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. Case No. D1-2001-124743
Physician's and Surgeon's
Certificate No. G 43038
Respondent

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

[Signature]
Dev Gnanadev, M.D., Chair
Panel B
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.
23206 W. Lyons Ave. Suite 104
Newhall, California 91321

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

Case No. D1-2001-124743
OAH No. 2012100057

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

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

PARTIES

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

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

3. On or about August 18, 1980, the Board issued Physician's and Surgeon's Certificate No. G 43038 to Respondent. Said Certificate No. G 43038 was revoked subject to a Decision and
Order after hearing, effective at 5:00 p.m. on May 26, 2006. Said revocation, however, was stayed and Respondent was placed on seven (7) years probation, suspended from the practice of medicine for ninety-days, and prohibited from engaging in the medical-legal or forensic practice of medicine amongst other terms and conditions, at all times relevant to the charges brought in the Petition to Revoke Probation No. D1-2001-124743. Said Certificate No. G43038 will expire on June 30, 2014, unless renewed.

JURISDICTION

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

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

ADVICEMENT AND WAIVERS

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

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

8. Respondent freely, voluntarily, knowingly, and intelligently waives and gives up each
and every right set forth above.

CULPABILITY


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

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

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

CONTINGENCY

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

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

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

**DISCIPLINARY ORDER**

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

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

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

2. **PROHIBITION FROM ENGAGING IN MEDICAL-LEGAL OR FORENSICS PRACTICE OF MEDICINE DURING PROBATIONARY PERIOD.** As specified in Condition 4 of the 2006 Decision, Respondent shall continue to be prohibited from engaging in a medical-legal or forensic practice of medicine during the entire period of probation. In addition,
Respondent shall continue to immediately notify any and all attorney and patients referred to him by attorneys, where the primary purpose of the referral was litigation support, that is, where respondent’s retention for medical services was as an expert witness or consultant and/or medical records reviewer, of this prohibition and arrange for the return of any materials and/or unearned fees to the referring attorney or other source of the materials and/or fees. Respondent shall not accept any new assignments or referrals as an expert witness, consultant or reviewer during the entire period of probation. This term of probation shall not prohibit respondent from complying with subpoenas lawfully issues and served on him that compel him to provide records or deposition testimony in respondent’s capacity as a treating physician. In such cases, respondent’s testimony shall be limited to that of a percipient, treating physician, and respondent shall not charge a fee greater than is usual and customary for such services.

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

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

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

ACCEPTANCE

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

DATED: 02/06/2013

GARY JOSEPH ORDOG, M.D.
Respondent

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

DATED: 2/7/13

Travis Jack
Attorney for Respondent
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
Exhibit A

Petition to Revoke Probation No. D1-2001-124743
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against:

GARY ORDOG, M.D.
P.O. Box 22050,
Newhall, CA 91322-0250

Physician's and Surgeon's Certificate Number
G 43038,

Respondent.

Complainant alleges:

PARTIES

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

¹ As used herein the term "Board" means the Medical Board of California. As also used herein the Division of Medical Quality shall also be deemed to refer to the Board. See B&P Code Section 2002.
2. On or about August 18, 1980, the Board issued Physician's and Surgeon's Certificate Number G 43038 to Gary Ordog, M.D. (Respondent). This license was in effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

3. On April 26, 2006, in a prior disciplinary action entitled In the Matter of the Second Accusation Against Gary Ordog, M.D., Case No. 05-2001-124743, the Board issued a decision, effective May 26, 2006, in which Respondent's medical license was revoked. However, the revocation was stayed and his certificate was placed on probation for a period of seven years on certain terms and conditions. Respondent is currently on probation. A copy of the 2006 decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 of the Code states:

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

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

(b) Gross negligence.

(c) Repeated negligent acts....

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption which is substantially
related to the qualifications, functions, or duties of a physician and surgeon.

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

CAUSE TO REVOKE PROBATION
(Violation of Condition to Obey All Laws)

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

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

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

9. For each of these individuals Respondent submitted bills for comprehensive medical-legal evaluations under code “ML104.”
10. "ML104" is a California Worker’s Compensation code for a comprehensive medical-legal evaluation involving extraordinary circumstances.  

11. The facts and circumstances regarding this violation are as follows: 

M.L.'s Medical Legal Report  

12. Respondent submitted to Gallagher Basset, an intermediary company which processes Worker’s Compensation claims, an 82-page "Medical Legal" report, or “ML104 Comprehensive Medical Legal Report,” on behalf of M.L. for services he rendered on April 15, 2008. He submitted an insurance claim form for his services to M.L. dated May 13, 2008.  

13. Respondent wrote this report in order to assist M.L. in qualifying for worker’s compensation treatment and for adjudication of the worker’s compensation claim. Respondent stated that the report took him eighteen hours of clinical preparation, two hours of research and four hours to write the report.  

14. Respondent submitted a bill in the amount of $4500.00 to the Gallagher Basset company for this report.  

G.L.'s Medical Legal Report  

15. Respondent submitted to Gallagher Basset a 31-page "Medical Legal" report, or “ML104 Comprehensive Medical Legal Report,” on behalf of G.L. dated June 1, 2006 for services he rendered on June 1, 2006.  

16. Respondent wrote this report in order to assist G.L. in qualifying for worker’s compensation treatment and for adjudication of the worker’s compensation claim. Respondent stated the report took him eighteen hours of clinical preparation, two hours of research and four hours to write the report.  

17. Respondent submitted a bill in the amount of $4500.00 for his services to Gallagher Basset.  

2 See California Code of Regulations Title 8, Section 9795 “Reasonable Level of Fees for Medical-Legal Expenses, Follow-up, Supplemental and Comprehensive Medical-Legal Evaluations and Medical-Legal Testimony.”
J.P's Medical Legal Report

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

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

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

S.P.'s Medical Legal Report


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

23. For his services Respondent submitted a bill in the amount of $9800.00.
DISCIPLINE CONSIDERATIONS

24. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on May 26, 2006, in a prior action entitled In the Matter of the Second Amended Accusation Against Gary Ordog M.D., Case No. 05-2001-124743, before the Medical Board of California, Respondent's license was disciplined based on allegations of gross negligence, repeated negligent acts, incompetence, making false statements, and inadequate record keeping, involving four patients. An order of license revocation issued, but was stayed, and a seven-year probation was imposed with multiple terms and conditions. That decision is now final and is incorporated by reference as if fully set forth herein.

PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in Case No. 05-2001-124743 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. G 43038 issued to Gary Ordog, M.D.;

2. Revoking, suspending or denying approval of his authority to supervise physician's assistants, pursuant to section 3527 of the Code;

3. Ordering him to pay the Board the reasonable costs of probation monitoring, if he is placed on probation;

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

DATED: March 1, 2011

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant
Exhibit B

Decision and Order No. 05-2001-124743