

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

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**JOAN H. MACKENZIE, M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. G12153** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 800-2014-006603**

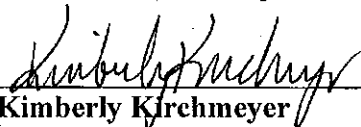
**DECISION**

**The attached Stipulated Surrender of License and 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 May 4, 2017.**

**IT IS SO ORDERED April 27, 2017.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kimberly Kirchmeyer**  
**Executive Director**

1 KATHLEEN KENEALY  
Acting Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 CINDY M. LOPEZ  
Deputy Attorney General  
4 State Bar No. 119988  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-7373  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2014-006603

12 JOAN MACKENZIE, M.D.  
348 Calle De Andalucia  
13 Redondo Beach, CA 90277

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Physician's and Surgeon's Certificate No.  
15 G12153

16 Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Medical Board of California of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 PARTIES

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Cindy M. Lopez,  
27 Deputy Attorney General.  
28



1 CULPABILITY

2 8. Respondent understands that the charges and allegations in Accusation No. 800-2014-  
3 006603, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and  
4 Surgeon's Certificate.

5 9. Respondent retired from the practice of medicine in 2014. For the purpose of  
6 resolving the Accusation without the expense and uncertainty of further proceedings, Respondent  
7 agrees that, at a hearing, Complainant could establish a factual basis for the charges in the  
8 Accusation and that those charges constitute cause for discipline. Respondent hereby gives up  
9 her right to contest that cause for discipline exists based on those charges.

10 10. Respondent understands that by signing this stipulation she enables the Board to issue  
11 an order accepting the surrender of her Physician's and Surgeon's Certificate without further  
12 process.

13 CONTINGENCY

14 11. This stipulation shall be subject to approval by the Board. Respondent understands  
15 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
16 with the Board regarding this stipulation and surrender, without notice to or participation by  
17 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that  
18 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
19 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
20 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
21 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
22 be disqualified from further action by having considered this matter.

23 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
25 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:  
28

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G12153, issued to Respondent JOAN MACKENZIE, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2014-006603 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

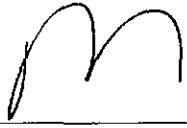
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Peter R. Osinoff. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily,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

DATED: 01 11 17

Joan Mackenzie M.D.  
JOAN MACKENZIE, M.D.  
Respondent

1 I have read and fully discussed with Respondent JOAN MACKENZIE, M.D. the terms and  
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4 DATED: 1/11/17

  
PETER R. OSINOFF  
*Attorney for Respondent*

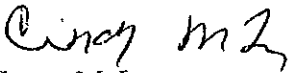
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7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
9 for consideration by the Medical Board of California of the Department of Consumer Affairs.

10 Dated: 4.18.17

Respectfully submitted,

11 KAMALA D. HARRIS  
12 Attorney General of California  
13 E. A. JONES III  
14 Supervising Deputy Attorney General

  
15 CINDY M. LOPEZ  
16 Deputy Attorney General  
17 *Attorneys for Complainant*

18 LA2016601759  
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EXHIBIT A

1 KAMALA D. HARRIS  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 CINDY M. LOPEZ  
Deputy Attorney General  
4 State Bar No. 119988  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-7373  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 18, 2016  
BY: [Signature] ANALYST

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

11  
12 In the Matter of the Accusation Against:

Case No. 800-2014-006603

13 **JOAN MACKENZIE, M.D.**  
348 Calle De Andalucia  
14 Redondo Beach, CA 90277

**ACCUSATION**

15 Physician's and Surgeon's Certificate  
16 No. G12153,

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about August 1, 1966, the Medical Board issued Physician's and Surgeon's  
25 Certificate Number G12153 to Joan MacKenzie, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on November 30, 2016, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

8 5. Section 2234 of the Code, states:

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

12 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting  
13 the violation of, or conspiring to violate any provision of this chapter.

14 "(b) Gross negligence.

15 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent  
16 acts or omissions. An initial negligent act or omission followed by a separate and distinct  
17 departure from the applicable standard of care shall constitute repeated negligent acts.

18 "(1) An initial negligent diagnosis followed by an act or omission medically  
19 appropriate for that negligent diagnosis of the patient shall constitute a single  
20 negligent act.

21 "(2) When the standard of care requires a change in the diagnosis, act, or  
22 omission that constitutes the negligent act described in paragraph (1), including, but  
23 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
24 licensee's conduct departs from the applicable standard of care, each departure  
25 constitutes a separate and distinct breach of the standard of care.

26 "(d) Incompetence.

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



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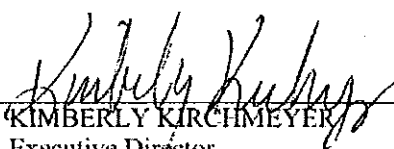
no discussion of the potential risks and benefits, and there is no discussion charted about diversion or side effects.

**PRAYER**

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G12153, issued to Joan MacKenzie, M.D.;
2. Revoking, suspending or denying approval of Joan MacKenzie, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Joan MacKenzie, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: October 18, 2016

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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