

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

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	
	)	
	)	
<b>DOUGLAS VERN HULSTEDT, M.D.</b>	)	<b>Case No. 800-2014-007854</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. A 42397</b>	)	
	)	
<b>Respondent</b>	)	
<hr/>	)	

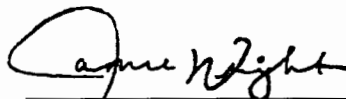
**DECISION**

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 April 28, 2016.

IT IS SO ORDERED: March 29, 2016.

**MEDICAL BOARD OF CALIFORNIA**



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**Jamie Wright, JD, Chair  
Panel A**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 State Bar No. 97276  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5709  
5 Facsimile: (415) 703-1234  
*Attorneys for Complainant*

6  
7 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

9  
10 In the Matter of the Accusation Against:

11 **DOUGLAS HULSTEDT, M.D.**

12 **147 El Dorado Street, Suite #C**  
**Monterey, CA 93940**

13 **Physician's and Surgeon's Certificate**  
**No. A42397**

14  
15 Respondent.

Case No. 800-2014-007854

OAH No. 2015070920

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

18 PARTIES

19 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical  
20 Board of California. She brought this action solely in her official capacity and is represented in  
21 this matter by Kamala D. Harris, Attorney General of the State of California, by Jose R. Guerrero,  
22 Supervising Deputy Attorney General.

23 2. Douglas Hulstedt, M.D. ("Respondent") is represented in this proceeding by attorney  
24 Lawrence E. Biegel, Esq, whose address is:

25 The Biegel Law Firm

26 2801 Monterey-Salinas Highway, Suite A

27 Monterey, CA 93940  
28

1 3. On or about December 30, 1985, the Medical Board of California issued Physician's  
2 and Surgeon's Certificate No. A42397 to Douglas Hulstedt, M.D. ("Respondent"). The  
3 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
4 charges brought in Accusation No. 800-2014-007854 and will expire on December 31, 2017,  
5 unless renewed.

6 JURISDICTION

7 4. Accusation No. 800-2014-007854 was filed before the Medical Board of California  
8 ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The  
9 Accusation and all other statutorily required documents were properly served on Respondent on  
10 April 28, 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

11 5. A copy of Accusation No. 800-2014-007854 is attached as Exhibit A and  
12 incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 800-2014-007854. Respondent has also carefully read,  
16 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
17 Disciplinary Order.

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

25 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
26 every right set forth above.  
27  
28

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 800-2014-007854.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
6 Disciplinary Order below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Medical Board of California.  
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
10 Board of California may communicate directly with the Board regarding this stipulation and  
11 settlement, without notice to or participation by Respondent or his counsel. By signing the  
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
16 action between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18 12. The parties understand and agree that Portable Document Format ("PDF") and  
19 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and  
20 facsimile signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A42397 issued  
26 to Respondent Douglas Hulstedt, M.D. is revoked. However, the revocation is stayed and  
27 Respondent is placed on probation for three (3) years on the following terms and conditions.  
28

1           1.    PREScribing PRACTICES COURSE.

2           Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
3 course in prescribing practices equivalent to the Prescribing Practices Course at the Physician  
4 Assessment and Clinical Education Program, University of California, San Diego School of  
5 Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide  
6 the program with any information and documents that the Program may deem pertinent.  
7 Respondent shall participate in and successfully complete the classroom component of the course  
8 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
9 complete any other component of the course within one (1) year of enrollment. The prescribing  
10 practices course shall be at Respondent's expense and shall be in addition to the Continuing  
11 Medical Education (CME) requirements for renewal of licensure.

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

17           Respondent shall submit a certification of successful completion to the Board or its  
18 designee not later than 15 calendar days after successfully completing the course, or not later than  
19 15 calendar days after the effective date of the Decision, whichever is later.

20           2.    MEDICAL RECORD KEEPING COURSE.

21           Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
22 course in medical record keeping equivalent to the Medical Record Keeping Course offered by  
23 the Physician Assessment and Clinical Education Program, University of California, San Diego  
24 School of Medicine (Program), approved in advance by the Board or its designee. Respondent  
25 shall provide the program with any information and documents that the Program may deem  
26 pertinent. Respondent shall participate in and successfully complete the classroom component of  
27 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall  
28 successfully complete any other component of the course within one (1) year of enrollment. The

1 medical record keeping course shall be at Respondent's expense and shall be in addition to the  
2 Continuing Medical Education (CME) requirements for renewal of licensure.

3 A medical record keeping course taken after the acts that gave rise to the charges in the  
4 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
5 or its designee, be accepted towards the fulfillment of this condition if the course would have  
6 been approved by the Board or its designee had the course been taken after the effective date of  
7 this Decision.

