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

In the Matter of the Accusation)	•
Against:)	
)	
)	
Ronald H. Onkin, M.D,)	Case No. 800-2014-007056
)	•
Physician's and Surgeon's	•)	
Certificate No. C 27700)	
) .	
Respondent)	·
)	•

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 November 21, 2018.

IT IS SO ORDERED: October 26, 2018.

MEDICAL BOARD OF CALIFORNIA

Kristina D. Lawson, J.D., Chair

Panel B

1	XAVIER BECERRA				
2	Attorney General of California E. A. JONES III				
3	Supervising Deputy Attorney General CINDY M. LOPEZ				
4	Deputy Attorney General State Bar No. 119988				
5	California Department of Justice 300 So. Spring Street, Suite 1702				
6	Los Angeles, CA 90013 Telephone: (213) 269-6494				
7	Facsimile: (213) 897-9395 Attorneys for Complainant				
8	BEFOR				
9					
10	STATE OF C	ALIFORNIA			
11	In the Matter of the Accusation Against:	Case No. 800-2014-007056			
12	RONALD H. ONKIN, M.D.	OAH No. 2017090648			
13	16055 VENTURA BLVD # 603 ENCINO, CA	STIPULATED SETTLEMENT AND			
14	91436-2609	DISCIPLINARY ORDER			
15	Physician's and Surgeon's Certificate No. C 27700				
16	Respondent.				
17					
18					
19		EED by and between the parties to the above-			
20	entitled proceedings that the following matters are				
21	PART				
22		is the Executive Director of the Medical Board			
23	of California (Board). She brought this action sol				
24	this matter by Xavier Becerra, Attorney General of	of the State of California, by Cindy M. Lopez,			
25	Deputy Attorney General.				
26	•	I.D. (Respondent) is represented in this			
27	proceeding by attorney Raymond J. McMahon, w	hose address is: 5440 Trabuco Road			
28	Irvine, CA 92620.				

3. On or about October 20, 1965, the Board issued Physician's and Surgeon's Certificate No. C 27700 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2014-007056, and will expire on November 30, 2018, unless renewed.

JURISDICTION -

- 4. Accusation No. 800-2014-007056 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 29, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 800-2014-007056 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2014-007056. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2014-007056, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

- 10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.
- 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

- 12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 27700 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

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

2. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program approved in advance by the Board or its designee. Respondent, at the program's discretion, shall undergo and complete the program's assessment of Respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24-hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The program shall evaluate Respondent at the end of the training and the program shall provide any data from the assessment and training as well as the results of the evaluation to the Board or its designee.

Failure to complete the entire program not later than six (6) months after Respondent's initial enrollment shall constitute a violation of probation unless the Board or its designee agrees in writing to a later time for completion. Based on Respondent's performance in and evaluations from the assessment, education, and training, the program shall advise the Board or its designee of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with program recommendations. At the completion of the program, Respondent shall submit to a final evaluation. The program shall provide the results of the evaluation to the Board or its designee. The professional boundaries program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

The program has the authority to determine whether or not Respondent successfully completed the program.

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

Respondent shall not treat female patients until he has successfully completed the program and has been so notified by the Board or its designee in writing.

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

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written

evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist with any information and documents that the psychotherapist may deem pertinent.

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

Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

4. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout

probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of Respondent's performance, indicating whether Respondent's practices are within the standards of practice of medicine, and whether Respondent is practicing medicine safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, Respondent may participate in a professional enhancement program approved in advance by the Board or its designee that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at Respondent's expense during the term of probation.

NOTIFICATION. Within seven (7) days of the effective date of this Decision, the

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

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

- 5. <u>SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE</u>

 <u>NURSES.</u> During probation, Respondent is prohibited from supervising physician assistants and advanced practice nurses.
- 6. <u>OBEY ALL LAWS</u>. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.
- 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

8. GENERAL PROBATION REQUIREMENTS:

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

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

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

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

In the event Respondent should leave the State of California to reside or to practice ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

- 9. <u>INTERVIEW WITH THE BOARD OR ITS DESIGNEE</u>. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.
- 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while

on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Boards's Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing..

- 11. <u>COMPLETION OF PROBATION</u>. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.
- 12. <u>VIOLATION OF PROBATION</u>. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
- 13. <u>LICENSE SURRENDER</u>. Following the effective date of this Decision, if
 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy

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the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

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

ACCEPTAN

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

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

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. Dated: 7.23.18 Respectfully submitted, XAVIER BECERRA Attorney General of California E. A. JONES III Supervising Deputy Attorney General end m day CINDY M. LOPEZ Deputy Attorney General Attorneys for Complainant LA2017505644 62690468.docx

