

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

**In the Matter of the Petition for Penalty)
Relief/Termination of Probation:)**

Allen Robert Doran, M.D.)

Case No. 26-2010-208152

**Physician's and Surgeon's)
Certificate No. G 50024)**

Petitioner)
_____)

DECISION

The attached Proposed Decision 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 19, 2011.

IT IS SO ORDERED July 22, 2011.

MEDICAL BOARD OF CALIFORNIA

By: *Shelton Duruisseau*
**Shelton Duruisseau, Ph.D., Chair
Panel A**

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ALLEN ROBERT DORAN, M.D.,

Petitioner.

Case No. 26-2010-208152

OAH No. 2011010738

PROPOSED DECISION

Administrative Law Judge Steven C. Owyang, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on May 26, 2011.

Petitioner Allen Robert Doran, M.D., was present and represented himself.

Lynne K. Dombrowski, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

The matter was submitted on May 26, 2011.

FACTUAL FINDINGS

1. Allen Robert Doran, M.D., filed a petition for penalty relief/termination of probation that was received by the Medical Board of California on July 9, 2010.
2. Petitioner was issued Physician's and Surgeon's Certificate Number G 50024 on June 6, 1983. The certificate is renewed and current, with an expiration date of May 31, 2013.
3. Pursuant to a stipulated decision that took effect on April 21, 1997, the board ordered a stayed revocation of petitioner's certificate, and placed him under probationary terms and conditions for a period of 15 years. The decision grew out of sexual misconduct and sexual contact with "J.W.," a woman with whom petitioner had become romantically involved. Petitioner eventually provided prescription medications to J.W., although he had not seen her as a patient. Petitioner also billed J.W.'s insurance for medication.

Petitioner described his conduct in a narrative statement accompanying his petition for penalty relief:

I became romantically involved with J.W. in 1993 and in the subsequent year I naively prescribed medication for her. In my own mind I never considered her as a patient and this was my first major mistake. I later became more involved helping her as if she was a family member. She wanted to repay me for giving her medication and suggested I bill her insurance. She was never seen as a patient in my office, but her insurance was billed. This was yet another mistake on my part. J.W. and I always had a good relationship and she remained supportive of me. She never felt that I had done anything wrong. Her former boyfriend physically attacked me in January, 1995 while I was seeing her. He was found guilty of manslaughter and sent to prison. During the trial his attorney reported my involvement with J.W. to the Medical Board.

The stipulated decision suspended petitioner from the practice of medicine for 90 days. It imposed probationary terms and conditions, including: not treating female patients; not engaging in a solo practice; undergoing a psychiatric evaluation and treatment; not engaging in the practice of medicine until determined to be capable of practicing medicine safely; a requirement to undergo psychotherapy; filing quarterly reports; practicing under probation surveillance; and, reimbursing the board's costs of investigation and prosecution. Petitioner has complied with the terms of his probation, including paying cost recovery and probation costs. The only probationary terms still in effect are the prohibitions against treating female patients and against solo practice.

4. Petitioner had not previously been subject to discipline.

5. Petitioner started psychotherapy with Dr. Benjamin Kaufman in October 1994, before the board's decision and imposition of probationary terms. Petitioner did so because he wanted to understand why he had engaged in a relationship with J.W. Petitioner continued seeing Dr. Kaufman until the summer of 1997.

6. Petitioner began working at Pelican Bay State Prison in September 1997, and continued in weekly therapy with clinical psychologist Mary McFarland, Ph.D., until October 1998.

In an August 31, 1998, quarterly report to the board Senior Investigator Everett Gremminger, Dr. McFarland recommended that in light of Dr. Doran's previous therapy and current progress, his therapy should be terminated at the end of October 1998.

On October 30, 1998, Senior Investigator Gremminger informed Dr. McFarland that the State Medical Consultant had approved the termination of Dr. Doran's therapy sessions, with the request that he be allowed to return to periodic therapy if he felt it necessary.

Petitioner had some four years of psychotherapy between Drs. Kaufman and McFarland. Therapy assisted him in coming to insights about the conduct that led to his discipline. He understands that his conduct with J.W. was a mistake and has taken steps to ensure that he will not again cross the boundary between a professional and a personal relationship.

7. Petitioner maintains friendships with male and female physicians and nurses. He regularly talks with them about appropriate conduct with patients.

