

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

**In the Matter of the Petition to Revoke)
Probation Against:)**

**GARY JOSEPH ORDOG, M.D.)
Physician's and Surgeon's)
Certificate No. G 43038)
Respondent)**

Case No. D1-2001-124743

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 September 13, 2013 .

IT IS SO ORDERED: August 15, 2013 .

MEDICAL BOARD OF CALIFORNIA



**Dev Gnanadev, M.D., Chair
Panel B**

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 COLLEEN M. MCGURRIN
Deputy Attorney General
4 State Bar Number 147250
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5 Los Angeles, California 90013
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Attorneys for Complainant
7

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

10 In the Matter of the Petition to Revoke Probation
Against:

11 GARY JOSEPH ORDOG, M.D.
12 23206 W. Lyons Ave. Suite 104
13 Newhall, California 91321

14 Physician's and Surgeon's Certificate No. G 43038

15 Respondent.
16

Case No. D1-2001-124743

OAH No. 2012100057

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

19 PARTIES

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

24 2. Gary Joseph Ordog, M.D. (Respondent) is represented in this proceeding by attorney
25 Travis Jack, whose address is Travis Jack Attorney at Law, 20611 Soledad Canyon Road
26 Santa Clarita, California 91351.

27 3. On or about August 18, 1980, the Board issued Physician's and Surgeon's Certificate
28 No. G 43038 to Respondent. Said Certificate No. G 43038 was revoked subject to a Decision and

1 Order after hearing, effective at 5:00 p.m. on May 26, 2006. Said revocation, however, was
2 stayed and Respondent was placed on seven (7) years probation, suspended from the practice of
3 medicine for ninety-days, and prohibited from engaging in the medical-legal or forensic practice
4 of medicine amongst other terms and conditions, at all times relevant to the charges brought in the
5 Petition to Revoke Probation No. D1-2001-124743. Said Certificate No. G43038 will expire on
6 June 30, 2014, unless renewed.

7 JURISDICTION

8 4. Petition to Revoke Probation No. D1-2001-124743 was filed before the Board,
9 Department of Consumer Affairs, and is currently pending against Respondent. The Petition to
10 Revoke Probation and all other statutorily required documents were properly served on
11 Respondent on March 1, 2011. Respondent timely filed his Notice of Defense contesting the
12 Petition to Revoke Probation.

13 5. A copy of Petition to Revoke Probation No. D1-2001-124743 is attached as Exhibit A
14 and incorporated herein by reference.

15 ADVISEMENT AND WAIVERS

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Petition to Revoke Probation No. D1-2001-124743. Respondent has
18 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
19 Settlement and Disciplinary Order will have on his Certificate and ability to practice medicine in
20 California.

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

28 8. Respondent freely, voluntarily, knowingly, and intelligently waives and gives up each

1 and every right set forth above.

2 CULPABILITY

3 9. Respondent understands and agrees that the charges and allegations in Petition to
4 Revoke Probation No. D1-2001-124743, if proven at a hearing, constitute cause for imposing
5 discipline upon his Physician's and Surgeon's Certificate No. G 43038.

6 10. For the purpose of resolving the Petition without the expense and uncertainty of
7 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a *prima*
8 *facie* case of the charges and allegations contained in Petition to Revoke Probation No. D1-2001-
9 124743, and that Respondent hereby gives up his right to contest those charges.

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

13 12. Further, Respondent agrees that if he ever petitions to modify or terminate any term
14 or condition set forth herein, including, but not limited to, the term of probation, or should the
15 Board or any other California regulatory agency institute any other action or proceeding against
16 Respondent, including, but not limited to, a Accusation and/or Petition to Revoke Probation, all
17 of the allegations and facts set forth in Petition to Revoke Probation No. D1-2001-124743 shall
18 be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding, or
19 any other licensing proceeding involving Respondent and the State of California.

20 CONTINGENCY

21 13. This stipulation shall be subject to approval by the Board. Respondent understands
22 and agrees that counsel for Complainant and the staff of the Board may communicate directly
23 with the Board regarding this stipulation and settlement, without notice to or participation by
24 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
25 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
26 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
27 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
28 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not

1 be disqualified from further action by having considered this matter.

