

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

In the Matter of the Accusation)
Against:)
)
)
ARNOLD E. ZEFF, M.D.)
)
Physician's and Surgeon's)
Certificate No. C 28006)
)
Respondent)
_____)

Case No. 800-2017-029902

DECISION AND ORDER

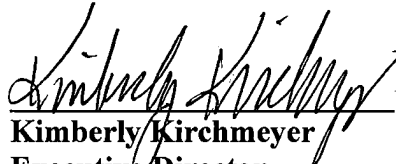
The attached Stipulation for Surrender of Certificate is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 18, 2017.

IT IS SO ORDERED August 11, 2017.

MEDICAL BOARD OF CALIFORNIA

By:


Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LAWRENCE MERCER
Deputy Attorney General
4 State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5539
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

11 **ARNOLD E. ZEFF, M.D.**
201 Spur Ridge Lane
12 Healdsburg, CA 95448-8094

13 Physician's and Surgeon's Certificate No. C28006,

14 Respondent.
15
16

Case No. 800-2017-029902

**STIPULATION FOR SURRENDER OF
CERTIFICATE**

17
18 In the interest of a prompt and speedy resolution of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California, Department of Consumer
20 Affairs, (hereinafter, the "Board"), the parties hereby agree to the following Stipulation for
21 Surrender of Certificate which will be submitted to the Board for its approval and adoption as the
22 final disposition of Case No. 800-2017-029902.

23
24 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
25 Board of California, Department of Consumer Affairs, who brought this action solely in her
26 official capacity. She is represented in this matter by Xavier Becerra, Attorney General of the
27 State of California, by Lawrence Mercer, Deputy Attorney General.
28

1 2. Respondent Arnold E. Zeff, M.D. ("Respondent"), is represented in this matter by his
2 attorney Michelle D. Neumann, 3558 Round Barn Blvd., Suite 200, Santa Rosa, CA 95403.

3 3. On or about February 28, 1966, the Medical Board issued Physician's and Surgeon's
4 Certificate Number C28006 to Arnold E. Zeff, M.D. At all relevant times, said certificate was
5 current and valid and, unless renewed, will expire on May 31, 2018.

6 **JURISDICTION**

7 4. Accusation No. 800-2017-029902 ("Accusation") was filed before the board and is
8 currently pending against Respondent. The Accusation, together with all other statutorily
9 required documents, was duly served on Respondent at his address of record. A copy of
10 Accusation No. 800-2017-029902 is attached as Exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read and understands the charges and allegations in
13 Accusation No. 800-2017-029902. Respondent has also carefully read and understands the
14 effects of this Stipulation for Surrender of Certificate.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **ACKNOWLEDGMENTS**

25 8. Respondent understands and agrees that the charges and allegations in Accusation
26 No. 800-2017-029902, if proven at a hearing, constitute cause for imposing discipline upon his
27 Physician's and Surgeon's Certificate. Respondent hereby gives up his right to contest these
28

1 charges and he agrees that his Physician's and Surgeon's Certificate is subject to discipline
2 pursuant to section 822 of the Business and Professions Code.

3 9. Respondent desires and agrees to surrender his Physician's and Surgeon's Certificate
4 for the Board's formal acceptance, thereby giving up his right to practice medicine in the State of
5 California.

6 **RESERVATION**

7 10. The admissions made by Respondent herein are only for the purposes of this
8 proceeding or any other proceedings in which the Medical Board of California or other
9 professional licensing agency in any state is involved, and shall not be admissible in any other
10 criminal or civil proceedings.

11 **CONTINGENCY**

12 11. This Stipulation shall be subject to the approval of the Board. Respondent
13 understands and agrees that Board staff and counsel for Complainant may communicate directly
14 with the Board regarding this Stipulation, without notice to or participation by Respondent or his
15 attorney. If the Board fails to adopt this Stipulation as its Order in this matter, the Stipulation
16 shall be of no force or effect; it shall be inadmissible in any legal action between the parties; and
17 the Board shall not be disqualified from further action in this matter by virtue of its consideration
18 of this Stipulation.

19 12. The parties understand and agree that facsimile and electronic format copies of this
20 Stipulation for Surrender of Certificate, including facsimile and electronic format signatures
21 thereto, shall have the same force and effect as the originals.

22 **STIPULATION AND ORDER**

23 **IT IS THEREFORE STIPULATED AND ORDERED** as follows:

24 1. **SURRENDER** Respondent hereby agrees that he will surrender his wall and wallet
25 Physician's and Surgeon's Certificates and all other indicia of his right to practice medicine in the
26 State of California to the Board or its representative on or before the effective date of this
27 decision, and the Board agrees to accept this surrender in resolution of this matter.

28

1 2. REINSTATEMENT Respondent fully understands and agrees that if he ever files
2 an application for re-licensure or reinstatement in the State of California, the Board shall treat it
3 as a petition for reinstatement. Respondent must comply with all the laws, regulations and
4 procedures for reinstatement of a revoked license in effect at the time any petition is filed,
5 including but not limited to Business and Professions Code section 823, and he understands and
6 agrees that all of the allegations and causes for discipline contained in Accusation No. 800-2017-
7 029902 will be deemed to be true, correct and admitted by him for purposes of the Board's
8 determination whether to grant or deny the petition. Respondent agrees that he will not petition
9 for reinstatement for at least one (1) year following the effective date of this decision.
10 Respondent hereby waives any time-based defense he might otherwise have to the charges
11 contained in Accusation No. 800-2017-029902 including, but not limited to, the equitable defense
12 of laches.