8 Respondent shall submit a certification of successful completion to the Board or its  
9 designee not later than 15 calendar days after successfully completing the course, or not later than  
10 15 calendar days after the effective date of the Decision, whichever is later.

11 3. PROFESSIONALISM PROGRAM (ETHICS COURSE).

12 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
13 professionalism program, that meets the requirements of Title 16, California Code of Regulations  
14 (CCR) section 1358. Respondent shall participate in and successfully complete that program.  
15 Respondent shall provide any information and documents that the program may deem pertinent.  
16 Respondent shall successfully complete the classroom component of the program not later than  
17 six (6) months after Respondent's initial enrollment, and the longitudinal component of the  
18 program not later than the time specified by the program, but no later than one (1) year after  
19 attending the classroom component. The professionalism program shall be at Respondent's  
20 expense and shall be in addition to the Continuing Medical Education (CME) requirements for  
21 renewal of licensure.

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

27 Respondent shall submit a certification of successful completion to the Board or its  
28 designee not later than 15 calendar days after successfully completing the program or not later

1 than 15 calendar days after the effective date of the Decision, whichever is later.

2 4. MONITORING - PRACTICE.

3 Within 30 calendar days of the effective date of this Decision, Respondent shall submit to  
4 the Board or its designee for prior approval as a practice monitor(s), the name and qualifications  
5 of one or more licensed physicians and surgeons whose licenses are valid and in good standing,  
6 and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor  
7 shall have no prior or current business or personal relationship with Respondent, or other  
8 relationship that could reasonably be expected to compromise the ability of the monitor to render  
9 fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be  
10 in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent  
11 shall pay all monitoring costs.

12 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
13 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
14 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
15 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
16 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
17 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
18 signed statement for approval by the Board or its designee.

19 Within 60 calendar days of the effective date of this Decision, and continuing throughout  
20 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
21 make all records available for immediate inspection and copying on the premises by the monitor  
22 at all times during business hours and shall retain the records for the entire term of probation.

23 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
24 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
25 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
26 shall cease the practice of medicine until a monitor is approved to provide monitoring  
27 responsibility.

28 The monitor(s) shall submit a quarterly written report to the Board or its designee which

1 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
2 are within the standards of practice of medicine, and whether Respondent is practicing medicine  
3 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure  
4 that the monitor submits the quarterly written reports to the Board or its designee within 10  
5 calendar days after the end of the preceding quarter.

6 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
7 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
8 name and qualifications of a replacement monitor who will be assuming that responsibility within  
9 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
10 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
11 notification from the Board or its designee to cease the practice of medicine within three (3)  
12 calendar days after being so notified Respondent shall cease the practice of medicine until a  
13 replacement monitor is approved and assumes monitoring responsibility.

14 In lieu of a monitor, Respondent may participate in a professional enhancement program  
15 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the  
16 University of California, San Diego School of Medicine, that includes, at minimum, quarterly  
17 chart review, semi-annual practice assessment, and semi-annual review of professional growth  
18 and education. Respondent shall participate in the professional enhancement program at  
19 Respondent's expense during the term of probation.

20 5. NOTIFICATION.

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

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



1           6.    SUPERVISION OF PHYSICIAN ASSISTANTS.

2           During probation, Respondent is prohibited from supervising physician assistants.

3           7.    OBEY ALL LAWS.

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

7           8.    QUARTERLY DECLARATIONS.

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

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

12          9.    GENERAL PROBATION REQUIREMENTS.

13          Compliance with Probation Unit

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

16          Address Changes

17          Respondent shall, at all times, keep the Board informed of Respondent's business and  
18 residence addresses, email address (if available), and telephone number. Changes of such  
19 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
20 circumstances shall a post office box serve as an address of record, except as allowed by Business  
21 and Professions Code section 2021(b).

22          Place of Practice

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

26          License Renewal

27          Respondent shall maintain a current and renewed California physician's and surgeon's  
28 license.

1           Travel or Residence Outside California

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

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

8           10.   INTERVIEW WITH THE BOARD OR ITS DESIGNEE.

9           Respondent shall be available in person upon request for interviews either at Respondent's  
10 place of business or at the probation unit office, with or without prior notice throughout the term  
11 of probation.

12           11.   NON-PRACTICE WHILE ON PROBATION.

13           Respondent shall notify the Board or its designee in writing within 15 calendar days of any  
14 periods of non-practice lasting more than 30 calendar days and within 15 calendar days of  
15 Respondent's return to practice. Non-practice is defined as any period of time Respondent is not  
16 practicing medicine in California as defined in Business and Professions Code sections 2051 and  
17 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching,  
18 or other activity as approved by the Board. All time spent in an intensive training program which  
19 has been approved by the Board or its designee shall not be considered non-practice. Practicing  
20 medicine in another state of the United States or Federal jurisdiction while on probation with the  
21 medical licensing authority of that state or jurisdiction shall not be considered non-practice. A  
22 Board-ordered suspension of practice shall not be considered as a period of non-practice.

