

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

In the Matter of the Accusation)
Against:)
)
)
Scott Ispirescu, M.D.,)
)
Physician's and Surgeon's)
Certificate No. A63583)
)
Respondent)
_____)

Case No. 04-2010-209853

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 17, 2012.

IT IS SO ORDERED: July 20, 2012.

MEDICAL BOARD OF CALIFORNIA



Shelton Duruisseawu, Ph.D., Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-7373
6 Facsimile: (213) 897-9395
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11 Scott Ispirescu, M.D.
12 Respondent.

Case No. 04-2010-209853
OAH No. 2011090547

13 **STIPULATED SETTLEMENT AND**
14 **DISCIPLINARY ORDER**

15 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
16 entitled proceedings that the following matters are true:

17 PARTIES

18 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
19 California. She brought this action solely in her official capacity and is represented in this matter
20 by Kamala D. Harris, Attorney General of the State of California, by Cindy M. Lopez, Deputy
21 Attorney General.

22 2. Scott Ispirescu, M.D. (Respondent) is represented in this proceeding by attorney Joel
23 Bruce Douglas, whose address is: 3699 Wilshire Boulevard, 10th Floor
24 Los Angeles, California 90010-2719

25 3. On or about October 3, 1997, the Medical Board of California issued Physician and
26 Surgeon's Certificate No. A63583 to Respondent. The license was in full force and effect at all
27

1 times relevant to the charges brought in Accusation No. 04-2010-209853 and will expire on
2 August 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 04-2010-209853 was filed before the Medical Board of California
5 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 August 17, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 04-2010-209853 is attached as exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 04-2010-209853. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. For the purpose of resolving the Accusation without the expense and uncertainty of
26 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
27 basis for the charges in the Accusation No. 04-2010-209853, and that Respondent hereby gives
28 up his right to contest those charges.

1 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
2 Respondent shall participate in and successfully complete that program. Respondent shall
3 provide any information and documents that the program may deem pertinent. Respondent shall
4 successfully complete the classroom component of the program not later than six (6) months after
5 Respondent's initial enrollment, and the longitudinal component of the program not later than the
6 time specified by the program, but no later than one (1) year after attending the classroom
7 component. The professionalism program shall be at Respondent's expense and shall be in
8 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

9 A professionalism program taken after the acts that gave rise to the charges in the
10 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
11 or its designee, be accepted towards the fulfillment of this condition if the program would have
12 been approved by the Board or its designee had the program been taken after the effective date of
13 this Decision.

14 Respondent shall submit a certification of successful completion to the Board or its
15 designee not later than 15 calendar days after successfully completing the program or not later
16 than 15 calendar days after the effective date of the Decision, whichever is later.

17 2. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the
18 effective date of this Decision, Respondent shall enroll in a professional boundaries program
19 equivalent to the Professional Boundaries Program offered by the Physician Assessment and
20 Clinical Education Program at the University of California, San Diego School of Medicine
21 ("Program"). Respondent, at the Program's discretion, shall undergo and complete the Program's
22 assessment of Respondent's competency, mental health and/or neuropsychological performance,
23 and at minimum, a 24 hour program of interactive education and training in the area of
24 boundaries, which takes into account data obtained from the assessment and from the Decision(s),
25 Accusation(s) and any other information that the Board or its designee deems relevant. The
26 Program shall evaluate Respondent at the end of the training and the Program shall provide any
27 data from the assessment and training as well as the results of the evaluation to the Board or its
28 designee.

1 Failure to complete the entire Program not later than six (6) months after Respondent's
2 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees
3 in writing to a later time for completion. Based on Respondent's performance in and evaluations
4 from the assessment, education, and training, the Program shall advise the Board or its designee
5 of its recommendation(s) for additional education, training, psychotherapy and other measures
6 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with
7 Program recommendations. At the completion of the Program, Respondent shall submit to a final
8 evaluation. The Program shall provide the results of the evaluation to the Board or its designee.
9 The professional boundaries program shall be at Respondent's expense and shall be in addition to
10 the Continuing Medical Education (CME) requirements for renewal of licensure.

11 The Program has the authority to determine whether or not Respondent successfully
12 completed the Program.

13 A professional boundaries course taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
15 or its designee, be accepted towards the fulfillment of this condition if the course would have
16 been approved by the Board or its designee had the course been taken after the effective date of
17 this Decision.

18 3. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
19 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
20 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
21 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
22 consider any information provided by the Board or designee and any other information the
23 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
24 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
25 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
26 psychiatric evaluations and psychological testing.