Exhibit A

Accusation No. 800-2014-007056

FILED STATE OF CALIFORNIA 1 XAVIER BECERRA MEDICAL BOARD OF CALIFORNIA Attorney General of California SACRAMENTO June 29 2 E. A. JONES III Supervising Deputy Attorney General CINDY M. LOPEZ Deputy Attorney General 4 State Bar No. 119988 California Department of Justice 5 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 6 Telephone: (213) 897-7373 Facsimile: (213) 897-9395 7 Attorneys for Complainant 8 BEFORE THE MEDICAL BOARD OF CALIFORNIA 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 11 In the Matter of the Accusation Against: Case No. 800-2014-007056 12 RONALD H. ONKIN, M.D. ACCUSATION 16055 Ventura Boulevard, Suite 603 13 Encino, CA 91436-2609 14 Physician's and Surgeon's Certificate No. C 27700, 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official 20 capacity as the Executive Director of the Medical Board of California, Department of Consumer 21 Affairs (Board). 22 2. On or about October 20, 1965, the Medical Board issued Physician's and Surgeon's 23 Certificate Number C 27700 to Ronald H. Onkin, M.D. (Respondent). The Physician's and 24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought 25 herein and will expire on November 30, 2018, unless renewed. 26 **JURISDICTION** 27 3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated. 28 1

4. Section 2234 of the Code, states:

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

- "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
 - "(b) Gross negligence.
- "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
 - "(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
 - "(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.
 - "(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.
- "(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.
- "(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board."

- 5. Section 726 of the Code, states;
- (a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division or under any initiative act referred to in this division.
- (b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

6. Respondent is subject to disciplinary action under section 2234, subdivision (c), in that he was repeatedly negligent when he treated a female patient. The circumstances are as follows:

Patient K.H.:

- A. Patient K.H. is a therapist and saw Respondent from November 2013 thru July 2014. She was seeing him mostly for medications and for Bipolar Disorder. The first session was about 45 minutes, then the rest were approximately 20 minutes long.
- B. During the first few visits she felt comfortable with Respondent, but things began to change around the third or fourth visit.
- C. K.H. describes Respondent as disheveled and his office was very disorganized. She said he avoided eye contact with her and he actually fell asleep during one of their sessions.
- D. Early on, Respondent prescribed a medication with a horrible aftertaste. K.H. read reviews from other patients who complained the medication "tastes like ass." When K.H. complained to Respondent and said it "tastes like ass," he asked her how she knows, and who's ass had she been licking"? During a few sessions Respondent asked if she masturbated.
- E. Respondent changed the medication to Lamictal and it appeared to work well for the patient. She continued to see Respondent, although he wanted to see her every two weeks, she said she only needed to see him once a month.

- F. On about the fifth visit, Respondent attempted to give the patient a side hug. She was facing the door and when he tried to hug her, she said "no."
- G. During their 10th session, as she was leaving, Respondent reached out and grabbed her breasts and juggled them up and down. The patient was shocked and pushed him away shouting "inappropriate!" Patient K.H. immediately called her long time psychologist, Dr. G. and then she filed her complaint with the Medical Board.
- H. During the subject interview, Respondent explained that his initial diagnosis of K.H. was major depression but then he changed it to Bipolar II Disorder. He also claimed that he thought she suffers from Borderline Personality Disorder, however, there is nothing in his notes about that. He claimed that she made this complaint because of her borderline personality disorder.

Departures from the Standard of Care:

- I. There is nothing in the records about the borderline personality disorder or how Respondent even made that assessment, other than her crying about a breakup.
- J. This is a departure from the standard of care for maintaining accurate and complete psychiatric records. There is no indication he spoke with the patient's therapist, or administered psychological testing. Respondent departed from the standard of care when he failed to provide an appropriate psychiatric evaluation regarding her psychiatric disorder.
- K. Respondent departed from the standard of care when he failed to outline a treatment plan for the patient's alleged borderline personality disorder.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

7. Respondent is subject to disciplinary action under section 2234, subdivision (b), in that he was grossly negligent in his treatment of two patients. The circumstances are as follows:

Patient J.R.:

- A. Patient J.R. saw Respondent for depression and alcohol abuse. At the same time she continued to see her regular therapist.
 - B. J.R. had a long history with substance abuse but she wanted to get sober. She wanted

to try a few drugs but Respondent prescribed Antabuse. It worked well for her and she has been sober ever since. He also prescribed Brintellix to treat her depression.

- C. One day at the end of a session, J.R. initiated a hug, and they concluded many of their sessions with a hug. In July 2015, she was seeing Respondent every two weeks, but in November 2015 it was just once a month.
- D. Respondent started asking her about sexual side effects even though she told
 Respondent she and her husband were not having sex. Respondent asked if she masturbated and
 what she used. He asked if her husband could maintain an erection.
- E. He told her she "has everything in the right place," and "if I was single I would really like to go out with you."
- F. By 2016, Respondent was sliding his hands up and down her back, and on the second to last visit slid his hands to her butt and on the last visit actually squeezed her butt. Her last visit was in June 2016.
- G. During the subject interview, he stated that the patient suffered from depression, alcoholism and borderline personality disorder. He denied touching her butt and claimed she initiated the hug at the last session. He never told her of his assessment of borderline personality disorder.
 - H. Respondent was grossly negligent for inappropriate sexual touching of patient J.R. Patient K.H.:
- I. The facts and circumstances alleged in paragraph 6 D, F and G, above are incorporated here as if fully set forth.
- J. Respondent was grossly negligent for touching her breasts, hugging her and asking sexually charged questions.

THIRD CAUSE FOR DISCIPLINE

(Sexual Misconduct)

8. Respondent is subject to disciplinary action under section 726 in that he committed acts of sexual misconduct with two patients. The circumstances are as follows:

Complainant incorporates by reference the allegations in Paragraph 6, A through F, and