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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 20 20 19
BY Suzanne Simon ANALYST

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

In the Matter of the Accusation Against:
JUSTIN SIMON, M.D.
3001 Dana Street
Berkeley, CA 94705

Physician's and Surgeon's Certificate
No. A 15207,

Respondent.

Case No. 800-2017-039063
ACCUSATION

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).
2. On June 22, 1953, the Medical Board issued Physician's and Surgeon's Certificate Number A 15207 to Justin Simon, M.D. (Respondent). The Physician's and Surgeon's Certificate is delinquent, having expired on March 31, 2019.

JURISDICTION

3. This 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.

1 generalized anxiety disorder, and later, Attention Deficit Hyperactivity Disorder. Respondent
2 failed to document a basis for either diagnosis, or that he conducted an adequate evaluation of the
3 patient to support the prescriptions issued. Respondent's cursory medical record was difficult to
4 review due to illegibility and his use of unconventional abbreviations. The record did not
5 document an adequate patient evaluation and assessment, that informed consent was provided to
6 Patient #2, or the basis for Respondent's diagnosis. Respondent also failed to coordinate care
7 with other providers, or to take steps to determine whether Patient #2 was receiving prescriptions
8 from other sources. In fact, other physicians were prescribing benzodiazepines and opioids at the
9 same time.

10 9. Respondent treated Patient #3 from 2015 -2018. Respondent initially diagnosed the
11 patient with Attention Deficit Hyperactivity Disorder based on a full clinical assessment, and
12 appropriately treated the patient with stimulants. Subsequently, Respondent increased the dosage
13 of stimulant to a level above the FDA approved dose, without a documented rationale or
14 indication. Respondent also prescribed a benzodiazepine and sleep medication without noting a
15 basis for a diagnosis to support the prescribing, and without apparent consideration of discussion
16 with the patient of the risk of the combined use of the prescribed medications. Respondent's
17 cursory medical record was difficult to review due to illegibility and his use of unconventional
18 abbreviations. The record did not document an adequate patient evaluation and assessment of an
19 anxiety or sleep disorder, that informed consent was provided to Patient #3 for prescribing
20 multiple medications, or the rationale for prescribing in excess of recommended dosages.

21 10. Respondent subject to disciplinary action for unprofessional conduct under section
22 2234, and/or 2234(b) and/or 2234(c) in that Respondent was grossly negligent and/or committed
23 repeated acts of negligence in his care and treatment of Patient #1, Patient #2 and Patient #3.

24 11. Respondent is subject to disciplinary action for unprofessional conduct under section
25 2266 of the code in that he failed to maintain adequate and accurate medical records for Patient
26 #1, Patient #2 and Patient #3.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 15207, issued to Justin Simon, M.D.;
2. Revoking, suspending or denying approval of Justin Simon, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Justin Simon, 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: June 20, 2019


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

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