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BY R. Wong ANALYST

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

In the Matter of the Accusation Against:
George Lawrence Wilkinson, M.D.
702 Marshall St., Ste. 410
Redwood City, CA 94063-1825
Physician's and Surgeon's Certificate
No. G 21294,
Respondent.

Case No. 800-2018-041332

A C C U S A T I O N

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 September 1, 1971, the Board issued Physician's and Surgeon's Certificate Number G 21294 to George Lawrence Wilkinson, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2020, unless renewed.

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JURISDICTION

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

4 4. Section 2004 of the Code provides that the Board shall have the responsibility for the
5 enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

6 5. Section 2227 of the Code authorizes the Board to take action against a licensee who
7 has been found guilty under the Medical Practice Act by revoking his or her license, suspending
8 the license for a period not to exceed one year, placing the license on probation and requiring
9 payment of costs of probation monitoring, or taking such other action as the Board deems proper.

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

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

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

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16 7. Section 2236 of the Code states:

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

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

23 8. Section 2239 of the Code states:

24 (a) The use or prescribing for or administering to himself or herself, of any
25 controlled substance; or the use of any of the dangerous drugs specified in Section
26 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
dangerous or injurious to the licensee, or to any other person or to the public, or to
27 the extent that such use impairs the ability of the licensee to practice medicine safely
or more than one misdemeanor or any felony involving the use, consumption, or
28 self-administration of any of the substances referred to in this section, or any
combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

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

11 9. California Code of Regulations, title 16, section 1360, states:

12 For the purposes of denial, suspension or revocation of a license, certificate or
13 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
14 or act shall be considered to be substantially related to the qualifications, functions
15 or duties of a person holding a license, certificate or permit under the Medical
16 Practice Act if to a substantial degree it evidences present or potential unfitness of a
17 person holding a license, certificate or permit to perform the functions authorized by
18 the license, certificate or permit in a manner consistent with the public health, safety
19 or welfare. Such crimes or acts shall include but not be limited to the following:
20 Violating or attempting to violate, directly or indirectly, or assisting in or abetting
21 the violation of, or conspiring to violate any provision of the Medical Practice Act.

22 CAUSE FOR DISCIPLINE

23 **(Unprofessional Conduct: Dangerous Use of Alcohol and DUI Conviction)**

24 10. On Sunday night, September 25, 2016, at approximately 9:06 p.m., Redwood City
25 police officers were dispatched to investigate a report that an individual had driven a vehicle into
26 a telephone pole and then had driven away. The officers arrived at the reported intersection and
27 observed a telephone pole with a pool of radiator fluid at its base. They followed a trail of the
28 radiator fluid for approximately 1,000 feet to Respondent's home, where they found Respondent
lying on the ground near his damaged car.

11 11. Respondent admitted drinking several alcoholic beverages that night, before driving
12 his car into the telephone pole and then driving home.

13 12. Respondent displayed objective signs of intoxication and his performance during a
14 series of field sobriety tests was consistent with alcohol impairment. Preliminary alcohol
15 screening tests showed Respondent's blood alcohol content (BAC) to have been 0.292% and
16 0.278%. The officers arrested Respondent for driving under the influence of alcohol. Further

1 alcohol breath screening tests showed Respondent's BAC to have been 0.26% at 11:34 p.m. and
2 0.26% at 11:37 p.m.

3 13. On December 13, 2016, the San Mateo District Attorney's Office filed a
4 Misdemeanor Complaint in San Mateo County Superior Court, in Case No. 16SM014412,
5 charging Respondent with violating Vehicle Code sections 23152(a) (driving while under the
6 influence of alcohol), 23152(b) (driving with a blood alcohol content of 0.08 percent or more),
7 and 20002(a) (hit and run driving resulting in property damage). The Complaint also included a
8 special allegation that Respondent's BAC was 0.15 percent or greater, within the meaning of
9 Vehicle Code section 23578.

10 14. On February 2, 2018, Respondent pleaded no contest to violating Vehicle Code
11 section 23152(b) (driving with a blood alcohol content of 0.08 percent or more) and admitted the
12 special allegation that his BAC had been 0.15 percent or greater, within the meaning of Vehicle
13 Code section 23578. As part of Respondent's plea bargain, the District Attorney's office
14 dismissed the charges that he had violated Vehicle Code sections 23152(a) (driving while under
15 the influence of alcohol) and 20002(a) (hit and run driving resulting in property damage).

16 15. The court sentenced Respondent to four days of jail and three years of court
17 probation, to be served through February 2, 2021. The court also ordered Respondent to pay a
18 fine and to complete the First Offender DUI Program.

19 16. Respondent drove his car while under the influence of an excessive amount of alcohol
20 in a manner dangerous to himself and others, in violation of Code section 2239 (dangerous use of
21 alcohol) and section 2234 (unprofessional conduct).

22 17. Respondent's February 2, 2018 criminal conviction for driving with a blood alcohol
23 content greater than 0.08% and his admission to the special allegation confirming his BAC to
24 have been 0.15% or greater are substantially related to the qualifications, functions and duties of a
25 physician and surgeon. As such, his conviction constitutes a violation of Code section 2236
26 (criminal conviction) and section 2234 (unprofessional conduct).

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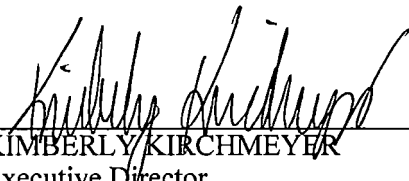
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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 21294, issued to Respondent;
2. Revoking, suspending, or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent, 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: August 23, 2018


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

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