27 Respondent shall comply with all restrictions or conditions recommended by the evaluating
28 psychiatrist within 15 calendar days after being notified by the Board or its designee.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is prohibited from supervising physician assistants.

6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

8. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no

1 circumstances shall a post office box serve as an address of record, except as allowed by Business
2 and Professions Code section 2021(b).

3 Place of Practice

4 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
5 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
6 facility.

7 License Renewal

8 Respondent shall maintain a current and renewed California physician's and surgeon's
9 license.

10 Travel or Residence Outside California

11 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
12 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
13 (30) calendar days.

14 In the event Respondent should leave the State of California to reside or to practice
15 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
16 departure and return.

17 9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
18 available in person upon request for interviews either at Respondent's place of business or at the
19 probation unit office, with or without prior notice throughout the term of probation.

20 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
21 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
22 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
23 defined as any period of time Respondent is not practicing medicine in California as defined in
24 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
25 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
26 time spent in an intensive training program which has been approved by the Board or its designee
27 shall not be considered non-practice. Practicing medicine in another state of the United States or
28 Federal jurisdiction while on probation with the medical licensing authority of that state or

1 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
2 not be considered as a period of non-practice.

3 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
4 months, Respondent shall successfully complete a clinical training program that meets the criteria
5 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
6 Disciplinary Guidelines" prior to resuming the practice of medicine.

7 Respondent's period of non-practice while on probation shall not exceed two (2) years.

8 Periods of non-practice will not apply to the reduction of the probationary term.

9 Periods of non-practice will relieve Respondent of the responsibility to comply with the
10 probationary terms and conditions with the exception of this condition and the following terms
11 and conditions of probation: Obey All Laws; and General Probation Requirements.

12 11. COMPLETION OF PROBATION. Respondent shall comply with all financial
13 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
14 completion of probation. Upon successful completion of probation, Respondent's certificate shall
15 be fully restored.

16 12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
17 of probation is a violation of probation. If Respondent violates probation in any respect, the
18 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
19 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
20 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
21 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
22 the matter is final.

23 13. LICENSE SURRENDER. Following the effective date of this Decision, if
24 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
25 the terms and conditions of probation, Respondent may request to surrender his or her license.
26 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
27 determining whether or not to grant the request, or to take any other action deemed appropriate
28 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent

1 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
2 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
3 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
4 application shall be treated as a petition for reinstatement of a revoked certificate.

5 14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
6 with probation monitoring each and every year of probation, as designated by the Board, which
7 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
8 California and delivered to the Board or its designee no later than January 31 of each calendar
9 year.

10 15. EARLY TERMINATION. Respondent agrees that if he ever petitions for early
11 termination or modification of probation, or if the Board ever petitions for revocation of
12 probation, all of the charges and allegations contained in Accusation No. 04-2010-209853 shall
13 be deemed true, correct and fully admitted by respondent for purposes of that proceeding or any
14 other licensing proceeding involving respondent in the State of California.

15
16 ACCEPTANCE

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
18 discussed it with my attorney, Joel Bruce Douglas. I understand the stipulation and the effect it
19 will have on my Physician and Surgeon's Certificate. I enter into this Stipulated Settlement and
20 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
21 Decision and Order of the Medical Board of California.

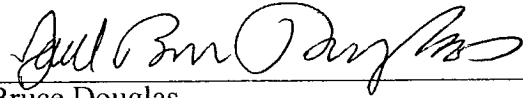
22
23 DATED: 5/21/12


24 SCOTT ISPIRESCU, M.D.
Respondent

25 I have read and fully discussed with Respondent SCOTT ISPIRESCU, M.D. the terms and
26 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
27 I approve its form and content.

28 DATED: _____

5/21/12



Joel Bruce Douglas
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

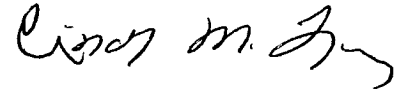
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 6.19.12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



CINDY M. LOPEZ
Deputy Attorney General
Attorneys for Complainant

LA2011503364
Stipulation.rtf

Exhibit A

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 897-7373
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 17, 20 11
BY Linda K. Whitney

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

11 In the Matter of the Accusation Against:
12 SCOTT ISPIRESCU, M.D.
13 P.O. Box 4676
14 Mission Viejo, California 92690
15 Physician's and Surgeon's Certificate A63583,
16 Respondent.

Case No. 04-2010-209853

A C C U S A T I O N

17
18
19 Complainant alleges:

20 PARTIES

- 21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Director of the Medical Board of California (Board).
- 23 2. On or about October 3, 1997, the Medical Board of California issued Physician and
24 Surgeon's Certificate number A63583 to Scott Ispirescu, M.D. (Respondent). That license was in
25 full force and effect at all times relevant to the charges brought herein and will expire on August
26 31, 2013, unless renewed.
- 27
28

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.