13 3. Respondent understands that by signing this Stipulation, he is enabling the Board to
14 issue its order accepting the surrender of his license without further process. He further
15 understands that upon acceptance of this Stipulation by the Board, he will no longer be permitted
16 to practice as a physician and surgeon in California.

17 //

18 //

19 //

20 //

21

22

23

24

25

26

27

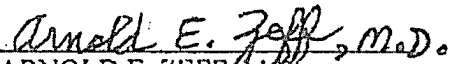
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

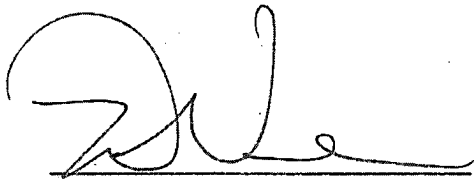
I, ARNOLD E. ZEFF, M.D., have carefully read the above Stipulation for Surrender of Certificate and fully discussed it with my attorney. I enter into it freely and voluntarily and with full knowledge of its force and effect, do hereby agree to surrender my Physician's and Surgeon's Certificate no. C28006 to the Medical Board of California for its formal acceptance. By signing this Stipulation to surrender my license, I recognize that as of the effective date of this Decision, I will lose all rights and privileges to practice as a physician and surgeon in the State of California and, if I have not already done so, I also will cause to be delivered to the Board both my license and wallet certificates on or before the effective date of the decision.

Dated: 8/8/17


ARNOLD E. ZEFF
Respondent

I have read and fully discussed with Respondent ARNOLD E. ZEFF, M.D. the terms and conditions and other matters contained in the Stipulation for Surrender of Certificate. I approve its form and content.

Dated: 8/8/17


MICHELLE D. NEUMANN
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


ENDORSEMENT

The foregoing Stipulation for Surrender of Certificate is respectfully submitted for consideration by the Medical Board of California, Department of Consumer Affairs.

Respectfully submitted,

Dated: *August 8, 2017*

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



LAWRENCE MERCER
Deputy Attorney General
Attorneys for Complainant

SF2017202752
41755272.doc

EXHIBIT A

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LAWRENCE MERCER
Deputy Attorney General
4 State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5539
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2017-029902

13 **ARNOLD E. ZEFF, M.D.**
201 Spur Ridge Lane
Healdsburg, CA 95448 – 8094

ACCUSATION

14 Physician's and Surgeon's Certificate No. C28006,

15 Respondent.

16
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.

21 2. On or about February 28, 1966, the Medical Board issued Physician's and Surgeon's
22 Certificate Number C28006 to ARNOLD E. ZEFF, M.D. (Respondent). At all relevant times,
23 said certificate was current and valid and, unless renewed, will expire on May 31, 2018.

24 **JURISDICTION**

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

28 //

1
2 4. This Accusation is brought before the Medical Board of California, under the
3 authority of the following laws. All references are to the Business and Professions Code unless
4 otherwise specified.

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

9 6. Section 2234 of the Code provides in relevant part that the Board "shall take action
10 against any licensee who is charged with unprofessional conduct."

11 7. Section 822 of the Code provides that if the Board determines that a licensee's ability
12 to practice his profession safely is impaired because the licensee is mentally ill, or physically ill
13 affecting competency, the licensing agency may take action by revoking or suspending the
14 license, placing the licensee on probation, or taking such other action as the licensing agency in
15 its discretion deems proper.

16 **CAUSE FOR DISCIPLINARY ACTION**

17 8. Respondent ARNOLD E. ZEFF, M.D. is subject to disciplinary action under section
18 2234 and 822 of the Code, in that Respondent suffers from a mental illness, or physical illness
19 affecting competency. The circumstances are as follows:

20 A. On January 27, 2017, the Board received an 805 Report, which is a health
21 facility/peer review reporting form required by law, from the Medical Staff at Healdsburg District
22 Hospital. The hospital reported that Respondent's staff privileges had been summarily
23 suspended.

24 B. The hospital produced its records in response to a request from the Board. From
25 these documents, it was learned that Respondent's privileges were suspended and his
26 reapplication was denied based upon a patient complaint that Respondent appeared to have
27 difficulty remembering who the patient was and what they had discussed.

28

1 C. On February 20, 2017, Respondent underwent a neuropsychological evaluation to
2 assess his current cognitive functioning and to objectively determine if Respondent was unable to
3 safely or effectively perform his defined duties.

4 D. In a subsequent report, the neuropsychological evaluator reported that Respondent
5 demonstrated a decline in his overall cognitive functioning.

6 E. On May 9, 2017, the neuropsychological evaluator was interviewed by an
7 investigator and a medical consultant for the Board. The evaluator confirmed the findings in his
8 report and advised that Respondent is unable to practice medicine with safety to the public at this
9 time.

10 **PRAYER**

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

- 13 1. Revoking or suspending Physician's and Surgeon's Certificate Number C28006,
14 issued to ARNOLD E. ZEFF, M.D.;
- 15 2. Revoking, suspending or denying approval of ARNOLD E. ZEFF, M.D.'s authority to
16 supervise physician assistants and advanced nurses, pursuant to section 3527 of the Code;
- 17 3. Ordering ARNOLD E. ZEFF, M.D., if placed on probation, to pay the Board the costs
18 of probation monitoring; and
- 19 4. Taking such other and further action as deemed necessary and proper.

20
21 DATED: May 10, 2017

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

22
23
24
25 SF2017202752
26 41755240.docx
27
28