

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

In the Matter of the Accusation)
against:)
)
PAUL FRANCES REARDON, M.D.)
)
)
Physician's and Surgeon's)
Certificate #A 49699)
)
Respondent.)
_____)

Case No: 04-2003-143882

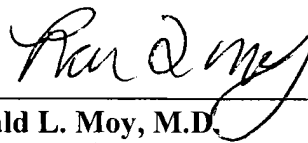
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by 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 June 21, 2006 .

IT IS SO ORDERED May 22, 2006

MEDICAL BOARD OF CALIFORNIA



Ronald L. Moy, M.D.
Panel B, Chair
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 DOUG MACCARTEE, State Bar No. 77252
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

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8 Attorneys for Complainant

9 **BEFORE THE 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:
14 PAUL FRANCES REARDON, M.D.
Newport Coast Mental Health Associates
15 15 Corporate Plaza, Suite 140
16 Newport Beach, CA 92660

Case No. 04-2003-143882
OAH No. L-2004100660

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Psychiatry License No. A49699
Respondent.

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

21 **PARTIES**

- 22 1. Complainant, Dave Thornton, Executive Director of the Medical Board of
23 California ("Board"), by and through his attorney, Bill Lockyer, Attorney General of the State of
24 California, by Douglas MacCartee, Deputy Attorney General.
25 2. Respondent Paul Frances Reardon, M.D. (hereinafter "respondent"), who
26 is represented herein by Russell Iungerich, ESQ. of Iungerich & Spackman, whose address is
27 28441 Highridge Road, Suite 201, Rolling Hills Estates, CA 90274-4871. Respondent has
28 retained said attorneys in regard to the administrative action herein and respondent has

1 counseled with said attorneys concerning the effect of this Stipulated Settlement and Disciplinary
2 Public Reprimand (hereinafter "Stipulation") which respondent has carefully read and which he
3 fully understands.

4 **JURISDICTION**

5 3. On April 6, 1987, the Medical Board of California (hereinafter "Board")
6 issued Physician's and Surgeon's Certificate No. A 49699 to respondent. Said Certificate was in
7 full force and effect at all times relevant to the charges brought in Accusation No. 04-2004-
8 143882 and any amendments thereto and said Certificate will expire on April 30, 2007, unless
9 renewed.

10 4. On or about August 6, 2004, respondent was duly served with a copy of
11 Accusation No. 04-2004-143882, Statement to Respondent, Request for Discovery, Form Notice
12 of Defense and copies of Government Code sections 11507.5, 11507.6 and 11507.7 as required
13 by sections 11503 and 11505. Respondent received and read the Accusation which is presently is
14 before the Division. A copy of the Accusation is attached hereto as Exhibit "A". The case is
15 filed and pending at Office of Administrative Hearings under Case No. L-2004-100660.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read and fully understands the nature of the
18 charges alleged in the First Amended Accusation and fully reviewed and discussed same with his
19 attorney, Russell Iungerich.

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

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CULPABILITY

7. Respondent agrees that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations contained in the Accusation. In order to avoid the risks and costs of further litigation in this case, respondent agrees that the charges and allegations, if proven, would constitute cause for discipline. By entering into this stipulation respondent agrees to be bound by the Division's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

8. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Division for its consideration in the above-entitled matter and, further, that the Division shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it.

9. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Division, except this paragraph, which shall remain in full force and effect. It is understood by respondent that, in deciding whether to adopt this agreement, the Division may receive oral and written communications from its staff and the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the Division or other persons from future participation in this or any other matter affecting respondent. In the event this agreement is not adopted by the Division, the agreement will not become effective and may not be used for any purpose, or presented, offered or argued as evidence at any disciplinary hearing, except for this paragraph, which shall remain in effect to enforce said understanding and agreement.

ADDITIONAL PROVISIONS

10. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties.