2 14. The parties understand and agree that facsimile or imaged/scanned emailed copies of
3 this Stipulated Settlement and Disciplinary Order, including facsimile or imaged/scanned emailed
4 signatures thereto, shall have the same force and effect as the originals.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Board may, without further notice or formal proceeding, issue and enter the following
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 16. In a prior disciplinary action entitled "In the Matter of the Second Amended
10 Accusation Against Gary Ordog, M.D.," Case No. 05-2001-124743, the Board issued a decision,
11 effective at 5:00 p.m. May 26, 2006, in which said Physician's and Surgeon's Certificate of
12 Respondent was revoked. However, the revocation was stayed and Respondent's was placed on
13 probation for a period of seven (7) years, suspended from the practice of medicine for ninety-
14 days, and prohibited from engaging in the medical-legal or forensic practice of medicine amongst
15 other terms and conditions. A copy of the 2006 Decision is attached as Exhibit B and is
16 incorporated herein by reference.

17 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 43038 issued
18 to Respondent Gary Joseph Ordog, M.D. is revoked. However, the revocation is stayed and
19 Respondent's probation is extended for an additional eighteen (18) months of probation. The 18-
20 month probationary period begins from the effective date of this Decision and Order.

21 1. 2006 DECISION AND ORDER. All other terms and conditions of the
22 2006 Decision shall continue to apply and shall continue to apply until the termination of the
23 entire 18-month extension of the probationary period. Respondent is hereby bound by those other
24 terms and conditions contained in the 2006 Decision.

25 2. PROHIBITION FROM ENGAGING IN MEDICAL-LEGAL OR
26 FORENSICS PRACTICE OF MEDICINE DURING PROBATIONARY PERIOD. As specified
27 in Condition 4 of the 2006 Decision, Respondent shall continue to be prohibited from engaging in
28 a medical-legal or forensic practice of medicine during the entire period of probation. In addition,

1 Respondent shall continue to immediately notify any and all attorney and patients referred to him
2 by attorneys, where the primary purpose of the referral was litigation support, that is, where
3 respondent's retention for medical services was as an expert witness or consultant and/or medical
4 records reviewer, of this prohibition and arrange for the return of any materials and/or unearned
5 fees to the referring attorney or other source of the materials and/or fees. Respondent shall not
6 accept any new assignments or referrals as an expert witness, consultant or reviewer during the
7 entire period of probation. This term of probation shall not prohibit respondent from complying
8 with subpoenas lawfully issues and served on him that compel him to provide records or
9 deposition testimony in respondent's capacity as a treating physician. In such cases, respondent's
10 testimony shall be limited to that of a percipient, treating physician, and respondent shall not
11 charge a fee greater than is usual and customary for such services.

12 Respondent shall not file, submit or bill for any Comprehensive Medical-Legal Report
13 under the Worker's Compensation billing code ML104 during the term of probation.

14 Respondent shall continued to maintain a log of all patients to whom the above notification
15 required by this term was made. The log shall contain the : 1) Patient's name, address and
16 phone number; patient's medical records number, if available; 2) The full name of the person
17 making the notification; 3) The date the notification was made; and 4) A description of the
18 notification given. Respondent shall keep this log in a separate file or ledger, in chronological
19 order, and shall make the log available for immediate inspection and copying on the premises at
20 all time during business hours by the Division or its designee, and shall retain the log for the
21 entire term of probation. Failure to maintain a log as defined, or to make the log available for
22 immediate inspection and copying on the premises during business hours is a violation of
23 probation.

24 Whenever, after the effective date of this Decision, a patient, attorney or other party seeks
25 the prohibited services presents to respondent, he shall provide a written notification to the party
26 requesting his services that he does not accept medical-legal assignments. Respondent shall
27 maintain a copy of the notification and make it available for inspection and copying on the
28 premises at all times during business hours by the Division or its designee, and shall retain the

1 notification for the entire term of probation. Failure to maintain the written notification or to
2 make it available for inspection or copying shall be a violation of probation.

3 ACCEPTANCE

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

9
10 DATED: 02/06/2013


11 GARY JOSEPH ORDOG, M.D.
12 Respondent
13

14 I have read and fully discussed with Respondent GARY JOSEPH ORDOG, M.D. the terms
15 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
16 Order. I approve its form and content.

