

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

In the Matter of the Accusation)
Against:)
)
)
George R. Brolaski Jr., M.D.)
)
Physician's and Surgeon's)
Certificate No. A 20748)
)
Respondent)
_____)

Case No. 800-2015-012781


DECISION

The attached Stipulated Surrender of License and 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 28, 2017.

IT IS SO ORDERED March 21, 2017.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

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

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

14 **GEORGE R. BROLASKI JR., M.D.**
15 **699 N. Vulcan Ave., #7**
San Diego, CA 92024

16 **Physician's and Surgeon's Certificate**
17 **No. A 20748,**

18 **Respondent.**

Case No. 800-2015-012781

OAH Case No. 2016120425

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Lori Jean Forcucci,
25 Deputy Attorney General.

26 2. George R. Brolaski Jr., M.D. (Respondent) has elected to represent himself in the
27 above-captioned matter and has chosen not to exercise his right to be represented by legal counsel
28 at his own expense in this proceeding.

1 3. On or about July 8, 1963, the Medical Board of California issued Physician's and
2 Surgeon's Certificate No. A 20748 to Respondent. Physician's and Surgeon's Certificate No. A
3 20748 was in full force and effect at all times relevant to the charges brought in Accusation No.
4 800-2015-012781 and will expire on January 31, 2018, unless renewed.

5 4. On November 17, 2016, In the Matter of the Interim Suspension Order Against:
6 George Brolaski, M.D., in Case No. 800-2015-012781, Physician's and Surgeon's Certificate No.
7 A 20748 was suspended pending a final decision by the Board on the instant accusation.
8 However, that suspension was stayed as long as Respondent's patients' charts were monitored by
9 physician peer review on a daily basis, and additional conditions regarding the monitoring of his
10 charts were met.

JURISDICTION

12 5. On November 10, 2016, Accusation No. 800-2015-012781 was filed before the Board
13 and is currently pending against Respondent. A true and correct copy of the Accusation and all
14 other statutorily required documents were properly served on Respondent on November 10, 2016
15 at his address of record on file with the Board, which was and is 699 N. Vulcan Ave., #7, San
16 Diego, CA 92024. Respondent timely filed his Notice of Defense contesting the Accusation. A
17 true and correct copy of Accusation No. 800-2015-012781 is attached as Exhibit A and
18 incorporated by reference.

ADVISEMENT AND WAIVERS

20 6. Respondent has carefully read, and understands the charges and allegations in
21 Accusation No. 800-2015-012781. Respondent also has carefully read, and understands the
22 effects of this Stipulated Surrender of License and Order.

23 7. Respondent is fully aware of his legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
25 his own expense; the right to confront and cross-examine the witnesses against him; the right to
26 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
27 the attendance of witnesses and the production of documents; the right to reconsideration and

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1 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

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

5 CULPABILITY

6 9. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 800-2015-012781, agrees that a cause of action under Section 822 of the Business and
8 Professions Code exists, and hereby surrenders his Physician's and Surgeon's Certificate No.
9 A 20748 for the Board's formal acceptance.

10 10. Respondent understands that by signing this stipulation he enables the Executive
11 Director on behalf of the Board to issue an order accepting the surrender of his Physician's and
12 Surgeon's Certificate on behalf of the Board without further process.

13 CONTINGENCY

14 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
15 part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . .
16 stipulation for surrender of a license."

17 12. This Stipulated Surrender of License and Order shall be subject to approval by the
18 Executive Director on behalf of the Medical Board. The parties agree that this Stipulated
19 Surrender of License and Order shall be submitted to the Executive Director for her consideration
20 in the above-entitled matter and, further, that the Executive Director shall have a reasonable
21 period of time in which to consider and act on this Stipulated Surrender of License and Order
22 after receiving it. By signing this stipulation, Respondent fully understands and agrees that he
23 may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive
24 Director, on behalf of the Medical Board, considers and acts upon it.