11. The parties agree that facsimile copies of this agreement, including facsimile signatures of the parties, may be used in lieu of original documents and signatures. The

1 respondent shall complete Phase 2. Phase 2 comprises five (5) days (40 hours) of Clinical
2 Education in respondent's field of specialty, Psychiatry. The specific curriculum of Phase 2 is
3 designed by PACE Faculty and the Department or Division of respondent's specialty, and utilizes
4 data obtained from Phase 1. After respondent has completed Phase 1 and Phase 2, the PACE
5 Evaluation Committee will review all results and make a recommendation to the Division or its
6 designee as to whether further education, clinical training (including scope and length), treatment
7 of any medical and/or psychological condition and any other matters affecting respondent's
8 practice of medicine will be required or recommended. The Division or its designee may at any
9 time request information from PACE regarding the respondent's participation in PACE and/or
10 information derived therefrom. The Division may order respondent to undergo additional
11 education, medical and/or psychological treatment based upon the recommendations received
12 from PACE.

13 Upon approval of the recommendation by the Division or its designee, respondent
14 shall undertake and complete the recommended and approved PACE Program. At the completion
15 of the PACE Program, respondent shall submit to an examination on its contents and substance.
16 The examination shall be designed and administered by the PACE Program faculty. Respondent
17 shall not be deemed to have successfully completed the program unless he/she passes the
18 examination. Respondent agrees that the determination of the PACE Program faculty as to
19 whether or not he passed the examination and/or successfully completed the PACE Program shall
20 be binding.

21 Respondent shall complete the PACE Program no later than 180 days after his
22 initial enrollment unless the Division or its designee agrees in writing to a later time for
23 completion. If respondent successfully completes the PACE Program, including the examination
24 referenced above, he agrees to cause the PACE Program representative to forward a Certification
25 of Successful Completion of the program to the Division or its designee. Failure to participate in,
26 and successfully complete all phases of the PACE Program, as outlined above, shall constitute
27 unprofessional conduct.

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C PACE PRESCRIBING PRACTICES COURSE

Within 90 calendar days of the effective date of this Decision, respondent shall complete the PACE Prescribing course at respondent's sole expense. Upon proof that respondent has completed said course after the date of filing of the Accusation, Exhibit A, hereto, the Division shall give respondent credit for this requirement. Respondent shall submit a certification of completion to the division or its designee no later than 15 days after its completion or 15 days after the effective date of this Decision, which ever is latest in time.

D. PACE MEDICAL RECORDS KEEPING COURSE

Within 90 calendar days of the effective date of this Decision, respondent shall complete the PACE Medical Records Keeping course at respondent's sole expense. Upon proof that respondent has completed said course after the date of filing of the Accusation, Exhibit A, hereto, the Division shall give respondent credit for this requirement.

E. RIGHTS AND REMEDIES UPON FAILURE OF ORDERS

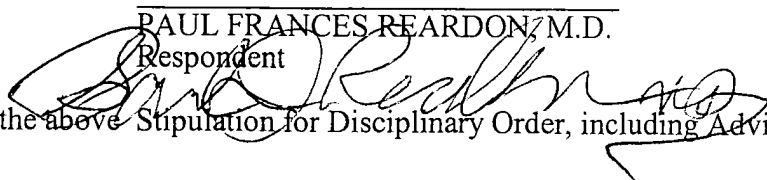
Respondent's failure or breach of Disciplinary Orders B and/or C, above, shall constitute unprofessional conduct for which respondent may be charged in a new Accusation alleging such breach/failure(s) and shall subject respondent to further discipline.

ACCEPTANCE

I have read the above Stipulation for Disciplinary Order, including Advisements and Waivers for the Issuance of a Public Reprimand as part of the disposition of this case. I have fully discussed the terms and conditions and all other matters and defenses to the charges in exhibit "A" hereto with my legal counsel. I understand the effect this stipulation will have on my license and agree to be bound by it. I enter into this stipulation freely, knowingly, intelligently and voluntarily.

Dated: 4/21/06



PAUL FRANCES REARDON, M.D.
Respondent



I have read the above Stipulation for Disciplinary Order, including Advisements

1 and Waivers for the Issuance of a Public Reprimand as part of the disposition of this case. I have
2 fully discussed the terms and conditions and all other matters and defenses to the charges in
3 exhibit "A" hereto with respondent, , M.D. I concur in the disposition set forth herein as to form
4 and content.


5 Dated: April 21, 2006

6 
7 
8 _____
RUSSELL IUNGERICH
Attorney for Respondent

9 **ENDORSEMENT**

10 The foregoing Stipulation for Disciplinary Order in case No: 09-2002-132029, is
11 respectfully submitted for the consideration of the Division of Medical Quality, Medical, Board
12 of California, Department of Consumer Affairs.