4. Section 2234 of the Code states:

"The Division of Medical Quality¹ shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

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

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practices Act (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 (f) Any action or conduct which would have warranted the denial of a certificate."

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Gross Negligence)

8 6. Respondent is subject to disciplinary action for gross negligence under section 2234,
9 subdivision (b) in that he violated doctor - patient boundaries in his care and treatment of patient
10 S.F. The circumstances are as follows:

11 A. Patient, S.F. had a total of two appointments with Respondent. She had previously
12 been treated for ADHD and needed to find a new provider. She initially saw Respondent on
13 August 11, 2010 for a consultation. He prescribed Adderall and Xanax.

14 B. S.F. came back for a follow-up appointment two weeks later on August 25, 2010.
15 They discussed the medications. The previous medical record from another physician showed
16 that she had been prescribed Zoloft and Xanax, and had "frontal lobe pathology of unknown
17 etiology".² However, this was not discussed with the patient.

18 C. Several hours after the appointment, Respondent called S.F. and told her he felt they
19 had chemistry and suggested she might get another psychiatrist and asked her out on a date. He
20 asked that she not use him as a resource in the future, and not to tell other psychiatrists that she
21 had seen him.

22 D. On their first date they went to a movie and a restaurant. They went on a second date
23 and he discussed religion with her which made her feel uncomfortable, and on the third date they
24 went to eat in Laguna. In only two days, from September 3 through September 4, 2010,

25 _____
26 ² The functions of the frontal lobe involve the ability to recognize future consequences resulting from current actions,
27 to choose between good and bad actions (or better and best), override and suppress unacceptable social responses,
28 and determine similarities and differences between things or events. Therefore, it is involved in higher mental
functions. The frontal lobes are considered our emotional control center and home to our personality. The frontal
lobes are extremely vulnerable to injury due to their location at the front of the cranium.

1 Respondent sent S.F. over 26 text messages. In these texts Respondent admitted he overstepped
2 boundaries when discussing religion with her and told her he wanted to keep the relationship
3 going. She told him she no longer wanted to see him. Respondent arrived, unannounced at the
4 patient's house on September 3 and 7, 2010. On one occasion S.F. was coming back from work
5 and Respondent was waiting for her with a dozen roses. He told her that he did not want to let
6 her go.

7 E. S.F. had a friend who knew Respondent's brother, and S.F. asked her friend if she
8 could ask the Respondent to stop bothering her.

9 F. There were no notes in the patient's chart about referring her to another physician and
10 no evidence that he sent the patient a statement terminating treatment with her.

11 Allegations of Gross Negligence:

12 G. This patient told Respondent she had just broken up with her boyfriend, and she was
13 identified as having frontal lobe pathology. With this combination, it was incumbent upon
14 Respondent to refrain from gratifying his own needs by exploiting the patient.

15 H. Doctors are required to place their patients' interests ahead of their own; however,
16 Respondent failed to do so in this case. Respondent was unable to provide objective treatment and
17 he seriously violated the doctor-patient boundary issues by taking the patient out on dates, and
18 then refusing to leave her alone when she asked him to do so.

19 SECOND CAUSE FOR DISCIPLINE

20 (Repeated Negligent Acts)

21 7. Respondent is subject to disciplinary action under section 2234, subdivision(c) in that
22 he was repeatedly negligent in his care and treatment of patient S.F.

23 A. The facts and circumstances alleged above in paragraphs 6(A) through 6(H) are
24 incorporated herein as if fully set forth.

25 B. Respondent failed to provide a full and complete evaluation of the patient when she
26 initially presented on August 11, 2010. There was no exploration of why this patient had been on
27 anti anxiety medication and Respondent failed to inquire about her frontal lobe pathology.

28 //

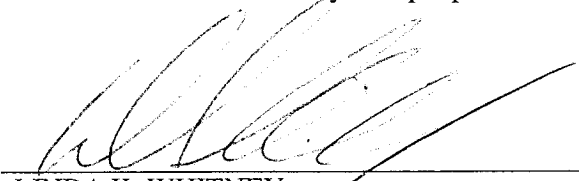
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 and Surgeon's Certificate number A63583, issued to Scott Ispirescu, M.D.
2. Revoking, suspending or denying approval of his authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. If placed on probation, ordering him to pay the Medical Board of California the costs of probation monitoring;
4. Taking such other and further action as deemed necessary and proper.

DATED: August 17, 2011



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

LA2011503364