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

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

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

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

4           12. COMPLETION OF PROBATION.

5           Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not  
6 later than 120 calendar days prior to the completion of probation. Upon successful completion of  
7 probation, Respondent's certificate shall be fully restored.

8           13. VIOLATION OF PROBATION.

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

15           14. LICENSE SURRENDER.

16           Following the effective date of this Decision, if Respondent ceases practicing due to  
17 retirement or health reasons or is otherwise unable to satisfy the terms and conditions of  
18 probation, Respondent may request to surrender his or her license. The Board reserves the right to  
19 evaluate Respondent's request and to exercise its discretion in determining whether or not to  
20 grant the request, or to take any other action deemed appropriate and reasonable under the  
21 circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar  
22 days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent  
23 shall no longer practice medicine. Respondent will no longer be subject to the terms and  
24 conditions of probation. If Respondent re-applies for a medical license, the application shall be  
25 treated as a petition for reinstatement of a revoked certificate.

26           15. PROBATION MONITORING COSTS.

27           Respondent shall pay the costs associated with probation monitoring each and every year of  
28 probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall

1 be payable to the Medical Board of California and delivered to the Board or its designee no later  
2 than January 31 of each calendar year.

3  
4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
6 discussed it with my attorney, Lawrence E. Biegel, Esq. I understand the stipulation and the  
7 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated  
8 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
9 bound by the Decision and Order of the Medical Board of California.

10  
11  
12  
13 DATED: Mar, 7, 2016

Douglas V Hulstedt M.D.  
14 DOUGLAS HULSTEDT, M.D.  
15 Respondent

16  
17 I have read and fully discussed with Respondent Douglas Hulstedt, M.D. the terms and  
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
19 I approve its form and content.

20  
21  
22 DATED: February 22, 2016

Lawrence E. Biegel  
23 LAWRENCE E. BIEGEL, ESQ.  
24 Attorney for Respondent

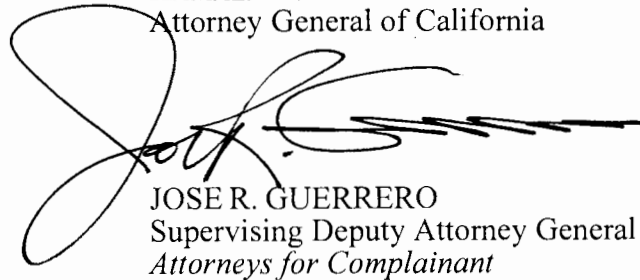
ENDORSEMENT

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

Dated: 3-14-16

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California



JOSE R. GUERRERO  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2014-007854**

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KAMALA D. HARRIS  
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*Attorneys for Complainant*

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
SACRAMENTO APR 23, 2015  
BY: J. Melcher ANALYST

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

In the Matter of the Accusation Against:  
**DOUGLAS HULSTEDT, MD**  
**147 El Dorado Street #C**  
**Monterey, CA 93940**  
**Physician's and Surgeon's Certificate**  
**No. A 42397**  
  
Respondent.

Case No. 800-2014-007854

**ACCUSATION**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about December 30, 1985, the Medical Board of California issued Physician's and Surgeon's Certificate Number A 42397 to Douglas Hulstedt, M.D. ("Respondent"). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2015, unless renewed.

JURISDICTION

1  
2       3.     This Accusation is brought before the Medical Board of California ("Board"),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise 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:

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

13       "(a) Violating or attempting to violate, directly, or indirectly, assisting in or abetting the  
14 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 negligent acts or  
17 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
18 the applicable standard of care shall constitute repeated negligent acts. ..."

19       6.     Section 2052 of the Code states:

20       "(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who  
21 advertises or holds himself or herself out as practicing, any system or mode of treating the sick or  
22 afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,  
23 blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition  
24 of any person, without having at the time of so doing a valid, unrevoked, or unsuspended  
25 certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being  
26 authorized to perform the act pursuant to a certificate obtained in accordance with some other  
27 provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand  
28



1 dollars (\$10,000), by imprisonment in the state prison, by imprisonment in a county jail not  
2 exceeding one year, or by both the fine and either imprisonment.

3 "(b) Any person who conspires with or aids or abets another to commit any act described in  
4 subdivision (a) is guilty of a public offense, subject to the punishment described in that  
5 subdivision.

6 "(c) The remedy provided in this section shall not preclude any other remedy provided by  
7 law."

