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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *April 3 20 19*  
BY *[Signature]* ANALYST

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

13 In the Matter of the First Amended Accusation  
Against:

Case No. 800-2015-014879

14 **Alisa Allene Cross, M.D.**  
15 **3816 S. Clear Creek Road, Suite B**  
16 **Killeen, TX 76549**

**FIRST AMENDED ACCUSATION**

17 **Physician's and Surgeon's Certificate**  
18 **No. A 55002,**

Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about October 18, 1995, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number A 55002 to Alisa Allene Cross, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on May 31, 2019, unless renewed.

**JURISDICTION**

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2           3.     This First Amended Accusation is brought before the Board, under the authority of  
3 the following laws. All section references are to the Business and Professions Code unless  
4 otherwise 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           “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
17 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
18 the applicable standard of care shall constitute repeated negligent acts.

19           “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
20 that negligent diagnosis of the patient shall constitute a single negligent act.

21           “(2) When the standard of care requires a change in the diagnosis, act, or omission that  
22 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
23 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the  
24 applicable standard of care, each departure constitutes a separate and distinct breach of the  
25 standard of care.

26           “(d) Incompetence.

27           “(e) The commission of any act involving dishonesty or corruption which is substantially  
28 related to the qualifications, functions, or duties of a physician and surgeon.

1 “(f) Any action or conduct which would have warranted the denial of a certificate.

2 “(g) The practice of medicine from this state into another state or country without meeting  
3 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
4 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
5 proposed registration program described in Section 2052.5.

6 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
7 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
8 who is the subject of an investigation by the board.”

9 6. Section 2305 of the Code states:

10 “The revocation, suspension, or other discipline, restriction or limitation imposed by  
11 another state upon a license or certificate to practice medicine issued by that state, or the  
12 revocation, suspension, or restriction of the authority to practice medicine by any agency of the  
13 federal government, that would have been grounds for discipline in California of a licensee under  
14 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action  
15 for unprofessional conduct against the licensee in this state.”

16 7. Section 141 of the Code states:

17 “(a) For any licensee holding a license issued by a board under the jurisdiction of the  
18 department, a disciplinary action taken by another state, by any agency of the federal government,  
19 or by another country for any act substantially related to the practice regulated by the California  
20 license, may be a ground for disciplinary action by the respective state licensing board. A  
21 certified copy of the record of the disciplinary action taken against the licensee by another state,  
22 an agency of the federal government, or another country shall be conclusive evidence of the  
23 events related therein.

24 “(b) Nothing in this section shall preclude a board from applying a specific statutory  
25 provision in the licensing act administered by that board that provides for discipline based upon a  
26 disciplinary action taken against the licensee by another state, an agency of the federal  
27 government, or another country.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 8. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),  
4 in that she was negligent in her care and treatment of her brother and three patients. The  
5 circumstances are as follows:

6 A. Respondent came to the attention of the Medical Board when Respondent's sister-in-  
7 law alleged that Respondent was over prescribing drugs to Respondent's brother, who also  
8 happens to be a physician. During an interview with the brother, Dr. C., he admitted that  
9 Respondent prescribed Ambien and Lexapro to him from 2010 to 2013. He only communicated  
10 with her by phone about three times a year. During this time, Dr. C. became addicted to opiates  
11 and in December 2013 entered into treatment at a rehabilitation center.

12 B. It was below the standard of care to enter into a professional relationship with a  
13 family member whom Respondent never examined in person over a 3-year period. Respondent  
14 was unable to determine any subtle cues she may have gleaned from seeing him in person. In  
15 addition, Respondent was negligent when she failed to do a formal mental status exam, a  
16 comprehensive work evaluation and in-person follow-ups.

17 C. In 2014, additional patients were identified as potential patients who were  
18 inappropriately prescribed medications. Each of those patients was diagnosed with Attention  
19 Deficit Disorder (ADD). Respondent prescribed Adderall, Dextroamphetamine and Vyvanse to  
20 the three patients, which are medications used in the treatment of ADD. The records obtained  
21 showed several problems which indicated departures from the standard of care.

22 D. Specifically with regards to all three patients, (1) the records were devoid of any  
23 comprehensive evaluations for ADD. (2) There was no evidence that the patients suffered from  
24 ADD as a child, which is a necessary pre-requisite. (3) Respondent should have been checking  
25 the patient's blood pressure and pulse during treatment, but she failed to do this. (4) There was  
26 no evidence of impairment in the core criteria of the diagnosis such as inattention, distractability,  
27 losing things, and restlessness, just to name a few.

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1 E. Respondent prescribed a higher than normal dose of Adderall in combination with  
2 Vyvanse. Typically, there needs to be a showing that lower levels were tried and failed, however,  
3 there is no such documentation, which is below the standard of care.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Out of State Discipline)**

6 9. Respondent is subject to disciplinary action under sections 2305 and 141 of the Code  
7 in that she was disciplined in Texas for prescribing controlled substances and other medications  
8 to a person with whom she had a close, personal relationship, without a demonstrated or  
9 documented immediate need. The circumstances are as follows:

10 A. On June 12, 2015, the Texas Medical Board issued an Agreed Order regarding  
11 Respondent's license to practice medicine in Texas. The Agreed Order contains findings that  
12 Respondent admitted to prescribing controlled substances and other medications to a person with  
13 whom she has a close, personal relationship, without a demonstrated or documented immediate  
14 need. The Texas Medical Board concluded that Respondent's conduct constituted unprofessional  
15 conduct and failure to adhere to acceptable practice standards under various provisions of Texas  
16 law. Respondent's Texas medical license was publicly reprimanded. She was prohibited from  
17 treating or serving as a physician for her immediate family, and ordered not to prescribe any  
18 controlled substances or dangerous drugs with addictive potential or potential for abuse to herself  
19 or her immediate family. Respondent was ordered to take and pass the Texas Board's Medical  
20 Jurisprudence Examination, to complete courses in prescribing practices and medical  
21 recordkeeping, as well as continuing medical education in the areas of risk management and  
22 ethics. A \$3,000 administrative penalty was imposed.

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24 **PRAYER**

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

27 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 55002,  
28 issued to Alisa Allene Cross, M.D.;

- 1           2.    Revoking, suspending or denying approval of Alisa Allene Cross, M.D.'s authority to  
2 supervise physician assistants and advanced practice nurses;
- 3           3.    Ordering Alisa Allene Cross, M.D., if placed on probation, to pay the Board the costs  
4 of probation monitoring; and
- 5           4.    Taking such other and further action as deemed necessary and proper.

6  
7 DATED: April 3, 2019

8   
9 KIMBERLY KIRCHMEYER  
10 Executive Director  
11 Medical Board of California  
12 Department of Consumer Affairs  
13 State of California  
14 *Complainant*

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