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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *November 14 20 18*
BY: *[Signature]* ANALYST

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. 800-2017-032686

13 **Billy John Lockhart, M.D.**
14 **401 Parnassus Ave. Box RTP-0984**
San Francisco, CA 94143

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 144446,**

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about August 12, 2016, the Medical Board issued Physician's and Surgeon's
26 Certificate Number A 144446 to Billy John Lockhart, M.D. (Respondent). The Physician's and
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1 Surgeon's Certificate is in delinquent status as it expired on May 31, 2018, and has not been
2 renewed.

3 **JURISDICTION**

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

6 4. Section 2234 of the Code, states in pertinent part:

7 "The board shall take action against any licensee who is charged with unprofessional
8 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
9 limited to, the following:

10 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
11 violation of, or conspiring to violate any provision of this chapter.

12 ...

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

14 5. Section 2227 of the Code states:

15 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical
16 Quality Hearing Panel as designated in Section 11371 of the Government Code; or whose default
17 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
18 action with the board, may, in accordance with the provisions of this chapter:

19 "(1) Have his or her license revoked upon order of the board.

20 "(2) Have his or her right to practice suspended for a period not to exceed one year upon
21 order of the board.

22 "(3) Be placed on probation and be required to pay the costs of probation monitoring upon
23 order of the board.

24 "(4) Be publicly reprimanded by the board. The public reprimand may include a
25 requirement that the licensee complete relevant educational courses approved by the board.

26 "(5) Have any other action taken in relation to discipline as part of an order of probation, as
27 the board or an administrative law judge may deem proper.

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1 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
2 review or advisory conferences, professional competency examinations, continuing education
3 activities, and cost reimbursement associated therewith that are agreed to with the board and
4 successfully completed by the licensee, or other matters made confidential or privileged by
5 existing law, is deemed public, and shall be made available to the public by the board pursuant to
6 Section 803.1.”

7 6. Section 2236 of the Code states:

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

12 “(b) The district attorney, city attorney, or other prosecuting agency shall notify the
13 Division of Medical Quality¹ of the pendency of an action against a licensee charging a felony or
14 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
15 notice shall identify the licensee and describe the crimes charged and the facts alleged. The
16 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
17 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
18 a license as a physician and surgeon.

19 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
20 after the conviction, transmit a certified copy of the record of conviction to the board. The
21 division may inquire into the circumstances surrounding the commission of a crime in order to fix
22 the degree of discipline or to determine if the conviction is of an offense substantially related to
23 the qualifications, functions, or duties of a physician and surgeon.

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26 ¹ Business and Professions Code section 2002, effective January 1, 2008, provides that,
27 unless otherwise expressly provided, the term “board” as used in the State Medical Practice Act
28 (Bus. & Prof. Code, § 2000 et seq.) means the “Medical Board of California,” and references to
the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision
of law shall be deemed to refer to the Board.

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

4 7. Section 802.1 of the Code states:

5 “(a) (1) A physician and surgeon . . . shall report either of the following to the entity that
6 issued his or her license:

7 (A) The bringing of an indictment or information charging a felony against the licensee.

8 (B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no
9 contest of any felony or misdemeanor.

10 (2) The report required by this subdivision shall be made in writing within 30 days of the
11 date of the bringing of the indictment or information or of the conviction.

12 (b) Failure to make a report required by this section shall be a public offense punishable by
13 a fine not to exceed five thousand dollars (\$5,000).”

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Conviction of a Crime/Unprofessional Conduct)

16 8. Respondent is subject to disciplinary action under sections 2236 and 2234 in that he
17 was convicted of a crime substantially related to the qualifications, functions, or duties of a
18 physician and surgeon and engaged in unprofessional conduct. The circumstances are as follows:

19 9. Beginning on a date unknown, but continuing through on or about May 9, 2017, in
20 San Francisco County, Respondent knowingly possessed over 600 images of child pornography.
21 The images showed minors engaged in sexually explicit conduct. Many of the images contained
22 pre-pubescent minors who had not attained the age of 12 years and some images depicted sexual
23 abuse or exploitation of an infant or toddler. Also, some of the images portrayed masochistic or
24 sadistic or violent conduct. While at work as a resident at the University of California San
25 Francisco (UCSF) in the Psychiatry Department, Respondent uploaded and traded child
26 pornography online, at times using the UCSF Wi-Fi.

27 10. On November 30 2017, in the case of *United States of America v. Billy John*
28 *Lockhart*, United States District Court, Northern District of California case number 17-CR-604,

1 Respondent was charged with violation of 18 U.S.C. sections 2252 (a)(4)(B), and (b)(2):
2 Possession of Child Pornography.

3 11. On July 18, 2018, in the case of *United States of America v. Billy John Lockhart*,
4 United States District Court, Northern District of California case number 17-CR-604 following a
5 plea of guilty, Respondent was convicted of one count of possession of child pornography in
6 violation of 18 U.S.C. sections 2252(a)(4)(B), (b)(2).

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Failure to Report Indictment/Information and Conviction)


9 12. Respondent is subject to further disciplinary action under Business and Professions
10 Code section 802.1 in that he failed to report the bringing of an indictment or information and
11 conviction to the Board in writing within 30 days of the date of the bringing of the indictment or
12 information or of the conviction.

13 **PRAYER**

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

- 16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 144446,
17 issued to Respondent;
- 18 2. Revoking, suspending or denying approval of Respondent's authority to supervise
19 physician assistants and advanced practice nurses;
- 20 3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation
21 monitoring; and
- 22 4. Taking such other and further action as deemed necessary and proper.

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24 DATED:
25 November 14, 2018

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