

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

In the Matter of the Suspension)
Proceedings Against:)

Christine Daniel, M.D.)

Case No. 17-2009-202494

Physician's and Surgeon's)
Certificate No. G 421176)

Respondent)
_____)

DECISION

The attached 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 February 10, 2012.

IT IS SO ORDERED February 8, 2012.

MEDICAL BOARD OF CALIFORNIA

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

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Suspension Proceedings
Against:

CHRISTINE DANIEL, M.D.

Physician's and Surgeon's
Certificate No. G 42176

Respondent.

Case No. 17-2009-202494

OAH No. 2011120436

DECISION

Administrative Law Judge Amy C. Yerkey, State of California, Office of Administrative Hearings, heard this matter on January 6, 2012, in Los Angeles, California.

John E. Rittmayer, Deputy Attorney General, represented complainant Linda K. Whitney, Executive Director of the Medical Board of California (Board).

Christine Daniel (respondent) represented herself.

Complainant requested a hearing to determine whether a felony conviction which respondent suffered is substantially related to the qualifications, functions or duties of a physician and surgeon, pursuant to Business and Professions Code¹ section 2236.1, subdivision (b).

Oral and documentary evidence was received at the hearing and the matter was submitted for decision.

FACTUAL FINDINGS

1. Complainant filed the request for hearing on November 21, 2011.
2. On July 1, 1980, the Board issued Physician's and Surgeon's Certificate number G 42176 to respondent.

¹ All further references shall be to the Business and Professions Code, unless noted.

3. On September 26, 2011, in the United States District Court for the Central District of California, a jury found respondent guilty of eleven felony counts: two for wire fraud, two for mail fraud, six for tax evasion with regard to her personal and corporate income tax filings, and one count of witness tampering. Respondent's conviction is not yet final.

4. The facts underlying respondent's conviction are that respondent concocted and promoted herbal products which she claimed could cure or treat many human diseases, such as cancer, multiple sclerosis, stroke, Alzheimer's disease, Parkinson's disease, diabetes and hepatitis. She falsely claimed that the products were made of herbs from around the world, and had between at least a 60 to 80 percent cure rate for terminal cancers. In fact, the product contained a sunscreen preservative, and beef-flavored extract, among other things. Respondent was an evangelical Christian minister who appeared on the Trinity Broadcasting Network to promote her products. Respondent sold her herbal concoction to sick patients around the country, and some traveled to California to be treated by respondent. She charged her customers up to \$4,270 for a single bottle of the herbal product. In total, respondent induced approximately 55 victims to send in excess of \$1.1 million to her medical clinic. Respondent failed to report nearly \$1.3 million dollars on her corporate income tax returns, which resulted in her owing the federal government approximately \$438,809. She also failed to report approximately \$315,109 on her personal income tax returns, which totaled about \$73,895 that she owed to the federal government. Respondent also attempted to influence the testimony of a witness before the grand jury.

5. Jon Genens (Genens), Senior Investigator with the Board, testified at the hearing. Genens attended respondent's trial in federal court, which lasted approximately two months. Genens recounted trial testimony, and described how respondent committed the dishonest and fraudulent acts described above.

6. Respondent testified at the hearing. She did not deny that her convictions were related to her medical practice. Instead, she sought to explain why she believed her convictions were erroneous. For instance, respondent claimed that she practiced "complimentary care," and that her supplements provided energy to her patients. She claimed that she did not personally manufacture the herbal product, and that she spent large sums of her own money to defer the costs for her patients. Respondent contended that her television proclamations were done in her capacity as a minister, not as a doctor. Respondent acknowledged that all of the convictions were related to the practice of medicine.

7. Respondent's convictions involved fraud and dishonesty, and were integrally connected to her patient care.

LEGAL CONCLUSIONS

1. Complainant seeks a determination, pursuant to Business and Professions Code section 2236.1, subdivision (b), whether the felony convictions suffered by respondent are substantially related to the qualifications, functions, or duties of a physician and surgeon.

2. Section 2236.1, subdivision (b) states: "Upon receipt of the certified copy of the record of conviction, if after a hearing it is determined therefrom that the felony of which the licensee was convicted was substantially related to the qualifications, functions, or duties of a physician and surgeon, the [Board] shall suspend the license until the time for appeal has elapsed, if no appeal has been taken, or until the judgment of conviction has been affirmed on appeal or has otherwise become final, and until further order of the division. The issue of substantial relationship shall be heard by an administrative law judge from the [Board] Hearing Panel sitting alone or with a panel of the division, in the discretion of the division."

3. The Board's substantial relationship criteria is defined as follows: "a crime or act shall be considered to be substantially related" to the practice of medicine "if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of the Medical Practice Act." (Cal. Code Regs., tit. 16, § 1360.)

4. Respondent has suffered multiple convictions, as set forth in factual finding number 3. The underlying crimes and circumstances evidence dishonesty and were integrally related to respondent's patient care. Dishonesty has been found to bear a substantial relationship to medical practice. (See *Krain v. Medical Board* (1999) 74 Cal.App.4th 1416.) In addition, a conviction for tax evasion has been found to have a substantial relationship to medical practice. (See *Windham v. Board of Medical Quality Assurance* (1980) 104 Cal. App.3d 461.) Accordingly, respondent's convictions involve crimes substantially related to the qualifications, functions, and duties of a physician and surgeon.

5. Cause exists to suspend respondent's physician's and surgeon's certificate pursuant to Section 2236.1, subdivision (b), by reason of factual finding numbers 1 through 7 and legal conclusion numbers 1 through 4.

ORDER

1. Complainant's request is granted, and a determination has been made that respondent's felony convictions are substantially related to the qualifications, functions, or

duties of a physician and surgeon. Accordingly, the Board shall suspend Physician's and Surgeon's Certificate No. G 42176, issued to respondent Christine Daniel, pursuant to Business and Professions Code section 2236.1, subdivision (b).

2. While her license is under suspension, respondent shall not:
 - a. Practice or attempt to practice any aspect of medicine or surgery;
 - b. Advertise by any means, or hold herself out as practicing or being available to practice medicine or supervise physician assistants;
 - c. Be present in any location or office, including her current address of record with the Board, which is maintained for the practice of medicine, or at which medicine is practiced, for any purpose except as a patient or as a visitor of family or friends;
 - d. Possess, order, purchase, receive, prescribe, furnish, administer, or otherwise distribute controlled substances or dangerous drugs as defined by federal or state law.
3. During any period of suspension, starting with receipt of this Order, respondent shall surrender to the Board or its agent, for safekeeping pending a final administrative order of the Board in this matter, all indicia of her licensure as a physician, as contemplated by Business and Professions Code section 119, including her wall certificate and wallet card, all prescription forms, all prescription drugs not legally prescribed to respondent by her treating physician and surgeon, all Drug Enforcement Administration Drug Order forms, and all Drug Enforcement Administration permits.

DATED: January 13, 2012


AMY C. YERKEY
Administrative Law Judge
Office of Administrative Hearings