

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

11 In the Matter of the Accusation Against:

Case No. 800-2015-017925

12 **GLYN CAROL GRIFFIN, M.D.**

A C C U S A T I O N

13 512 Hamilton Avenue
14 Palo Alto, CA 94301-2011

15 **Physician's and Surgeon's Certificate**
16 **No. G72092,**

Respondent.

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.

23 2. On or about July 30, 1991, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G72092 to Glyn Carol Griffin, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
26 and will expire on May 31, 2017, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Medical Board of California (Board), under the
3 authority of the following laws. All section references are to the Business and Professions Code
4 unless 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 requires the Board to take action against any licensee who is
10 charged with unprofessional conduct, defined to include “[v]iolating or attempting to violate,
11 directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision
12 of this chapter.”

13 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
14 revoke a license on the ground that the licensee has been convicted of a crime substantially related
15 to the qualifications, functions, or duties of the business or profession for which the license was
16 issued.

17 7. Section 2236 of the Code states:

18 “(a) The conviction of any offense substantially related to the qualifications, functions, or
19 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of
20 this chapter. The record of conviction shall be conclusive evidence only of the fact that the
21 conviction occurred.

22 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
23 be a conviction within the meaning of this section and Section 2236.1. The record of
24 conviction shall be conclusive evidence of the fact that the conviction occurred.”

25 8. Section 2239 of the Code states:

26 “(a) The useof alcoholic beverages, to the extent, or in such a manner as to be
27 dangerous or injurious to the licensee, or to any other person or to the public, or to the
28 extent that such use impairs the ability of the licensee to practice medicine safely or more

1 than one misdemeanor or any felony involving the use, consumption, or self-administration
2 of any of the substances referred to in this section, or any combination thereof, constitutes
3 unprofessional conduct. The record of the conviction is conclusive evidence of such
4 unprofessional conduct.

5 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed
6 to be a conviction within the meaning of this section. The Division of Medical Quality may
7 order discipline of the licensee in accordance with Section 2227 or the Division of Licensing
8 may order the denial of the license when the time for appeal has elapsed or the judgment of
9 conviction has been affirmed on appeal or when an order granting probation is made
10 suspending imposition of sentence, irrespective of a subsequent order under the provisions
11 of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of
12 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
13 accusation, complaint, information, or indictment.”

14 9. Section 822 of the Code provides that is the Board determines that a licensee’s ability
15 to practice his or her profession safely is impaired because the licensee is mentally ill, or physically
16 affecting competency, the Board may take action by revoking or suspending the license, placing
17 the licensee on probation, or taking such other action as the Board in its discretion deems proper.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct: Conviction of a Crime/Dangerous Use of Alcohol)**

20 10. Respondent is subject to disciplinary action under sections 490, and/or 2234, and/or
21 2236, and/or 2239 in that Respondent has engaged in unprofessional conduct, was convicted of a
22 crime, and used alcohol in a dangerous manner. The circumstances are as follows:

23 11. On or about October 7, 2015, at approximately 3:59 p.m., a Redwood City police
24 officer pulled over Respondent’s vehicle for speeding. Upon contact, the officer noticed that
25 Respondent, the driver, had the odor of alcohol coming from her breath and her eyes appeared to
26 be bloodshot and watery. Respondent disclosed that she had one glass of wine around two hours
27 ago. The officer initiated a DUI investigation where Respondent performed several field sobriety
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1 tests indicating that she was under the influence of alcohol. Respondent submitted to a blood
2 alcohol test which resulted in a .119% blood alcohol content.

3 12. Respondent was arrested and charged in the San Mateo County Superior Court with
4 two misdemeanor charges: 1) Vehicle Code (VC) section 23152(a) – Driving Under the Influence
5 of Drugs and/or Alcohol; 2) VC section 23152(b) – Driving with a Blood Alcohol Level of 0.08%
6 or More. On February 16, 2016, Respondent pled no contest to VC section 23152(b). She was
7 sentenced to the following: three (3) years of court probation, two (2) days in jail, attend the DUI
8 offender’s driving program, and abstain from the use or possession of alcohol.

9 13. Respondent’s February 16, 2016 criminal conviction for driving with a blood alcohol
10 content greater than 0.08% is substantially related to the qualifications, functions and duties of a
11 physician and surgeon. As such, her conviction constitutes a violation of Code sections 490 and
12 2236 (criminal conviction), and section 2239 (dangerous use of alcohol).

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Mental or Physical Impairment)**

15 14. Respondent underwent a voluntary psychiatric evaluation in September 2016 with a
16 Board-appointed psychiatrist. Respondent informed the evaluator that at the time she was arrested
17 for driving under the influence, she was using alcohol to self-medicate for what she described as
18 depressive and post-traumatic symptoms. Respondent described a long history of depression and
19 anxiety as well as episodic alcohol abuse. The evaluator noted that Respondent continued to
20 minimize her alcohol use and its significance, and expressed concern that Respondent was
21 inconsistent, incomplete and even untruthful in reporting her alcohol use and mental condition to
22 the Board and her own treating psychiatrist. The psychiatrist concluded that Respondent suffers
23 from the following: Major Depressive Disorder, Recurrent, with Non Psychotic Features in Partial
24 Remission; Alcohol Use Disorder in Partial Remission; and Other Specified Trauma and Stress-
25 Related Disorder, conditions that impair her ability to safely practice medicine. It was concluded
26 that Respondent requires continued and sustained psychotherapeutic and psychopharmacological
27 treatment in order to ensure that she can safely practice. The evaluator noted that Respondent’s
28 symptoms are only in a state of partial remission, as evidenced by Respondent failing to remain

1 abstinent from alcohol following her DUI arrest, and her persistent difficulties of focusing and
2 organization.

3 15. Respondent's license is subject to Board action pursuant to Sections 822 and 2227 of
4 the Code in that Respondent is impaired in her ability to safely practice medicine by virtue of
5 mental illness.

6 **PRAYER**

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

9 1. Revoking or suspending Physician's and Surgeon's Certificate Number G72092, issued
10 to Glyn Carol Griffin, M.D.;

11 2. Revoking, suspending or denying approval of Glyn Carol Griffin, M.D.'s authority to
12 supervise physician assistants, pursuant to section 3527 of the Code;

13 3. Ordering Glyn Carol Griffin, M.D., if placed on probation, to pay the Board the costs
14 of probation monitoring; and

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

16
17 DATED: February 22, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

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