

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

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 KAREN B. CHAPPELLE,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street
4 Los Angeles, California 90013
Telephone: (213) 897-8944
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6 Attorneys for Complainant

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

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11 In the Matter of the Accusation) Case No. 07-92-16339
Against:)
12) OAH No. L-9601259
13 **MURRAY SUSSER, M.D.**)
13 13435 Bayliss Rd.) **STIPULATED SETTLEMENT**
Los Angeles, California 90049) **AND**
14) **DISCIPLINARY ORDER**
14 Physician's and Surgeons No. G22316,)
15)
15 Respondent.)
16)
16 _____)
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18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceedings that the following matters are
20 true:

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

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

1 February 15, 1995, and respondent filed his Notice of Defense
2 contesting the Accusation on or about March 8, 1995. A copy of
3 Accusation No. 07-92-16339 is attached as Exhibit "A" and hereby
4 incorporated by reference as if fully set forth.

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

11 4. The respondent is represented in this matter by
12 Sharon Barclay Kime, Esq., whose address is 50 California Street,
13 34th Floor, San Francisco, California 94111-4712.

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

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

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

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

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

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

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

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1 **DISCIPLINARY ORDER**

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

15 1. **COMMUNITY SERVICES - FREE SERVICES**

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

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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.

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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.

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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.

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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.

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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


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

10 **ACCEPTANCE**

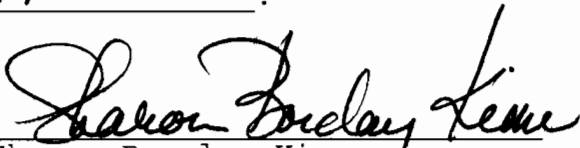
11 I have read the above Stipulated Settlement and
12 Disciplinary Order. I have fully discussed the terms and
13 conditions and other matters contained therein with my attorney,
14 Sharon Barclay Kime. I understand the effect this Stipulated
15 Settlement and Disciplinary Order will have on my Physician's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

18 DATED: 2-18-97.

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

5 DATED: 2.3.97.

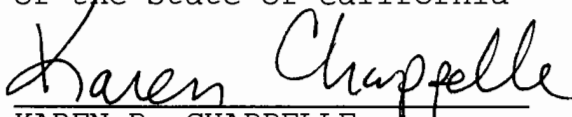
6 
7 Sharon Barclay Kime
8 Attorney for Respondent

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10 **ENDORSEMENT**

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

15 DATED: 2-18-97.

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

18 
19 KAREN B. CHAPPELLE
20 Deputy Attorney General

21 Attorneys for Complainant
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