25 13. The parties agree that this Stipulated Surrender of License and Order shall be null and
26 void and not binding upon the parties unless approved and adopted by the Executive Director on
27 behalf of the Board, except for this paragraph, which shall remain in full force and effect.
28 Respondent fully understands and agrees that in deciding whether or not to approve and adopt this

1 Stipulated Surrender of License and Order, the Executive Director and/or the Board may receive
2 oral and written communications from its staff and/or the Attorney General's Office.
3 Communications pursuant to this paragraph shall not disqualify the Executive Director, the
4 Board, any member thereof, and/or any other person from future participation in this or any other
5 matter affecting or involving respondent. In the event that the Executive Director on behalf of the
6 Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and
7 Order, with the exception of this paragraph, it shall not become effective, shall be of no
8 evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action
9 by either party hereto. Respondent further agrees that should this Stipulated Surrender of License
10 and Order be rejected for any reason by the Executive Director on behalf of the Board,
11 Respondent will assert no claim that the Executive Director, the Board, or any member thereof,
12 was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender
13 of License and Order or of any matter or matters related hereto.

14 **ADDITIONAL PROVISIONS**

15 14. This Stipulated Surrender of License and Order is intended by the parties herein to be
16 an integrated writing representing the complete, final and exclusive embodiment of the
17 agreements of the parties in the above-entitled matter.

18 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including Portable Document Format
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

21 16. In consideration of the foregoing admissions and stipulations, the parties agree the
22 Executive Director of the Medical Board may, without further notice to or opportunity to be heard
23 by respondent, issue and enter the following Order on behalf of the Board:

24 **ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 20748, issued
26 to Respondent George R. Brolaski Jr., M.D., is surrendered and accepted by the Executive
27 Director on behalf of the Medical Board of California.

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1 1. Respondent shall lose all rights and privileges as a physician and surgeon in
2 California as of the effective date of the Board's Decision and Order.

3 2. Respondent shall cause to be delivered to the Board his pocket license and, if one was
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5 3. With respect to the action that has been taken herein pursuant to California Business
6 and Professions Code section 822, any future reinstatement of Respondent's Physician's and
7 Surgeon's Certificate No. A 20748 shall be governed by the procedures contained in Article 12.5
8 of Chapter 1 of Division 2 of the California Business and Professions Code. (Bus. & Prof. Code
9 §823.)

10 4. If Respondent ever files an application for licensure or a petition for reinstatement in
11 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
12 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
13 effect at the time the petition is filed, and all of the charges and allegations contained in
14 Accusation No. 800-2015-012781 shall be deemed to be true, correct and admitted by Respondent
15 when the Board determines whether to grant or deny the petition.

16 5. If Respondent should ever apply or reapply for a new license or certification, or
17 petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation, No. 800-2015-012781 shall
19 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
20 Issues or any other proceeding seeking to deny or restrict licensure.

21 ACCEPTANCE

22 I have carefully read the Stipulated Surrender of License and Order. I understand the
23 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this
24 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
25 be bound by the Decision and Order of the Medical Board of California.

26 DATED: _____

2/28/17

George R. Brolaski

27 GEORGE R. BROLASKI JR., M.D.
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 2.28.17

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



LORI JEAN FORCUCCI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2015-012781

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8 *Attorneys for Complainant*

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

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

Case No. 800-2015-012781

14 **George R. Brolaski, Jr. M.D.**
15 **699 N. Vulcan Ave., #7,**
Encinitas, CA 92024

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A 20748,**

18 **Respondent.**

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about July 8, 1963, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 20748 to respondent George R. Brolaski, Jr., M.D. (Respondent). Physician's
26 and Surgeon's Certificate No. A 20748 was in full force and effect at all times relevant to the
27 charges brought herein and will expire on January 31, 2018, unless renewed.

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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 states, in pertinent part:

6 “(a) A licensee whose matter has been heard by an administrative law judge of the
7 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or
8 whose default has been entered, and who is found guilty, or who has entered into a
9 stipulation for disciplinary action with the board, may, in accordance with the provisions of
10 this chapter:

11 “(1) Have his or her license revoked upon order of the board.

12 “(2) Have his or her right to practice suspended for a period not to exceed one year
13 upon order of the board.

14 “(3) Be placed on probation and be required to pay the costs of probation monitoring
15 upon order of the board.

16 “(4) Be publicly reprimanded by the board. The public reprimand may include a
17 requirement that the licensee complete relevant educational courses approved by the board.