8 7. Section 2264 of the Code states:

9 "The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person  
10 or any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any  
11 other mode of treating the sick or afflicted which requires a license to practice constitutes  
12 unprofessional conduct."

13 8. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain  
14 adequate and accurate records relating to the provision of services to their patients constitutes  
15 unprofessional conduct."

16 FIRST CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct - Aiding and Abetting Unlicensed Practice)

18 9. Respondent's license is subject to disciplinary action for unprofessional conduct  
19 under Code sections 2052, 2234(a), and 2264 for aiding and abetting the unlicensed practice of  
20 medicine, in that Respondent ordered and/or acquiesced unlicensed person(s) to engage in the  
21 practice of medicine. The circumstances are as follows:

22 10. On or about September 10, 2013, D.S.<sup>1</sup> brought her infant daughter, R.S., to a medical  
23 appointment at Respondent's office for concerns related to possible conjunctivitis. Respondent  
24 was away from the office and unavailable when D.S. arrived for the appointment, so R.S. was  
25 seen by a nurse in Respondent's office instead. The nurse examined R.S. and briefly left the  
26 examination room. While the nurse was away, Respondent's wife and office manager, G.H.,

27 <sup>1</sup> Initials are used to protect individual and patient privacy. Identities will be disclosed  
28 during discovery.

1 came into the examination room, assessed R.S.'s breathing, and administered albuterol<sup>2</sup> and/or  
2 Xopenex<sup>3</sup> treatment through a nebulizer device. Following the treatment, G.H. determined that  
3 R.S. had not received enough medication, and administered a second dose. R.S. became  
4 noticeably upset, prompting D.S. to discontinue the treatment and leave Respondent's medical  
5 office. G.H. followed D.S. to her vehicle and indicated that if her daughter gets pneumonia and  
6 dies, it would be her own fault and not the fault of Respondent or his staff. G.H. is not a licensed  
7 physician or healthcare practitioner and has no formal medical education or training. Respondent  
8 failed to document the September 10, 2013 office visit.

9 11. On May 21, 2014, D.S. filed a consumer complaint with the Board.

10 12. On August 26, 2014, Department of Consumer Affairs Division of Investigations  
11 Health Quality Investigation Unit Investigators interviewed Respondent and G.H.  
12 contemporaneously. During the interview, respondent indicated that he has a standing order in his  
13 office, which authorizes his staff to administer albuterol treatments and/or similar nebulizer  
14 treatments to patients he has not evaluated or assessed when he is away from the office, or  
15 otherwise unavailable. Respondent also indicated that during R.S.'s medical appointment on  
16 September 10, 2013, he was not in the office, did not evaluate R.S., and did not provide a consult  
17 to his staff regarding R.S.'s medical condition. Respondent admitted that G.H. administers  
18 unsupervised albuterol treatments and/or similar nebulizer treatments on his patients  
19 approximately once a month.

20 SECOND CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct – Gross Negligence and/or Repeated Acts of Negligence)

22 13. Paragraphs 9 through 12 are incorporated herein.  
23  
24  
25

26 <sup>2</sup> Albuterol is a bronchodilator used to treat asthma and other pulmonary disorders.  
Albuterol is a class beta2-adrenergic agonist drug.

27 <sup>3</sup> Xopenex is a bronchodilator used to treat bronchospasm in patients 4 years of age and  
28 older with reversible obstructive airway disease. Xopenex is a class beta2-adrenergic agonist  
drug.

1 14. Respondent's license is subject to disciplinary action for unprofessional conduct  
2 under Code sections 2234(b) and/or (c) for gross negligence and repeated negligent acts, in that  
3 Respondent committed each of the following departures from the standard of care:

4 A. Respondent allowed an unlicensed individual (G.H.) to assess and administer a  
5 nebulizer treatment, which constitutes an extreme departure from the standard of care.

6 B. Respondent failed to document R.S.'s September 10, 2013 office visit.

7 THIRD CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct – Failure to Maintain Accurate Medical Records)

9 15. Paragraphs 9 through 12 are incorporated herein.

10 16. Respondent's license is subject to disciplinary action for unprofessional conduct  
11 under Code section 2266 for failure to maintain adequate patient records, in that he failed to  
12 document R.S.'s September 10, 2013 office visit.

13 PRAAYER

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

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 42397,  
17 issued to Douglas Hulstedt, M.D.;

18 2. Revoking, suspending or denying approval of Douglas Hulstedt, M.D.'s authority to  
19 supervise physician's assistants, pursuant to section 3527 of the Code;

20 3. Ordering Douglas Hulstedt, M.D. to pay the costs of probation monitoring, if placed  
21 on probation; and

22 4. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: April 28, 2015

25 *Elisabeth Anaral*  
26 for KIMBERLY KIRCHMEYER  
27 Executive Director  
28 Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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