

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

**In the Matter of the Accusation)
Against:)
)
)
LYNN SUSAN LERMAN, M.D.)
)
Physician's and Surgeon's)
Certificate No. G51546)
)
Respondent)
_____)**

Case No. 800-2014-005931


DECISION

The attached Stipulated Settlement 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 March 30, 2018.

IT IS SO ORDERED February 28, 2018.

MEDICAL BOARD OF CALIFORNIA

By: 
Ronald Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CLAUDIA RAMIREZ
Deputy Attorney General
4 State Bar No. 205340
California Department of Justice
5 300 South Spring Street, Suite 1702
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6 Telephone: (213) 269-6482
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2014-005931

13 LYNN SUSAN LERMAN, M.D.
173 S. Las Palmas Ave.
Los Angeles, CA 90004

OAH No. 2017060427

14 Physician's and Surgeon's Certificate
No. G 51546,

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 Respondent.

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

19 PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
21 Board of California ("Board"). She brought this action solely in her official capacity and is
22 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
23 Claudia Ramirez, Deputy Attorney General.

24 2. Respondent Lynn Susan Lerman, M.D. ("Respondent") is represented in this
25 proceeding by attorney Raymond J. McMahon, whose address is: 5440 Trabuco Road, Irvine,
26 California 92620.

27 3. On or about October 31, 1983, the Board issued Physician's and Surgeon's Certificate
28 No. G 51546 to Respondent. That Certificate was in full force and effect at all times relevant to

1 the charges brought in Accusation No. 800-2014-005931, and will expire on June 30, 2019,
2 unless renewed.

3 JURISDICTION

4 4. Accusation No. 800-2014-005931 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on May 17, 2017. Respondent timely filed her Notice of Defense
7 contesting the Accusation.

8 5. A copy of Accusation No. 800-2014-005931 is attached as Exhibit A and
9 incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2014-005931. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

23 CULPABILITY

24 9. Respondent admits the truth of the allegations in the Second Cause for Discipline in
25 Accusation No. 800-2014-005931.

26 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
27 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

1 CONTINGENCY

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

12 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
13 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
14 signatures thereto, shall have the same force and effect as the originals.

15 13. In consideration of the foregoing admissions and stipulations, the parties agree that
16 the Board may, without further notice or formal proceeding, issue and enter the following
17 Disciplinary Order:

18 DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 51546 issued
20 to Respondent Lynn Susan Lerman, M.D., shall be and is hereby publicly reprimanded pursuant
21 to Business and Professions Code section 2227, subdivision (a)(4). This public reprimand, which
22 is issued in connection with Respondent's care and treatment of Patient M.M. as set forth in
23 Accusation No. 800-2014-005931, is as follows:

24 "Between 2009 and 2012, you maintained inadequate medical records in violation of
25 Business and Professions Code section 2266, when you failed to adequately document your
26 care and treatment of Patient M.M., as more fully described in Accusation No. 800-2014-
27 005931."

28 IT IS FURTHERED ORDERED that Respondent shall comply with the following terms:

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Decision and Order of the Medical Board of California.

DATED: 12/13/17


LYNN SUSAN LERMAN, M.D.
Respondent

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

DATED: 12/14/2017

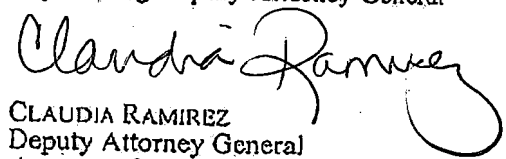

RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

ENDORSEMENT

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

Dated: 12/14/17

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General


CLAUDIA RAMIREZ
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2014-005931

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRISTINE R. FRIAR
Deputy Attorney General
4 State Bar No. 228421
California Department of Justice
5 300 South Spring Street, Suite 1702
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO MAY 17 2017
BY: [Signature] ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 800-2014-005931

12 LYNN SUSAN LERMAN, M.D.

ACCUSATION

13 173 S. Las Palmas Ave.
14 Los Angeles, CA 90004

15 Physician's and Surgeon's Certificate
No. G51546,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On October 31, 1983, the Board issued Physician's and Surgeon's Certificate number
24 G51546 to Lynn Susan Lerman, M.D. (Respondent). That license was in full force and effect at
25 all times relevant to the charges brought herein and will expire on June 30, 2019, unless renewed.

