

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

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	
	)	
	)	
<b>Hugo Estefano Altamirano, M.D.</b>	)	<b>Case No. 800-2016-028162</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. A 121792</b>	)	
	)	
<b>Respondent</b>	)	
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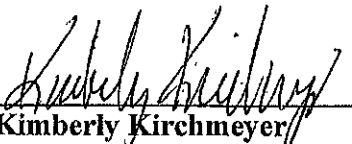
**DECISION AND ORDER**

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 August 21, 2017.

IT IS SO ORDERED August 14, 2017.

**MEDICAL BOARD OF CALIFORNIA**

By:   
\_\_\_\_\_  
**Kimberly Kirchmeyer**  
**Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5597  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:  
11 **HUGO ESTEFANO ALTAMIRANO, M.D.**

12 **399 Fremont St., No. 427**  
13 **San Francisco, CA 94105**

14 **Physician's and Surgeon's Certificate No.**  
15 **A121792**

16 Respondent.

Case No. 800-2016-028162

OAH No. 2017050100

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Alice W. Wong,  
25 Deputy Attorney General.

26 2. Hugo Estefano Altamirano, M.D. (Respondent) is represented in this proceeding by  
27 attorney Jeffrey S. Kravitz, whose address is Kravitz Law Office, 6747 Fair Oaks Blvd  
28 Carmichael, CA 95608.



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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2016-028162, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. A121792 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. 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 surrender, 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 Surrender 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.

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

12. 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 Order:

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A121792, issued to Respondent Hugo Estefano Altamirano, 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 his pocket license and, if one was issued, his 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. 800-2016-028162 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition. Good cause exists to permit Respondent to petition for reinstatement in two years (Bus. & Prof., § 2307, subd. (b)(1).)

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2016-028162 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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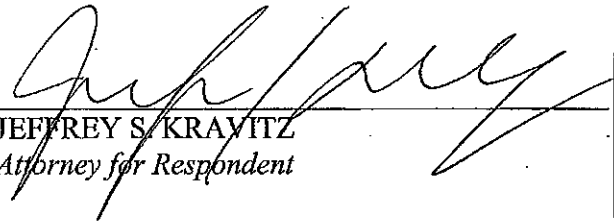
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Jeffrey S. Kravitz. 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: 8/4/17   
HUGO ESTEFANO ALTAMIRANO, M.D.  
*Respondent*

I have read and fully discussed with Respondent Hugo Estefano Altamirano, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.


DATED: 8-4-17   
JEFFREY S. KRAVITZ  
*Attorney for Respondent*

ENDORSEMENT

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

Dated: 8/4/17

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

  
ALICE W. WONG  
Deputy Attorney General  
*Attorneys for Complainant*

SF2017202597

**Exhibit A**

**Accusation No. 800-2016-028162**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5597  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 800-2016-028162

11 **Hugo Estefano Altamirano, M.D.**  
12 **2515 Wilshire Blvd, PTP**  
13 **Santa Monica, CA 90403**

**ACCUSATION**

14 **Physician's and Surgeon's Certificate**  
15 **No. A121792,**

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about June 22, 2012, the Medical Board issued Physician's and Surgeon's  
23 Certificate Number A121792 to Hugo Estefano Altamirano, M.D. (Respondent). The Physician's  
24 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on January 31, 2018, unless renewed.  
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28



**JURISDICTION**

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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 2004 of the Code provides, in pertinent part, that the Medical Board shall  
5 have responsibility for:

6               “(a) The enforcement of the disciplinary and criminal provisions of the Medical  
7 Practice Act.

8               (b) The administration and hearing of disciplinary actions.

9               (c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
10 administrative law judge.

11              (d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
12 disciplinary actions.

13              (e) Reviewing the quality of medical practice carried out by physician and  
14 surgeon certificate holders under the jurisdiction of the board. . .”

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

19       6.    Section 2228 of the Code provides that a probation imposed by the Board may  
20 include, but is not limited to the following:

21              “(a) Requiring the licensee to obtain additional professional training and to pass an  
22 examination upon the completion of training. The examination may be written or oral, or both,  
23 and may be a practical or clinical examination, or both, at the option of the board or the  
24 administrative law judge.”

