Before the Division of Medical Quality
Medical Board of California
Department of Consumer Affairs
State of California

In the Matter of the Accusation
Against:

Murray Susser, M.D.
Certificate # G 22316
Petitioner.

File No: 07-92-16339

Decision

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on May 12, 1997.

It is so ordered April 11, 1997.

Division of Medical Quality
Medical Board of California

Anabel Anderson Imbert, M.D.
Chair
Panel B
BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

MURRAY SUSSER, M.D.
13435 Bayliss Rd.
Los Angeles, California 90049
Physician's and Surgeons No. G22316,
Respondent.

Case No. 07-92-16339
OAH No. L-9601259
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:

1. An Accusation in case number 07-92-16339 was filed
with the Division of Medical Quality, of the Medical Board of
California Department of Consumer Affairs (the "Division") on
February 15, 1995, and is currently pending against Murray
Susser, M.D. (the "respondent").

2. The Accusation, together with all statutorily
required documents, was duly served on the respondent on or about

3. The Complainant, Ron Joseph, is the Executive Director of the Medical Board of California and brought this action solely in his official capacity. The Complainant is represented by the Attorney General of California, Daniel E. Lungren, by and through Deputy Attorney General Karen B. Chappelle.

4. The respondent is represented in this matter by Sharon Barclay Kime, Esq., whose address is 50 California Street, 34th Floor, San Francisco, California 94111-4712.

5. The respondent and his attorney have fully discussed the charges contained in Accusation Number 07-92-16339, and the respondent has been fully advised regarding his legal rights and the effects of this stipulation.

6. At all times relevant herein, respondent has been licensed by the Medical Board of California under Physicians and Surgeons Certificate No. G22316.

7. Respondent understands the nature of the charges alleged in the Accusation and that, if proven at hearing, the charges and allegations would constitute cause for imposing discipline upon his Physician's and Surgeons. Respondent is fully aware of his right to a hearing on the charges contained in the Accusation, his right to confront and cross-examine witnesses against him, his right to the use of subpoenas to compel the

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attendance of witnesses and the production of documents in both
defense and mitigation of the charges, his right to
reconsideration, appeal and any and all other rights accorded by
the California Administrative Procedure Act and other applicable
laws. Respondent knowingly, voluntarily and irrevocably waives
and give up each of these rights.

8. It is understood and agreed that this settlement
involves a compromise of disputed allegations. Respondent has
voluntarily entered into this agreement to avoid the costs and
hardships of further litigation. Respondent therefore admits his
license is subject to discipline for unprofessional conduct
pursuant to Business and Professions Code section 2234.
Respondent agrees to be bound by the Division’s Disciplinary
Order as set forth below.

9. The admissions made by Respondent herein are only
for the purposes of this proceeding, or any other proceedings
before the Division of Medical Quality, Medical Board of
California and shall not be admissible in any other criminal or
civil proceedings.

10. Based on the foregoing admissions and stipulated
matters, the parties agree that the Division shall, without
further notice or formal proceeding, issue and enter the
following order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physicians and Surgeons Certificate Number G22316 issued to Murray Susser, M.D. is revoked. However, the revocation is stayed and respondent is placed on probation for 3 years on the following terms and conditions. Within 15 days after the effective date of this decision the respondent shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or where respondent is employed to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to respondent.

1. COMMUNITY SERVICES - FREE SERVICES

Within 60 days from the effective date of this decision, respondent shall submit to the Division or its designee for its prior approval a community service program in which respondent shall provide free medical services on a regular basis to a community or charitable facility or agency for at least 25 hours a year for the last two years of probation. Community service may not to be performed prior to successful completion of Special Purpose Examination.
2. **SPEX EXAM**

Respondent shall take and pass a Spex exam to be administered by the Federation of State Medical Boards, or its designee. This examination shall be taken within 90 days after the effective date of this decision. If respondent fails the first examination, respondent shall be allowed to take an pass a second examination. The waiting period between the first and second examinations shall be at least three months. If respondent fails to pass the first and second examinations, respondent may take a third and final examination after waiting a period of one year. Failure to pass the Spex exam within 18 months after the effective date of this decision shall constitute a violation of probation. The respondent shall pay the costs of all examinations.

3. **MONITORING**

Within 30 days of the effective date of this decision, respondent shall submit to the Division or its designee for its approval a plan of practice in which respondent’s practice shall be monitored by another physician in respondent’s field of practice, who shall provide periodic reports to the Division or its designee for a period of one year.

If the monitor resigns or is no longer available, respondent shall, within 15 days, move to have a new monitor appointed, through nomination by respondent and approval by the Division or its designee.
4. **OBEY ALL LAWS**

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

5. **QUARTERLY REPORTS**

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

6. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his or her addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record.

Respondent shall also immediately inform the Division, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.
7. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS DESIGNATED PHYSICIAN(S)

Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

8. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-PRACTICE

In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing medicine in California, respondent shall notify the Division or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary period.

9. COMPLETION OF PROBATION

Upon successful completion of probation, respondent's certificate shall be fully restored.
10. VIOLATION OF PROBATION

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. COST RECOVERY

The respondent is hereby ordered to reimburse the Division the total amount of $15,000 payable as follows: $5,000 within 90 days from the effective date of this decision for its investigative and prosecution costs, and $5,000 on the first and second anniversary dates of the effective date of the decision. Failure to reimburse the Division's cost of its investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.
12. LICENSE SURRENDER

Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his/her certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to terms and conditions of probation.

13. PROBATION COSTS

Respondent shall pay the costs associated with probation monitoring each and every year of probation, which are currently set at $2,304, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor at the beginning of each calendar year. Failure to pay costs within 30 days of the due date shall constitute a violation of probation.

CONTINGENCY

This stipulation shall be subject to the approval of
the Division. Respondent understands and agrees that Board staff
and counsel for complainant may communicate directly with the
Division regarding this stipulation and settlement, without
notice to or participation by respondent or his counsel. If the
Division fails to adopt this stipulation as its Order, the
stipulation shall be of no force or effect, it shall be
inadmissible in any legal action between the parties, and the
Division shall not be disqualified from further action in this
matter by virtue of its consideration of this stipulation.

ACCEPTANCE

I have read the above Stipulated Settlement and
Disciplinary Order. I have fully discussed the terms and
conditions and other matters contained therein with my attorney,
Sharon Barclay Kime. I understand the effect this Stipulated
Settlement and Disciplinary Order will have on my Physician’s and
Surgeons, and agree to be bound thereby. I enter this
stipulation freely, knowingly, intelligently and voluntarily.

DATED: 2-18-97

MURRAY SUSSER, M.D.
Respondent
I have read the above Stipulated Settlement and
Disciplinary Order and approve of it as to form and content. I
have fully discussed the terms and conditions and other matters
therein with respondent Murray Susser, M.D..

DATED: 2.3.97.

[Signature]
Sharon Barclay Kime
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary
Order is hereby respectfully submitted for the consideration of
the Division of Medical Quality, Medical Board of California
Department of Consumer Affairs.

DATED: 2.17.97.

DANIEL E. LUNGREN, Attorney General
of the State of California

KAREN B. CHAPPELLE
Deputy Attorney General

Attorneys for Complainant