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27 //

28 //

1 **JURISDICTION**

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

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

9 5. Section 2234 of the Code, states:

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

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

15 "(b) Gross negligence.

16 "..."

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Gross Negligence)**

22 7. Respondent Lynn Susan Lerman, M.D. is subject to disciplinary action under Code
23 section 2234, subdivision (b), in that she committed gross negligence in her care and treatment of
24 Patient M.M.¹ The circumstances are as follows:

25 8. Respondent specializes in psychiatry, but is not Board certified.

26 //

27 _____
28 ¹ Initials are used to protect patient privacy.

1 9. During the relevant time period, Respondent provided outpatient psychiatric services
2 in a private practice setting.

3 10. Respondent treated Patient M.M. between 2009 and 2012.

4 11. Initially, Respondent treated Patient M.M. on a daily and sometimes twice daily basis.

5 12. After receiving a complaint from Patient M.M. about the care and treatment she
6 received from Respondent, the Board requested from Respondent the complete medical records of
7 Patient M.M. from 2009 through 2012. In response, Respondent produced a total of eighteen (18)
8 pages of notes covering those four years.

9 13. The applicable standard of care in the medical community is to keep timely, accurate
10 and legible medical records. The records must include essential elements of medical decision-
11 making, including diagnostic impression, a treatment plan, and a discussion of the informed
12 consent process for that treatment plan.

13 14. The applicable standard of care further requires that when medications are prescribed,
14 information about treatment response and any side effects must be noted. Further, when
15 controlled substances are prescribed, a record must be kept regarding amounts prescribed and
16 refills authorized.

17 15. Respondent committed an extreme departure from the applicable standard of care
18 when she failed to adequately document her care and treatment of Patient M.M. For numerous
19 sessions, Respondent made no chart entries whatsoever. Respondent's entries for many sessions
20 in 2012 consist of one or two words, or are blank. Aside from at the initial intake, which
21 indicated that Patient M.M. was taking Celexa, Ambien, Xanax, Valium, Klonopin and Ativan,
22 there is no further mention of Patient M.M.'s medications in Respondent's records, including who
23 was prescribing Patient M.M. these medications. Respondent failed to produce and/or maintain a
24 systematic, consistent and thorough medical record for Patient M.M.

25 16. Respondent's acts and/or omission as set forth in paragraphs 8 through 15, inclusive
26 above, whether proven individually, jointly, or in any combination therefore, constitute gross
27 negligence pursuant to section 2234, subdivision (b), of the Code. As such, cause for
28 discipline exists.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Inadequate Record Keeping)**

3 17. Respondent Lynn Susan Lerman, M.D. is subject to disciplinary action under Code
4 section 2234, subdivision (a), and 2266 in that she failed to maintain adequate records concerning
5 her care and treatment of Patient M.M. The circumstances are as follows:

6 18. Paragraphs 8 through 15 are incorporated by reference and re-alleged as if fully set
7 forth herein.

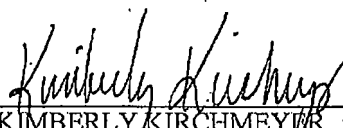
8 19. Respondent's acts and/or omission as set forth in paragraphs 8 through 15, inclusive
9 above, whether proven individually, jointly, or in any combination therefore, constitute
10 inadequate record keeping in violation of Code section 2234, subdivision (a), and 2266 and cause
11 for discipline exists.

12 **PRAYER**

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

- 15 1. Revoking or suspending Physician's and Surgeon's Certificate Number G51546,
16 issued to Lynn Susan Lerman, M.D.;
- 17 2. Revoking, suspending or denying approval of her authority to supervise physician
18 assistants, pursuant to section 3527 of the Code, and advanced practice nurses;
- 19 3. If placed on probation, ordering her to pay the Board the costs of probation
20 monitoring; and
- 21 4. Taking such other and further action as deemed necessary and proper.

22
23 DATED: May 17, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

24
25
26
27 *Complainant*

28 LA2015501679