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

13 In the Matter of the Accusation Against:

Case No. 800-2017-035147

14 **ROY OTTO RESNIKOFF, M.D.**
15 **1104 Pearl Street**
La Jolla, CA 92037

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G23495,**

18 Respondent.

19
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 October 6, 1972, the Medical Board issued Physician's and Surgeon's
26 Certificate Number G23495 to Roy Otto Resnikoff, M.D. (Respondent). Physician's and
27 Surgeon's Certificate No. G23495 was in full force and effect at all times relevant to the charges
28 brought herein and will expire on March 31, 2019, unless renewed.

6. Section 822 of the Code states:

“If a licensing agency determines that its licentiate’s ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

“(a) Revoking the licentiate’s certificate or license.

“(b) Suspending the licentiate’s right to practice.

“(c) Placing the licentiate on probation.

“(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

“The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person’s right to practice his or her profession may be safely reinstated.”

SECTION 822 CAUSE FOR ACTION

(Mental Illness Affecting Competency)

7. Respondent is subject to action under section 822 of the Code in that his ability to practice medicine safely is impaired due to mental illness affecting competency, as more particularly alleged hereinafter:

8. On or about July 28, 2017, the Board received a complaint from a family member of Respondent regarding Respondent’s mental health.

9. On or about July 28, 2017, the Board received documents from two psychiatrists and a psychologist who examined Respondent in or around January and February 2017. After Respondent submitted to a comprehensive medical and psychiatric evaluation which included cognitive testing, psychiatrists D.S. and K.V. found that Respondent’s clinical evaluation and history were consistent with a diagnosis of dementia. Psychologist J.M. examined Respondent and opined that Respondent’s testing suggested the presence of a major neurocognitive disorder.

1 10. According to the Letters of Conservatorship of the Person under the Lanterman-
2 Petris-Short Act and an Order Appointing Conservator of the Person dated September 26, 2017,
3 Respondent was deemed a gravely disabled person, being unable to provide for his basic personal
4 needs for food, clothing or shelter. A public conservator was appointed as Respondent's
5 conservator and remained in effect until September 26, 2018.

6 **PRAYER**

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


9 1. Revoking or suspending Physician's and Surgeon's Certificate No. G23495, issued to
10 Respondent Roy Otto Resnikoff, M.D.;

11 2. Revoking, suspending or denying approval of Respondent Roy Otto Resnikoff,
12 M.D.'s authority to supervise physician assistants and advanced practice nurses;

13 3. Ordering Respondent Roy Otto Resnikoff, M.D., if placed on probation, to pay the
14 Board the costs of probation monitoring; and

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

16
17 DATED: November 5, 2018


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

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