13 Dated: 4/24/2006

14 
15 _____
DOUGLAS MACCARTEE
Deputy Attorney General

16 FOR:

17 BILL LOCKYER
18 Attorney General
19 Attorneys for Complainant

20 Attachments: Exhibit A: Accusation No: 04-2004-143882

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Exhibit A

Accusation No. 04-2003-143882

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 2, 2004
BY Adena K. [Signature] ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 D. KENNETH BAUMGARTEN, State Bar No. 124371
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
P.O. Box 85266
5 San Diego, CA 92186-5266
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6 Facsimile: (619) 645-2061

7 Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 04-2003-143882

PAUL FRANCES REARDON, M.D.
Newport Coast Mental Health Associates
15 Corporate Plaza, Suite 140
Newport Beach, CA 92660

ACCUSATION

Physician & Surgeon's
Certificate No. A49699

Respondent.

Complainant alleges:

PARTIES

1. David T. Thornton (Complainant) brings this Accusation solely in his official capacity as the Interim Executive Director of the Medical Board of California.
2. On or about July 3, 1991, the Medical Board of California issued Physician & Surgeon's Certificate No. A49699 to PAUL FRANCES REARDON, M.D. (Respondent). This certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2005, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Division of Medical Quality,
3 Medical Board of California, under the authority of the following laws. All section references
4 are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2227 of the Code provides that a licensee who is found guilty
6 under the Medical Practice Act may have his or her license revoked, suspended for a period not
7 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or
8 such other action taken in relation to discipline as the Division deems proper.

9 5. Section 2234 of the Code states:

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

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

16 "(b) Gross negligence.

17 "(c) Repeated negligent acts. To be repeated, there must be two or more
18 negligent acts or omissions. An initial negligent act or omission followed by a separate
19 and distinct departure from the applicable standard of care shall constitute repeated
20 negligent acts.

21 "(1) An initial negligent diagnosis followed by an act or omission medically
22 appropriate for that negligent diagnosis of the patient shall constitute a single negligent
23 act.

24 "(2) When the standard of care requires a change in the diagnosis, act, or
25 omission that constitutes the negligent act described in paragraph (1), including, but not
26 limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's
27 conduct departs from the applicable standard of care, each departure constitutes a separate
28 and distinct breach of the standard of care.

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"(d) Incompetence.

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

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

6. Section 725 of the Code states:

"Repeated acts of clearly excessive prescribing or administering of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of the community of licensees is unprofessional conduct for a physician and surgeon, dentist, podiatrist, psychologist, physical therapist, chiropractor, or optometrist.

However, pursuant to Section 2241.5, no physician and surgeon in compliance with the California Intractable Pain Treatment Act shall be subject to disciplinary action for lawfully prescribing or administering controlled substances in the course of treatment of a person for intractable pain."

7. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

8. Section 14124.12 of the Welfare and Institutions Code states, in pertinent part:

"(a) Upon receipt of written notice from the Medical Board of California, the Osteopathic Medical Board of California, or the Board of Dental Examiners of California, that a licensee's license has been placed on probation as a result of a disciplinary action, the department may not reimburse any Medi-Cal claim for the type of surgical service or invasive procedure that gave rise to the probation, including any dental surgery or invasive procedure, that was performed by the licensee on or after the effective date of probation and until the termination of all probationary terms and conditions or until the probationary period has ended, whichever occurs first. This section shall apply except in

1 any case in which the relevant licensing board determines that compelling circumstances
2 warrant the continued reimbursement during the probationary period of any Medi-Cal
3 claim, including any claim for dental services, as so described. In such a case, the
4 department shall continue to reimburse the licensee for all procedures, except for those
5 invasive or surgical procedures for which the licensee was placed on probation."

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

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Gross Negligence and Incompetence)

12 10. Respondent is subject to disciplinary action under section 2234 on account
13 of the following:

14 A. In or about January 2001, respondent began prescribing Ambien to patient
15 J.F. Prior to receiving the prescriptions from respondent, J.F. had been ingesting on
16 average between 5 and 15 such pills per day from multiple providers. At the time he
17 began treating J.F., respondent knew she was already addicted to multiple medications.

