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

13 IN THE MATTER OF THE ACCUSATION
AGAINST:

Case No. 800-2018-045767

14 MAUREEN FULCHIERO GORDON, M.D.

A C C U S A T I O N

15 11980 San Vicente Boulevard, Suite 704
16 Los Angeles, California 90049

17 Physician's and Surgeon's Certificate
No. A 24979,

18 Respondent.
19

20 **PARTIES**

21 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
22 as the Interim Executive Director of the Medical Board of California (Board).

23 2. On September 13, 1972, the Board issued Physician's and Surgeon's Certificate
24 Number A 24979 to Maureen Fulchiero Gordon, M.D. (Respondent). That license was in full
25 force and effect at all times relevant to the charges brought herein and will expire on March 31,
26 2021, unless renewed.

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1 **JURISDICTION**

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 (Code) unless otherwise
4 indicated.

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

9 5. Section 2234 of the Code, states, in pertinent part:

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

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

15 (b) Gross negligence.

16 (c) Repeated negligent acts. To be repeated, there must be two or more
17 negligent acts or omissions. An initial negligent act or omission followed by a
18 separate and distinct departure from the applicable standard of care shall constitute
19 repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically
appropriate for that negligent diagnosis of the patient shall constitute a single
negligent act.

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20 6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain
21 adequate and accurate records relating to the provision of services to their patients constitutes
22 unprofessional conduct."

23 **DRUG DEFINITIONS**

24 7. Acetaminophen with codeine (aka Tylenol #4) is a narcotic drug containing 300 mg.
25 of acetaminophen and 60 mg. of codeine. It is used to treat mild to moderate pain. It is classified
26 as a Schedule III controlled substance.

27 8. Zolpidem (aka Ambien) is a sedative-hypnotic prescribed for the short-term treatment
28 of insomnia. It is classified as a Schedule IV controlled substance.

1 9. Clonazepam (aka Klonopin) is an anti-seizure medication that is also used to treat
2 panic attacks. It is classified as a Schedule IV controlled substance.

3 10. Amoxicillin clavulanate (aka Augmentin) is an antibiotic used to treat a variety of
4 bacterial infections.

5 11. Azithromycin (aka Z-Pak) is an antibiotic used to treat a variety of bacterial
6 infections.

7 12. Oseltamivir (aka Tamiflu) is an antiviral medication that blocks the influenza virus.

8 13. The drugs defined in Paragraphs 7 through 12 are dangerous drugs, pursuant to
9 section 4022 of the Code.

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Gross Negligence)

12 14. Respondent Maureen Fulchiero Gordon, M.D. is subject to disciplinary action under
13 section 2234, subdivision (b), of the Code in that she was grossly negligent in her care and
14 treatment of Patient 1.

15 15. Respondent practices medicine as a psychiatrist.

16 16. Respondent is married to Patient 1, who is also a licensed physician.

17 17. Respondent prescribed the following drugs to Patient 1:

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DATE	DRUG	DOSE	PILLS/REFILLS
7/29/2015	Klonopin	.5 mg, one pill twice per day	40/0
11/6/2016	Augmentin	500/125 mg., one pill twice per day for 10 days	20/0
11/10/2016	Ambien	5 mg., 1 to 2 pills at bedtime	30/0
11/11/16	Tamiflu	75 mg., one pill twice per day	10/1
1/9/2017	Ambien	10 mg., as needed for sleep	30/0
1/9/2017	Z-Pak	250 mg, two pills on day one, then one pill per day	6/0
1/9/2017	Tylenol #4	300/60 mg., 1 pill every 12 hours	60/0
3/7/2017	Ambien	5 mg., one to two pills at bedtime	30/0
4/14/2017	Tylenol #4	300/60 mg., 1 pill every 12 hours as needed	60/1
5/2/2017	Ambien	5 mg., one to two pills at bedtime	30/5
6/23/2017	Tylenol #4	300/60 mg., one pill every 8 hours as needed	60/1
9/12/2017	Tylenol #4	300/60 mg., one pill every 8	60/0

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		hours as needed	
1	9/16/2017	Z-Pak	250 mg., 2 pills on day one, then one pill per day
2	11/28/2017	Ambien	5 mg., one to two pills at bedtime
3	12/8/2017	Tylenol #4	300/60 mg., one pill every 8 hours as needed
4	12/21/2017	Ambien	10 mg., one pill at bedtime
5	5/25/2018	Ambien	10 mg., one pill at bedtime
	7/11/2018	Ambien	10 mg., one pill at bedtime

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7 18. The standard of care requires that a physician keep legible, timely, and accurate

8 medical records for all medical care rendered. Prescribing medications constitutes medical care.

9 19. The standard of care requires that a physician generally refrain from prescribing

10 medications to oneself or one's own family members, except in limited situations, such as

11 providing care limited in scope and duration to a family member needing minor care or in a true

12 emergency situation.

13 20. From at least July 2015 through July 2018, Respondent prescribed dangerous drugs,

14 including controlled substances to Patient 1.

15 21. Respondent failed to prepare or maintain medical records detailing her clinical

16 observations and providing her rationale for prescribing antibiotics, controlled substances, and

17 antiviral medication that she prescribed to Patient 1.

18 22. Respondent prescribed dangerous drugs, including controlled substances, to Patient 1,

19 a family member, over an extended period of time.

20 23. The pattern of prescribing demonstrates that Respondent prescribed dangerous drugs

21 in a manner that was neither limited in scope nor consisting of minor care or an emergency

22 situation.

23 24. Respondent was grossly negligent in the care and treatment of Patient 1 as follows:

24 a. Respondent prescribed dangerous drugs, including controlled substances, to

25 Patient 1 without documenting an appropriate medical examination;

26 b. Respondent regularly prescribed medications, including controlled substance to

27 Patient 1, her husband, under circumstances that did not warrant such prescribing.

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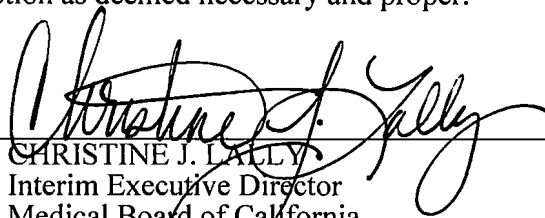
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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 24979, issued to Respondent Maureen Fulchiero Gordon, M.D.;
2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;
3. If placed on probation, ordering Respondent to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: December 9, 2019



CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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