17 DATED: 2/7/13


18 Travis Jack
19 Attorney for Respondent
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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: 2/7/2013

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


COLLEEN M. MCGURRIN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. D1-2001-124743

1 KAMALA D. HARRIS
Attorney General of California
2 E.A. JONES III
Supervising Deputy Attorney General
3 ABRAHAM M. LEVY
Deputy Attorney General
4 State Bar Number 189671
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6 San Diego, CA 92186-5266
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Attorneys for Complainant
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10

11 **BEFORE THE**
12 **MEDICAL BOARD OF CALIFORNIA**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

14 In the Matter of the Petition to Revoke
Probation Against:
15
16 **GARY ORDOG, M.D.**
P.O. Box 22050,
Newhall, CA 91322-0250
17
18 Physician's and Surgeon's Certificate Number
G 43038,
19
20 Respondent.

Case No. D1-2001-124743

PETITION TO REVOKE PROBATION

21 Complainant alleges:

22 PARTIES

23 1. Linda K. Whitney (Complainant) brings this Petition to Revoke Probation solely in
24 her official capacity as the Executive Director of the Medical Board of California ("Board"),
25 Department of Consumer Affairs.¹

26 ¹ As used herein the term "Board" means the Medical Board of California. As also used
27 herein the Division of Medical Quality shall also be deemed to refer to the Board. See B&P Code
28 Section 2002.

1 related to the qualifications, functions, or duties of a physician and surgeon.

2 "(f) Any action or conduct which would have warranted the denial of a certificate."

3 CAUSE TO REVOKE PROBATION

4 (Violation of Condition to Obey All Laws)

5 7. At all times after the effective date of Respondent's probation, Condition 4 of
6 Respondent's probationary order in case number 05-2001-124743 stated:

7 "4. Respondent shall be prohibited from engaging in a medical-legal or
8 forensics practice of medicine during the period of probation. Respondent shall
9 immediately notify all attorneys and patients referred to him by attorneys, where
10 the primary purpose of the referral was litigation support, that is, where
11 respondent's retention for medical services was as an expert witness or consultant
12 and/or medical records reviewer, of this prohibition and arrange for the return of
13 any materials and/or unearned fees to the referring attorney or other source of the
14 materials and or fees. Respondent shall not accept any new assignments or
15 referrals as an expert witness, consultant or reviewer during the period of
16 probation. This term of probation shall not prohibit respondent from complying
17 with subpoenas lawfully issued and served on him that compel him to provide
18 records or deposition testimony in respondent's capacity as a treating physician. In
19 such cases, respondent's testimony shall be limited to that of a percipient, treating
20 physician, and respondent shall not charge a fee greater than is usual and
21 customary for such services."

22 8. Respondent's probation is subject to revocation because he failed to comply with
23 Probation Condition 4, referenced above. Respondent engaged in the medical-legal or forensics
24 practice of medicine during his period of probation when he submitted Medical-Legal Reports,
25 and billed for services accordingly, relating to the Worker's Compensation claims of four
26 individuals: M.L., G.L., J.P., and S.P.

27 9. For each of these individuals Respondent submitted bills for comprehensive
28 medical-legal evaluations under code "ML104."

1 J.P.'s Medical Legal Report

2 18. Respondent submitted to Gallagher Basset an 87- page "Medical Legal" report, or
3 "ML104 Comprehensive Medical Legal Report," on behalf of J.P. dated June 1, 2006 for services
4 he rendered on June 1, 2006.

5 19. Respondent wrote this report in order to assist J.P. in qualifying for worker's
6 compensation treatment and for adjudication of the worker's compenensation claim. Respondent
7 stated the report took eighteen hours of clinical preparation, two hours of research and four hours
8 to write the report.

9 20. For his services Respondent submitted billing to Gallagher Bassett in the amount
10 of \$2,500.00.

11 S.P.'s Medical Legal Report

12 21. Respondent submitted to the Fresno Unified School District an 80-page Medical
13 Legal report, or "ML104 Comprehensive Medical Legal Report," dated May 2, 2008, on behalf of
14 S.P. The date of service was May 2, 2008.

15 22. Respondent wrote this report in order to assist S.P. in qualifying for worker's
16 compensation treatment and for adjudication of the worker's compenensation claim. Respondent
17 stated the report took him eighteen hours of clinical preparation, two hours of research and four
18 hours to write the report.

19 23. For his services Respondent submitted a bill in the amount of \$9800.00.

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Exhibit B

Decision and Order No. 05-2001-124743