

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

In the Matter of the Accusation)	
Against:)	
)	
)	
BENJAMIN KAUFMAN, M.D.)	Case No. 800-2015-013550
)	
Physician's and Surgeon's)	
Certificate No. A 20912)	
)	
Respondent)	
_____)	

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 October 7, 2015

IT IS SO ORDERED September 30, 2015

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JOHN S. GATSCHET
Deputy Attorney General
4 State Bar No. 244388
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-5230
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2015-013550

12 BENJAMIN KAUFMAN, M.D.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 3938 T Street
14 Sacramento, CA 95819-4730

15 Physician's and Surgeon's Certificate No. A 20912,
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, Department of Consumer Affairs ("Board"). She brought this action solely
22 in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
23 the State of California, by John S. Gatschet, Deputy Attorney General.

24 2. Benjamin Kaufman, M.D. ("Respondent") is represented in this proceeding by
25 attorney Robert J. Sullivan, whose address is Nossaman LLP, 621 Capitol Mall, 25th Floor
26 Sacramento, CA 95814.

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1 grant or deny the petition. Respondent understands and agrees that by entering into this
2 stipulation, that he is permanently waiving any and all claims of laches or statute of limitation
3 defenses as they relate to Investigations Nos. 800-2014-009069, 800-2015-011264, and 800-
4 2015-013550.

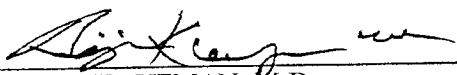
5 7. If Respondent should ever apply or reapply for a new license or certification, or
6 petition for reinstatement of a license, by any other health care licensing agency in the State of
7 California, all of the charges and allegations contained in Accusation, No. 800-2015-013550,
8 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
9 of Issues or any other proceeding seeking to deny or restrict licensure.

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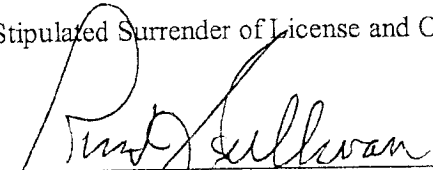
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ACCEPTANCE

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

DATED: September 3rd 2015 
BENJAMIN KAUFMAN, M.D.
Respondent

I have read and fully discussed with Respondent Benjamin Kaufman, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: Sept 12, 2015 
ROBERT J. SULLIVAN
Attorney for Respondent

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: 9/15/2015

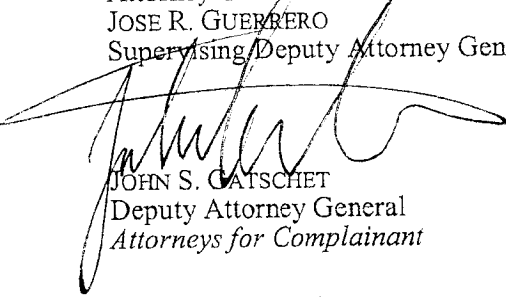
Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General

JOHN S. GATSCHET
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2015-013550

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JOHN S. GATSCHET
Deputy Attorney General
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California Department of Justice
5 1300 I Street, Suite 125
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 22, 2015
BY: [Signature] ANALYST

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

11 In the Matter of the Accusation Against:
12
13 BENJAMIN KAUFMAN, M.D.
14 3938 T Street
Sacramento, CA 95819-4730
15 Physician's and Surgeon's Certificate No. A 20912,
16 Respondent.

Case No. 800-2015-013550
A C C U S A T I O N

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 or about October 8, 1963, the Medical Board issued Physician's and Surgeon's
24 Number A 20912 to Benjamin Kaufman, M.D. ("Respondent"). That license was in full force
25 and effect at all times relevant to the charges brought herein and will expire on June 30, 2017,
26 unless renewed.

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JURISDICTION

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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:

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

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

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

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

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

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

19 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
20 review or advisory conferences, professional competency examinations, continuing education
21 activities, and cost reimbursement associated therewith that are agreed to with the board and
22 successfully completed by the licensee, or other matters made confidential or privileged by
23 existing law, is deemed public, and shall be made available to the public by the board pursuant to
24 Section 803.1.”

25 5. Section 2234 of the Code, states:

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


1 11. Respondent's conduct as described above is gross negligence in the practice of
2 medicine and constitutes unprofessional conduct in violation of section 2234, subdivision (b), of
3 the Code and thereby provides cause for discipline to Respondent's license.

4 PRAYER

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

- 7 1. Revoking or suspending Physician's and Surgeon's Number A 20912, issued to
8 Benjamin Kaufman, M.D.;
- 9 2. Revoking, suspending or denying approval of his authority to supervise physician
10 assistants, pursuant to section 3527 of the Code;
- 11 3. If placed on probation, ordering him to pay the Board the costs of probation
12 monitoring; and
- 13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: September 22, 2015


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

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