8. Petitioner complied with the requirement to file quarterly reports with the board. In a May 31, 1999, quarterly supervision report, psychiatrist Eberhardt K. Sauerland, M.D., wrote:

Dr. Doran continues to direct the psychiatric services at our EOP (Enhanced Outpatient Program) and also the SHU (Secure Housing Unit). He is seen as a leader and functions admirably with psychologists, social workers, and nursing staff. He [h]as taken on the additional responsibility of Acting Senior Psychiatrist. As in the past, Dr. Doran is performing in an excellent manner and is well liked by all staff.

9. In a July 30, 1999, letter to the board, Dwight W. Winslow, M.D., Health Care Manager, Pelican Bay State Prison, wrote:

Allen Doran, M.D., has been working for Pelican Bay State Prison for the past two years. He has worked all areas of the prison and has demonstrated his proficiency in these areas. Dr. Doran has worked well with the staff in an interdisciplinary approach. Dr. Doran has also been in an acting position as the Senior Psychiatrist and Chief Psychiatrist. He has regularly performed his duties well and has received the respect and recognition from his colleagues.

Dr. Winslow wrote further:

I support Dr. Doran's request for termination of his individual one-to-one supervision at this juncture. I believe that he has demonstrated his ability to perform in a professional manner during the past two years and will continue to do so in our group/staff setting. In addition, as part of the Health Care

Services Unit staff at Pelican Bay State Prison, he will continue to be supervised by multiple qualified physicians.

10. In a November 30, 1999, quarterly supervision report to the board, Dr. Winslow wrote that petitioner continued to perform in an excellent manner.

11. Petitioner transferred to the California Men's Colony in San Luis Obispo in 2000, where he served as a Staff Psychiatrist. He worked there through 2007.

12. Petitioner also worked as a psychiatric pharmacologic consultant from 1985 to 2009.

13. On June 20, 2002, the board issued a public letter of reprimand against petitioner. The letter of reprimand involved petitioner's failure to report a Vehicle Code violation to the board. The board noted:

You are a physician who has been licensed by the Medical Board since June 1983. You are currently on probation until April 21, 2012 for discipline arising from Accusation Case No. 02-1995-46336. The unprofessional conduct subject to discipline in this matter is not similar to the unprofessional conduct which is the subject of your prior and current discipline. You acknowledge that your conduct underlying the criminal conviction was an error of judgment. You now understand that your actions were in violation of California Business and Professions Code section 2234. Moreover, this does not appear to be an ongoing course of unprofessional conduct. You have also successfully completed course work in medical ethics. Therefore, because of the mitigating circumstances of this case, the Medical Board has decided to issue a Public Letter of Reprimand to resolve this matter.

14. Petitioner has attended numerous medical education programs, including: Medical Ethics for Physicians (May 1998 and April 2002); annual meetings of the American Psychiatric Association (May 1996, May 1997, May 2003, May 2007); U.S. Psychiatric & Mental Health Congress (November 1998); Update on Personality Disorders (March 1998); Clinician Assisted Deception in a Correctional Setting (June 1999); Realities of Reintegration: Multidimensional Approaches to Optimize Outcomes in Psychosis and Mood Disorders (September 2000); U.S. Psychiatric & Mental Health Congress (November 2000); Treating Psychotic Agitation in the Emergency Setting (March 2001); Treatment-Resistant Depression (May 2001); Directions in Psychiatry Volume 19 (May 2001); Directions in Psychiatry Volume 21 (December 2002); From Getting By to Getting Better: Defining Treatment Effectiveness (November 2002); and, Spectrum of Uses for Atypical Antipsychotics (May 2002).

Additionally, petitioner regularly reads the American Psychiatric Journal, Archives of General Psychiatry, Current Psychiatry, Journal of Clinical Psychiatry, Psychiatric Annals and CNS Spectrums. He frequently serves as a psychopharmacologic speaker.