18 B. During the first two months of treatment, respondent reduced the patient's
19 Ambien intake to less than 10 pills per day. Respondent's treatment of patient varied
20 between 40 pills per day and 5 pills per day. In August 2001, the patient's consumption
21 of Ambien from respondent was reduced to between 5 and 15 pills per day.

22 C. Between January 7, 2001, and February 22, 2002, respondent prescribed
23 approximately 2980 10 mg. tablets of Ambien, an average of 9 tablets per day. He also
24 prescribed 1164 tablets of Trazodone in 100-150 mg strengths for an average of 3.5
25 tablets daily. Respondent also prescribed 335 tablets of Ativan in 1-2 mg. strengths, an
26 average of about 1 tablet per day. Klonopin was prescribed in gradually increasing
27 dosages and frequency between January 18, 2001 when 60 .5 mg tablets were prescribed

1 and January 16, 2002, when two prescriptions totaling 233 2.0 mg tablets of Klonopin
2 was authorized by respondent.

3 D. Between February 1, 2002 and February 22, 2002, respondent prescribed
4 to J.F 60 2 mg Ativan, 150 10 mg. Ambien, 120 150 mg. Trazodone, 120 2 mg.
5 Klonopin, and 60 1 mg. Xanax. Other drugs such as Topamax, Serzone, Wellbutrin,
6 Adderall, and Neurontin were also prescribed during this time.

7 C. The standard dose of Ambien is between 5 to 10 milligrams per night.
8 Respondent prescribed as much as 400 milligrams per day on multiple occasions.

9 11. Respondent comitted gross negligence and was incompetent during his
10 care, treatment and management of patient J.F., in violation of section 2234 (b) and (d), by
11 reason of, but not limited too, the following:

12 A. Respondent increased the amount of prescription medication J.F. was
13 taking at a point in time when he was attempting an out patient detoxification.

14 B. Respondent prescribed Ambien in excessive amounts.

15 C. Respondent prescribed Klonopin in excessive amounts.

16 D. Respondent prescribed excessive amounts of Trazodone.

17 E. Respondent prescribed Ambien on a long term basis.

18 F. Respondent failed to do proper research into the daily recommended
19 dosage for and duration of prescribing Ambien.

20 G. Respondent prescribed benzodiazepines and Ambien to a known drug
21 abuser.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Excessive Prescribing)

24 12. Respondent is subject to disciplinary action under section 725 in that
25 during his care, treatment, and management of patient J.F. he excessively prescribed various
26 medications. Paragraphs 10 and 11 are incorporated by reference, in their entirety, as if fully set
27 forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (Failure to Maintain Adequate/Accurate Records)

3 13. Respondent is subject to disciplinary action under section 2266 on account
4 of the following:

5 A. Respondent's chart note of January 16, 2002, mentions a narcotics taper
6 with uncertain compliance and encourages rehabilitation of patient J.F. There is a
7 reference to Ambien at 30 mg. nightly.

8 B. Respondent's next chart note on February 1, 2002, does not mention the
9 Ambien or any issue dealing with narcotics.

10 C. J.F. made office visits on or about January 3, 2002, and January 6, 2002,
11 during which 120 10 mg. of Ambien was prescribed. There is no chart documentation of
12 those office visits.

13 14. Respondent failed to maintain adequate/accurate records within the
14 meaning of section 2266 by reason of, but not limited too, the following:

15 A. Respondent failed to note J.F.'s narcotic addiction in his note of February
16 1, 2002.

17 B. Respondent failed to note J.F.'s use of Ambien in his chart note of
18 February 1, 2002.

19 C. Respondent failed to document patient J.F.'s visits of January 3 and 6,
20 2002.

21 **PRAYER**

22 WHEREFORE, Complainant requests a hearing be held on the matters herein
23 alleged, and that following the hearing, the Division of Medical Quality issue a decision:

24 1. Revoking or suspending Psychiatry License Number A49699, issued to
25 PAUL FRANCES REARDON, M.D..

26 2. Revoking, suspending or denying approval of Paul Frances Reardon,
27 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;


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3. Ordering Paul Frances Reardon, M.D. to pay the Division the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;

4. Taking such other and further action as deemed necessary and proper.

DATED: August 3, 2004



DAVID T. THORNTON
Interim Executive Director
Medical Board of California
State of California
Complainant

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