract with and entered
9 into the Medical Board's Diversion Program.

10 25. According to Respondent, on January 1, 2006, he returned to full-time
11 psychiatric residency training at Stanford University Hospital. Respondent told Dr. Seaman that
12 his eating disorder returned and increased in 2006, after he had resumed his psychiatric residency
13 program.

14 26. On or about October 30, 2006, Respondent was arrested for grand theft for
15 stealing four textbooks, worth more than \$400 from the Stanford Bookstore. At the time of his
16 arrest for grand theft in October 2006, Respondent was enrolled with the Medical Board's
17 Diversion Program, was receiving approximately weekly out-patient psychotherapy, and was in a
18 psychiatric residency training program at Stanford University Hospital.

19 27. In or about November 2006, Respondent resigned from the psychiatric
20 residency training program at Stanford University Hospital.

21 28. On or about March 1, 2007, Respondent pled "no contest" to a
22 misdemeanor charge for shoplifting and was convicted and sentenced to a residential treatment
23 program, 75 hours of community service, and a three-year probation. At the time of sentencing,
24 Respondent was enrolled in an in-patient treatment facility called Prescott House in Arizona,
25 which he began in November 2006 and continued until May 2007. Respondent's enrollment and
26 participation in the Prescott House program was accepted by the Court as fulfillment of the
27 court's sentence for a residential treatment program.

1 29. From about May 7, 2007 until about August 7, 2007, Respondent
2 participated in out-patient treatment with the Prescott House program. Upon his discharge from
3 the Prescott House program in or about August 2007, Respondent was advised to remain active
4 in the 12-Step Recovery Process and to participate in group therapy for at least one year.

5 30. Sometime in or about August 2007, Respondent returned to reside in
6 California.

7 31. In or about December 2007, Dr. Seaman issued a written psychiatric
8 evaluation report regarding Respondent. Dr. Seaman diagnosed Respondent with three Axis I
9 psychiatric conditions: Bulimia Nervosa, Kleptomania, and Alcohol Dependence (Sustained Full
10 Remission). Dr. Seaman found that Respondent "is still in the early stages of recovery" for these
11 three psychiatric conditions, generally described as impulse control disorders. According to Dr.
12 Seaman, Respondent "is able to practice medicine with safety to the public as long as he is
13 actively participating in the treatment of his psychiatric conditions and complies with ongoing
14 monitoring." Further "[t]he risk of relapse for any of these psychiatric conditions will likely
15 persist but diminish with time (likely several years). To avoid relapses that may cause
16 impairment in his ability to practice medicine safely, I (Dr. Seaman) am recommending
17 continuation of his mental health treatment, self-help recovery programs, and ongoing
18 monitoring."

19 32. As of June 30, 2008, the Medical Board's Diversion Program became
20 inoperative by statute. Thus, Respondent is currently not subject to monitoring by the Medical
21 Board.

22 SECOND CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct: Conviction of a Crime and/or a Dishonest Act)

24 33. Paragraph 18 is incorporated herein by reference as if fully set forth.
25 Respondent is subject to disciplinary action under section 2236 and/or section 2234(e) for his
26 June 2005 conviction for misdemeanor petty theft and/or for a dishonest act substantially related
27 to the qualifications, functions, or duties of a physician with regard to the theft on January 14,
28 2005.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Conviction of a Crime and/or a Dishonest Act)

3 34. Paragraphs 26 and 28 are incorporated herein by reference as if fully set
4 forth. Respondent is subject to disciplinary action under section 2236 and/or section 2234(e) for
5 his 3/01/2007 conviction of a misdemeanor grand theft and/or for a dishonest act substantially
6 related to the qualifications, functions, or duties of a physician with regard to the theft on
7 October 30, 2006.

8 PRAYER

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number
12 A87849, issued to Steven Leo Balt, M.D.;
- 13 2. Revoking, suspending or denying approval of Steven Leo Balt, M.D.'s
14 authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 15 3. Ordering Steven Leo Balt, M.D., if placed on probation, to pay the
16 Medical Board of California the costs of the probation; and/or
- 17 4. Taking such other and further action as deemed necessary and proper.

18
19 DATED: August 11, 2008

20 
21 BARBARA JOHNSTON
22 Executive Director
23 Medical Board of California
24 Department of Consumer Affairs
25 State of California
26 Complainant

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