15. Robert C. Palmer, M.D., provided a June 28, 2010, statement under penalty of perjury recommending that petitioner's probationary period be ended. Dr. Palmer is certified in child, adolescent and adult psychiatry, and is a Distinguished Life Fellow in the American Psychiatric Association, and a Life Fellow in the American Academy of Child and Adolescent Psychiatry. Dr. Palmer wrote that he has known petitioner for the past four years, that he and petitioner were staff psychiatrists at the California Men's Colony and worked with male prisoners with mental health problems. Dr. Palmer wrote that petitioner is very knowledgeable in the profession, especially in the field of psychopharmacology. He described petitioner as highly ethical and very appropriate with women in social and professional situations. Dr. Palmer attested that petitioner has learned a great deal about human relationships, especially with women, since the board's disciplinary action. Dr. Palmer wrote:

I highly recommend that his probationary period be ended and he be put in good standing with the Medical Board. I would also recommend that he be allowed to practice psychiatry with male and female patients. I am of the opinion that he is fully competent to practice as an independent practitioner.

16. Daniel M. Gordon, M.D., provided a June 28, 2010, statement under penalty of perjury. Dr. Gordon is a diplomate of the American Board of Psychiatry & Neurology and is additionally certified in addiction psychiatry. Dr. Gordon wrote:

I have known Dr. Doran since 2001 when he came to work as a staff psychiatrist at California Men's Colony in San Luis Obispo. For five years, I occupied an office across the hallway from Dr. Doran's office, and I have a general sense of how he interacted with patients and colleagues. I have also discussed many cases with him informally, and I sat on the Quality Assurance Committee with Dr. Doran for approximately one year. I have treated patients whom Dr. Doran had treated. (For instance, while working on the Mental Health Crisis Bed Unit, I sometimes attended patients whom Dr. Doran had attended in the previous week.) When Dr. Doran presented cases in case conferences, he did so in a very well-organized and thorough manner. From all of these experiences, it has been my observation that Dr. Doran is an excellent diagnostician and writes very thorough evaluations and progress notes on his patients. Dr. Doran is also expert at prescribing psychiatric medications. In fact, several years ago, Dr. Karl Weaver, our chief psychiatrist at California Men's Colony, reviewed the

prescribing practices of all staff psychiatrists. Dr. Weaver mentioned in a memo to all members of the department that he particularly respected the prescribing practices of Dr. Doran.

I have maintained a personal friendship with Dr. Doran. He has been very mindful of his own wellbeing. Dr. Doran has many hobbies that he pursues on a regular basis, including golf and model trains. He also regularly exercises vigorously. Dr. Doran has maintained a long-standing, very positive relationship with his significant other and enjoys a positive relationship with his son and daughter.

Dr. Dorean recently informed me that he would like to pursue a limited private practice in San Luis Obispo, alongside one of his colleagues, Dr. Robert Palmer. Our community is in need of another psychiatrist in the private sector, and I believe that Dr. Doran will run his private practice in a way that meets and/or exceeds all of the standards of care in our community.

17. Petitioner has complied with the terms of his probation. He has completed more than 14 years of his 15-year probationary term. He has benefited from his probation, from continuing education and study, and from his work experience. He is well regarded by his colleagues and has demonstrated his professional ability. He has retired from the Department of Corrections and Rehabilitation and seeks to continue working part-time in a group private practice with Dr. Palmer in San Luis Obispo.

LEGAL CONCLUSIONS

Petitioner seeks termination of probation pursuant to Business and Professions Code sections 2221, subdivision (b), and 2307. The factors considered in determining whether to grant a petition for termination of probation include: all activities of the petitioner since the disciplinary action was taken; the offense for which the petitioner was disciplined; the petitioner's activities during the time the certificate was in good standing; and, the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. (Bus. & Prof. Code, § 2307, subd. (e).)

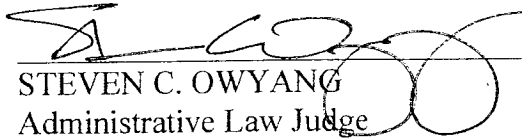
Taking into account the factors set forth in section 2307, petitioner has demonstrated that he: had not previously been disciplined; understands his offense and is unlikely to re-offend; has complied with the terms of his probation; has performed well as a psychiatrist; has the support and respect of his colleagues; has received ongoing continuing education; and, has demonstrated his veracity and professional ability. Having successfully completed more than 14 years of his 15-year term of probation, petitioner has demonstrated his rehabilitation.

It would not be inconsistent with the protection of the public to grant petitioner an early termination of probation.

ORDER

Petitioner Allen Robert Doran's petition for termination of probation is granted.

DATED: *June 30, 2011*



STEVEN C. OWYANG
Administrative Law Judge
Office of Administrative Hearings