18 “(5) Have any other action taken in relation to discipline as part of an order of
19 probation, as the board or an administrative law judge may deem proper.

20 “...”

21 5. Section 820 of the Code states:

22 “Whenever it appears that any person holding a license, certificate or permit under
23 this division¹ or under any initiative act referred to in this division may be unable to practice
24 his or her profession safely because the licentiate’s ability to practice is impaired due to
25 mental illness, or physical illness affecting competency, the licensing agency may order the
26 licentiate to be examined by one or more physicians and surgeons or psychologists

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28 ¹ Division 2 of the Business and Professions Code entitled, “Healing Arts.”

1 designated by the agency. The report of the examiners shall be made available to the
2 licentiate and may be received as direct evidence in proceedings conducted pursuant to
3 Section 822.”

4 6. Section 822 of the Code states, in pertinent part:

5 “If a licensing agency determines that its licentiate’s ability to practice his or her
6 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
7 competency, the licensing agency may take action by any one of the following methods:

8 “(a) Revoking the licentiate’s certificate or license.

9 “(b) Suspending the licentiate’s right to practice.

10 “(c) Placing the licentiate on probation.

11 “(d) Taking such other action in relation to the licentiate as the licensing agency in its
12 discretion deems proper.

13 “...”

14 7. Section 824 of the Code states:

15 “The licensing agency may proceed against a licentiate under either Section
16 820, or 822, or under both sections.”

17 **SECTION 822 CAUSE FOR ACTION**

18 **(Mental or Physical Illness Affecting Competency)**

19 8. Respondent’s Physician’s and Surgeon’s Certificate No. A 20748 is subject to action
20 under section 822 of the Code in that his ability to practice medicine safely is impaired because he
21 is mentally ill, or physically ill affecting competency, as more particularly alleged hereinafter:

22 9. Between in and about 2012 to 2016, Respondent has been a practicing psychiatrist
23 providing psychiatric care and treatment to patients in the community of San Ysidro, California.

24 10. In or about March of 2015, Respondent’s physician referred him for a
25 neuropsychological evaluation. Respondent’s performance on that evaluation produced abnormal
26 results. Specifically, Respondent was repetitive in some of his answers (suggesting memory loss),
27 and was unable to state the month, or day, or identify the city he was in during the examination.

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1 11. Pursuant to Business and Professions Code section 820, at the request of the Board,
2 Respondent voluntarily presented to three doctors chosen by the Board for three types of medical
3 examinations: psychiatric, physical and neuropsychological.

4 A. Psychiatric Examination:

5 On or about March 1, 2016, Respondent attended a psychiatric examination
6 performed by A. A., M.D. Respondent scored 23/30 on the Montreal Cognitive Assessment
7 test² and his examination indicated a mild to moderate unspecified neurocognitive disorder.

8 B. Physical Examination:

9 On or about March 7, 2016, Respondent attended a physical examination performed
10 by R. L., M.D. Dr. L. opined that Respondent suffers from mild short term memory
11 impairment and inability to recall specific objects within one to two minutes of testing. Dr.
12 L. recommended that Respondent undergo neuropsychological testing to determine whether
13 Respondent had an illness or condition that would impact his ability to safely practice
14 medicine.

15 C. Neuropsychological Examination:

16 On or about July 1, 2016, Respondent attended a neuropsychological fitness-for-duty
17 examination performed by Dr. W. P., Ph.D. Respondent's neuropsychological examination
18 results showed memory impairment and impairment of most aspects of Respondent's
19 language. Dr. P. found that Respondent meets criteria for amnesic mild cognitive
20 impairment and diagnosed Respondent with Mild Neurocognitive Disorder.

21 12. Dr. P. found that Respondent's impairments on cognitive testing are sufficiently
22 deficient that they can constitute a concern for his independent practice of medicine, and that
23 Respondent's current marked memory impairments pose a significant concern for his practice of
24 medicine as it relates to the safety of the public.

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26 _____
27 ² A normal Montreal Cognitive Assessment test score is considered to be greater than
28 26/30.


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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A 20748, issued to Respondent George R. Brolaski Jr., M.D.;
2. Revoking, suspending or denying approval of Respondent George R. Brolaski Jr., M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Respondent George R. Brolaski Jr., M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: November 10, 2016


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

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