

STIP. #1

1 **BILL LOCKYER**, Attorney General  
of the State of California  
2 **D. KENNETH BAUMGARTEN**, State Bar No. 124371  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, California 92101  
P.O. Box 85266  
5 San Diego, California 92186-5266  
Telephone: (619) 645-2195  
6 Facsimile: (619) 645-2061  
7 Attorneys for Petitioner

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

11 **DAVID T. THORNTON**,  
Interim Executive Director,  
12 Medical Board of California,  
Department of Consumer Affairs,  
13 State of California,

Case No. 10-2003-148976

OAH No. L-2005-080241

Petitioner,

14 **STIPULATION OF THE PARTIES**  
**RE INTERIM ORDER OF SUSPENSION**  
**AND ORDER**

15 **KATHERINE G. HEMELA, M.D.**  
16 3178 Sunset Hills Blvd.  
Thousand Hills, CA 91362  
17 Physician's and Surgeon's  
18 Certificate No. A 42074

Respondent

19  
20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the  
21 above-captioned proceedings that the following matters are true:

22 **PARTIES**

23 1. David T. Thornton, ("Petitioner") is the Executive Director of the Medical  
24 Board of California, Department of Consumer Affairs, State of California (hereinafter the  
25 "Board"), and enters into this Stipulation solely in his official capacity.

26 2. Katherine G. Hemela, M.D., ("Respondent"), is represented in this matter  
27 by Peter R. Osinoff, Esq., Bonnie Bridges, Mueller, O'Keefe & Nichols, 3699 Wilshire Blvd.,  
28 10<sup>th</sup> Floor, Los Angeles, CA. 90010; (213) 738-5838.

JURISDICTION

1  
2 3. At all times relevant herein, Respondent has been licensed by the Board  
3 under Physician's and Surgeon's Certificate No. A 42074. Said Certificate was issued by the  
4 Board on August 19, 1985, and will expire on December 31, 2006, unless renewed.

5 4. Accusation No. 10-2003-148976 was filed by the Division of Medical  
6 Quality, Medical Board of California, Department of Consumer Affairs ("Division") on June 30,  
7 2005, and is currently pending against Respondent.

8 5. Respondent has not yet filed her Notice of Defense contesting the  
9 Accusation in this matter. A copy of Accusation No. 10-2003-148976 is attached as Exhibit A  
10 and is hereby incorporated by reference as if fully set forth herein.

ADVISEMENTS AND WAIVERS

11  
12 6. Respondent acknowledges she has discussed with her attorney and has  
13 been fully advised of and understands her legal rights in this matter and the effects this Stipulated  
14 Interim Suspension Order will have on her California Physician's and Surgeon's Certificate.

15 7. Respondent further acknowledges she has been advised by her attorney  
16 and that she is fully aware of her right under California Government Code section 11529,  
17 subdivision (c), to a noticed hearing on this Interim Order of Suspension as well as all other  
18 rights accorded her under California Government Code section 11529, subdivision (d), which  
19 include, at a minimum, the following rights:

20 (a) To be represented by counsel.

21 (b) To have a record made of the proceedings, copies of which may be  
22 obtained by the licensee upon payment of any reasonable charges associated with  
23 the record.

24 (c) To present written evidence in the form of relevant declarations,  
25 affidavits, and documents. The discretion of the administrative law judge to  
26 permit testimony at the hearing conducted pursuant to this section shall be  
27 identical to the discretion of a superior court judge to permit testimony at a  
28 hearing conducted pursuant to Section 527 of the Code of Civil Procedure.

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

(d) To present oral argument.

8. Respondent hereby knowingly, intelligently, freely and voluntarily waives and gives up each and every one of the rights set forth and/or referenced above.

9. Respondent hereby stipulates to the issuance of an interim order pursuant to Government Code section 11529 and that, upon acceptance of this stipulation by the administrative law judge, her Physician's and Surgeon's Certificate No. A 42074 shall be immediately suspended and respondent shall be immediately prohibited from practicing medicine in the State of California.

10. That Respondent is fully aware she has a right to a hearing on the charges and allegations contained in Accusation No. 10-2003-148976 within thirty (30) days of her request for a hearing, unless she stipulates to a later hearing. (Sec Cal. Gov. Code, § 11529, subd. (f).) Respondent hereby knowingly, intelligently, freely and voluntarily waives her right to a hearing on the charges and allegations contained in Accusation No. 10-2003-148976 within thirty (30) days, as a hearing date has been set for August 31 - September 1, 2005, or as soon thereafter as this matter may be heard.

11. Respondent further acknowledges that this Interim Order of Suspension shall remain in full force and effect until such time as the charges and allegations contained in Accusation No. 10-2003-148976 have been resolved and such resolution has been adopted by the Division. In the interim, Physician and Surgeon's Certificate No. A 42074 shall remain suspended and Respondent shall remain prohibited from practicing medicine in the State of California, pending the issuance of a final Decision and Order by the Division of Medical Quality in Case No. 10-2003-148976.

12. The parties hereby stipulate that all proceedings in the above-entitled Interim Order of Suspension matter shall be conducted at the Office of Administrative Hearings located in Los Angeles, California.

///  
///  
///

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

12. The parties further stipulate that facsimile copies of this "Stipulation of the Parties Re Interim Order of Suspension and Order," including any and all facsimile signatures appearing thereon, may be used in lieu of original documents and signatures and, further, that facsimile copies and signatures shall have the same force and effect as originals.

