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

12
13 In the Matter of the Second Amended
Accusation Against:
14 **Alisa Allene Cross, M.D.**
15 **3816 S. Clear Creek Road, Suite B**
Killeen, TX 76549
16 **Physician's and Surgeon's Certificate**
17 **No. A 55002,**
18 Respondent.

Case No. 800-2015-014879
OAH No. 2019061055
SECOND AMENDED ACCUSATION

19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Christine J. Lally (Complainant) brings this Second Amended Accusation solely in
23 her official capacity as the Interim Executive Director of the Medical Board of California,
24 Department of 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, 2021, unless renewed.

JURISDICTION

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3. This Second Amended 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.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. 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:

...

(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.

....

6. Section 2242 of the Code provides, “[p]rescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate examination and a medical indication, constitutes unprofessional conduct.”

7. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.”

1 8. Section 2305 of the Code states:

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

8 9. Section 141 of the Code states:

9 (a) For any licensee holding a license issued by a board under the jurisdiction
10 of the department, a disciplinary action taken by another state, by any agency of the
11 federal government, or by another country for any act substantially related to the practice
12 regulated by the California license, may be a ground for disciplinary action by the
13 respective state licensing board. A certified copy of the record of the disciplinary action
14 taken against the licensee by another state, an agency of the federal government, or
15 another country shall be conclusive evidence of the events related therein.

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Repeated Negligent Acts)**

22 10. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),
23 in that she was negligent in her care and treatment of three patients.¹ The circumstances are as
24 follows:

25 A. During the relevant time period, Respondent was engaged in the private practice of
26 adult psychiatry and psychopharmacology in both the State of California and the State of Texas.

27 B. The Board opened an investigation into Respondent's prescribing practices after it
28 received a complaint that Respondent may be excessively and improperly prescribing controlled
substances to one of her family members.

C. During the course of the investigation, the Board identified three patients to whom
Respondent had inappropriately prescribed medications. Each of those patients was diagnosed

¹ The identity of the three patients is being withheld here to protect their privacy.
Respondent is aware of their identities, which were disclosed to Respondent during the course of
the Board's investigation and again in the Board's discovery production(s) in this action.

1 with Attention Deficit Disorder (ADD). Respondent prescribed the three patients Adderall,
2 dextroamphetamine and Vyvanse, which are central nervous system stimulants used in the
3 treatment of ADD. Respondents' care and treatment of each of the three patients departed from
4 the applicable standard of care in the medical community.

5 D. Specifically with regards to each of the three patients,

6 (1) The patient's record is devoid of evidence to support the diagnosis of ADD. Namely,
7 the patient's records are devoid of any comprehensive evaluations for ADD, including any
8 evidence that the patient suffered from ADD as a child, a necessary pre-requisite, and at least
9 moderate impairment in the core criteria of the diagnosis such as inattention, distractibility, task
10 completion, procrastination, impulsivity, interrupting, forgetfulness, losing things and
11 organizational capacity.

12 (2) Respondent prescribed supratherapeutic doses of Adderall in combination with
13 Vyvanse without any documentation to support the failure of lower doses of stimulants or side
14 effect profiles in relation to these high doses.

15 E. Respondent's care and treatment of each of the three patients represents a simple
16 departure from the standard of care.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Out of State Discipline)**

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

23 A. On June 12, 2015, the Texas Medical Board issued an Agreed Order regarding
24 Respondent's license to practice medicine in Texas. The Agreed Order contains findings that
25 Respondent admitted to prescribing controlled substances and other medications to a person with
26 whom she has a close, personal relationship, without a demonstrated or documented immediate
27 need. The Texas Medical Board concluded that Respondent's conduct constituted unprofessional
28 conduct and failure to adhere to acceptable practice standards under various provisions of Texas

1 law. Respondent's Texas medical license was publicly reprimanded. She was prohibited from
2 treating or serving as a physician for her immediate family, and ordered not to prescribe any
3 controlled substances or dangerous drugs with addictive potential or potential for abuse to herself
4 or her immediate family. Respondent was ordered to take and pass the Texas Board's Medical
5 Jurisprudence Examination, to complete courses in prescribing practices and medical
6 recordkeeping, as well as continuing medical education in the areas of risk management and
7 ethics. A \$3,000 administrative penalty was imposed.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Prescribing Dangerous Drugs Without an Examination)**

10 12. Respondent is subject to disciplinary action under section 2242, subdivision (a), of
11 the Code, in that Respondent prescribed dangerous drugs to each of the three patients above,
12 without appropriate prior examinations and/or medical indications. The circumstances are as
13 follows:

14 A. The allegations contained in paragraph 10 herein is incorporated by reference as if
15 fully set forth, and represent the prescribing of dangerous drugs without an appropriate prior
16 examination and/or medical indication.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Failure to Maintain Adequate and Accurate Records)**

19 14. Respondent is subject to disciplinary action under section 2266 of the Code, in that
20 she failed to maintain adequate and accurate records relating to the provision of services to the
21 three patients. The circumstances are as follows:

22 A. The allegations contained in paragraph 10 herein are incorporated by reference as if
23 fully set forth, and represent the failure to maintain adequate and accurate records.

24 **PRAYER**

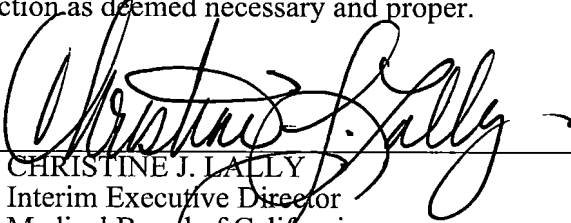
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Medical Board of California issue a decision:

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

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- 2. Revoking, suspending or denying approval of Alisa Allene Cross, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 3. Ordering Alisa Allene Cross, 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: **MAR 27 2020**



CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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