

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5723  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
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8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 800-2015-013868

11 **Nicholas P.W. Reeves, M.D.**  
12 **Kaiser Permanente CDRP**  
13 **800 Sereno Dr.**  
**Vallejo, CA 94589**

**A C C U S A T I O N**

14 **Physician's and Surgeon's Certificate**  
15 **No. A 121127,**

16 Respondent.

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 April 27, 2012, the Medical Board issued Physician's and Surgeon's  
23 Certificate Number A 121127 to Nicholas P.W. Reeves, 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 April 30, 2018, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 2220 of the Code states:

2           “Except as otherwise provided by law, the board may take action against all persons guilty  
3 of violating this chapter. The division shall enforce and administer this article as to physician and  
4 surgeon certificate holders, including those who hold certificates that do not permit them to  
5 practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate  
6 holders, and the board shall have all the powers granted in this chapter for these purposes  
7 including, but not limited to... .”

8           5.     Section 2227 of the Code authorizes the Board to discipline a licensee and obtain  
9 probation costs.

10          6.     Section 2228 of the Code authorizes the Board to discipline a licensee by placing  
11 them on probation.

12          7.     Section 2234 of the Code, states:

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

16           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
17 violation of, or conspiring to violate any provision of this chapter.

18          8.     Section 2239 of the Code states in pertinent part:

19           “(a) The use or prescribing for or administering to himself or herself, of any controlled  
20 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic  
21 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to  
22 any other person or to the public, or to the extent that such use impairs the ability of the licensee  
23 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
24 consumption, or self-administration of any of the substances referred to in this section, or any  
25 combination thereof, constitutes unprofessional conduct. The record of the conviction is  
26 conclusive evidence of such unprofessional conduct.”

27          9.     Section 820 of the Code states:  
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1 "Whenever it appears that any person holding a license, certificate or permit under this  
2 division or under any initiative act referred to in this division may be unable to practice his or her  
3 profession safely because the licentiate's ability to practice is impaired due to mental illness, or  
4 physical illness affecting competency, the licensing agency may order the licentiate to be  
5 examined by one or more physicians and surgeons or psychologists designated by the agency.  
6 The report of the examiners shall be made available to the licentiate and may be received as direct  
7 evidence in proceedings conducted pursuant to Section 822."

8 10. Code section 822 states:

9 "If a licensing agency determines that its licentiate's ability to practice his or her  
10 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
11 competency, the licensing agency may take action by any one of the following methods:

12 "(a) Revoking the licentiate's certificate or license.

13 "(b) Suspending the licentiate's right to practice.

14 "(c) Placing the licentiate on probation.

15 "(d) Taking such other action in relation to the licentiate as the licensing agency in its  
16 discretion deems proper.

17 "The licensing section shall not reinstate a revoked or suspended certificate or license until  
18 it has received competent evidence of the absence or control of the condition which caused its  
19 action and until it is satisfied that with due regard for the public health and safety the person's  
20 right to practice his or her profession may be safely reinstated."

21 **PERTINENT DRUGS**

22 11. **Ketamine**, or ketamine hydrochloride, is a non-barbiturate, rapid-acting injectable  
23 anesthetic. It is a dangerous drug as defined in section 4022 and a Schedule III controlled  
24 substance as defined by section 11056 of the Health and Safety Code.

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**FIRST CAUSE FOR DISCIPLINE**  
(Unprofessional Conduct: self-administration of a controlled substance)

12. Respondent Nicholas P.W. Reeves, M.D. is subject to disciplinary action under sections 2234(a) and 2239 of the Code in that Respondent self-medicated with Ketamine. The circumstances are as follows:

13. On or about the weekend of November 11, 2014, while at an off-site seminar for a University of California San Francisco ("UCSF") Substance Abuse Fellowship, Respondent was noted to have questionable behavior.

14. Respondent ultimately admitted to self-administering unprescribed Ketamine during his fellowship training.

**SECOND CAUSE FOR BOARD ACTION**  
(Impairment)

15. Paragraphs 12 through 14 are incorporated herein by reference as if fully set forth.

16. On or about May 26, 2017, the Board evaluator, W.G.W., M.D., conducted an examination of Respondent, and concluded that Respondent's history of chemical dependency and depression requires monitoring, treatment, and oversight.

17. Respondent is subject to Board action under sections 820 and 822 of the Code.

**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 Number A 121127, issued to Nicholas P.W. Reeves, M.D.;

2. Revoking, suspending or denying approval of Nicholas P.W. Reeves, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Nicholas P.W. Reeves, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: December 6, 2017

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

SF2017402320  
accusation - mbc.rtf