Dated: July 7, 2005. By: Katherine Hemela  
KATHERINE G. HEMELA, M.D.  
Respondent

Dated: July 7, 2005. By: [Signature]  
Bonde, Bridges, Mueller, O'Keefe & Nichols,  
By PETER R. OSINOFF, Esq.  
Attorneys for Respondent

Dated: July 7, 2005. BILL LOCKYER, Attorney General of the  
State of California  
By: [Signature]  
D. KENNETH BAUMGARTEN  
Deputy Attorney General  
Attorneys for Petitioner

**ORDER**

IT IS SO ORDERED this 11<sup>th</sup> day of July, 2005.

[Signature]  
ADMINISTRATIVE LAW JUDGE

STIP. # 2

1 **BILL LOCKYER**, Attorney General  
of the State of California  
2 **D. KENNETH BAUMGARTEN**, State Bar No. 124371  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, California 92101  
P.O. Box 85266  
5 San Diego, California 92186-5266  
Telephone: (619) 645-2195  
6 Facsimile: (619) 645-2061  
7 Attorneys for Petitioner

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

11 **DAVID T. THORNTON**,  
Interim Executive Director,  
12 Medical Board of California,  
Department of Consumer Affairs,  
13 State of California,

Petitioner,

v.

15 **KATHERINE G. HEMELA, M.D.**  
16 3178 Sunset Hills Blvd.  
Thousand Oaks, CA 91362

17 Physician's and Surgeon's  
18 Certificate No. A 42074,

Respondent.

Case No. 10-2003-148976

OAH No. L-2005-080241

**STIPULATION OF THE PARTIES RE  
INTERIM ORDER OF SUSPENSION  
AND ORDER**

Hearing Dates: 8/31/05 & 9/1/05

Time: 9:00 a.m.

Location: Office of Admin. Hearings  
Los Angeles

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

- 22 1. That the noticed hearing on the Interim Order of Suspension issued on  
23 July 11, 2005, in the above-entitled matter is presently set for August 31<sup>st</sup> and September 1<sup>st</sup>,  
24 2005 at 9:00 a.m., at the Office of the Administrative Hearings, located at 320 W. 4<sup>th</sup> Street, 6<sup>th</sup>  
25 Floor, Suite 630, Los Angeles, CA 90013.  
26 2. That respondent Katherine G. Hemelz, M.D., is fully aware of her right  
27 under California Government Code section 11529, subdivision (c), to a noticed hearing on the  
28 Interim Order of Suspension issued on July 11, 2005, in the above-entitled matter, as well as all

1 other rights accorded her under California Government Code section 11529, subdivision (d),  
2 which include, at a minimum, the following rights:

- 3 (a) To be represented by counsel.
- 4 (b) To have a record made of the proceedings, copies of which may be  
5 obtained by the licensee upon payment of any reasonable charges associated with  
6 the record.
- 7 (c) To present written evidence in the form of relevant declarations,  
8 affidavits, and documents. The discretion of the administrative law judge to  
9 permit testimony at the hearing conducted pursuant to this section shall be  
10 identical to the discretion of a superior court judge to permit testimony at a  
11 hearing conducted pursuant to Section 527 of the Code of Civil Procedure.
- 12 (d) To present oral argument.

13 Respondent Katherine G. Hemela, M.D., hereby knowingly, intelligently, freely  
14 and voluntarily waives and gives up each and every one of the rights set forth and/or referenced  
15 above.

16 3. That the Interim Order of Suspension issued by Presiding Administrative  
17 Law Judge Janis S. Rovner on July 11, 2005, in the above-entitled matter shall remain in full  
18 force and effect and, as a result, that Physician's and Surgeon's Certificate No. A 42074 which  
19 was heretofore issued by the Medical Board of California to respondent Katherine G. Hemela,  
20 M.D., shall remain suspended and respondent Katherine G. Hemela, M.D., shall remain  
21 prohibited from practicing medicine in the State of California, pending the issuance of a final  
22 Decision and Order by the Division of Medical Quality in Case No. 10-2003-148976.

23 4. That respondent Katherine G. Hemela, M.D., is fully aware she has a right  
24 to a hearing on the charges and allegations contained in Accusation No. 10-2003-148976 within  
25 thirty (30) days of her request for a hearing unless she stipulates to a later hearing. (See Cal.  
26 Gov. Code, § 11529, subd. (f).) Respondent hereby knowingly, intelligently, freely and  
27 voluntarily waives her right to a hearing on the charges and allegations contained in Accusation

28 ///

1 No. 10-2003-148976 within thirty (30) days of her request for a hearing and hereby stipulates to a  
2 later hearing.

3 5. The parties hereby stipulate that all proceedings in the above-entitled  
4 Interim Order of Suspension matter shall be conducted at the Office of Administrative Hearings  
5 located in Los Angeles, California.

6 6. That facsimile copies of this "Stipulation of the Parties Re Interim Order  
7 of Suspension and Order," including any and all facsimile signatures appearing thereon, may be  
8 used in lieu of original documents and signatures and, further, that facsimile copies and  
9 signatures shall have the same force and effect as originals.

10 Dated: 8-25-05, 2005.

11 By: Katherine Hemela  
12 KATHERINE G. HEMELA, M.D.  
Respondent

13 Dated: 8/25/05, 2005.

14 By: [Signature]  
15 Bonn, Bridges, Mueller, O'Keefe & Nichols,  
16 By PETER R. OSINOFF, Esq.  
Attorneys for Respondent

17 Dated: August 24, 2005.

18 BILL LOCKYER, Attorney General of the  
19 State of California  
20 By: [Signature]  
21 D. KENNETH BALMORLEN  
22 Deputy Attorney General  
23 Attorneys for Petitioner

24 **ORDER**

25 IT IS SO ORDERED this \_\_\_ day of \_\_\_\_\_, 2005.

26  
27  
28 HONORABLE JANIS S. ROVNER  
ADMINISTRATIVE LAW JUDGE