25              “(b) Requiring the licensee to submit to a complete diagnostic examination by one or  
26 more physicians and surgeons appointed by the board. If an examination is ordered, the board  
27 shall receive and consider any other report of a complete diagnostic examination given by one or  
28 more physicians and surgeons of the licensee’s choice.”

1           “(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including  
2 requiring notice to applicable patients that the licensee is unable to perform the indicated  
3 treatment, where appropriate.”

4           7.     Section 2234 of the Code, states:

5           “The board shall take action against any licensee who is charged with unprofessional  
6 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
7 limited to, the following:

8           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
9 violation of, or conspiring to violate any provision of this chapter.

10          “(b) Gross negligence.

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

13          8.     Section 2239 of the Code states:

14          “(a) The use or prescribing for or administering to himself or herself, of any controlled  
15 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic  
16 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to  
17 any other person or to the public, or to the extent that such use impairs the ability of the licensee  
18 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
19 consumption, or self-administration of any of the substances referred to in this section, or any  
20 combination thereof, constitutes unprofessional conduct.”

21          9.     Section 2280 of the Code states:

22          “No licensee shall practice medicine while under the influence of any narcotic drug or  
23 alcohol to such extent as to impair his or her ability to conduct the practice of medicine with  
24 safety to the public and his or her patients. Violation of this section constitutes unprofessional  
25 conduct and is a misdemeanor.”

26          10.    Section 822 of the Code provides that if the Board determines that a licensee’s ability  
27 to practice his or her profession safely is impaired because the licensee is mentally ill, or  
28 physically ill affecting competency, the licensing agency may take action by revoking or

1 suspending the license, placing the licensee on probation, or taking such other action as the  
2 licensing agency in its discretion deems proper.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Gross Negligence and Substance Abuse)**

5 11. Respondent's license is subject to discipline and Respondent is guilty of  
6 unprofessional conduct in violation of sections 2234 and 2239 of the Code based on the  
7 following:

8 12. On or about October 29, 2016, Respondent was the on-duty anesthesiologist for the  
9 Obstetrics Department of Contra Costa Regional Medical Center (CCMC). When Respondent  
10 failed to respond to on-duty pages to the Obstetrics Unit, another physician found Respondent in  
11 the physician's call room, face down and nearly unresponsive, with an IV in his left arm attached  
12 to an empty syringe. The reporting physician also observed a second empty syringe in the room.  
13 Respondent was taken to the emergency room for evaluation.

14 13. Respondent was immediately relieved of his clinical duties and a formal investigation  
15 was conducted by the CCMC Medical Executive Committee.

16 14. On or about November 17, 2016, Respondent sought treatment for chemical  
17 dependency. Records of Respondent's chemical dependency treatment were obtained by the  
18 Board and those records disclosed that Respondent admitted to being habituated to IV drug use,  
19 including propofol<sup>1</sup> and fentanyl<sup>2</sup>. Respondent admitted he obtained the drugs from "extra after  
20 procedures and [he] would do single IV injections." After conducting an interview and  
21 performing psychological testing, the evaluator at the chemical dependency treatment center  
22 concluded Respondent suffers from severe Opioid Use Disorder for fentanyl and severe Sedative  
23 Hypnotic Use Disorder for propofol. The evaluator further opined that Respondent should not

24 <sup>1</sup> Propofol is a short-acting intravenous anesthetic with a narrow window of therapeutic  
25 safety and has often been abused by medical providers with access to the drug. Propofol  
26 produces loss of consciousness rapidly within 40 seconds of an intravenous injection. (Drug  
27 Enforcement Agency, Office of Diversion Control: January 2013)

28 <sup>2</sup> Fentanyl is a powerful synthetic opiate similar to but far more potent than morphine,  
used to treat moderate to severe pain. Intravenous fentanyl is often used for anesthesia along with  
propofol. It is a Schedule II controlled substance as defined by Health and Safety Code section  
11055, subdivision (c)(8).

1 practice as a physician until after successful completion of a 90 (plus) days of chemical  
2 dependency treatment at a full-time residential or residential day treatment program as prescribed  
3 and reevaluated for fitness for duty.

4 15. Respondent is guilty of unprofessional conduct and Respondent's license is subject to  
5 disciplinary action for violation of sections 2234 and 2239 of the Code. Respondent's self use of  
6 controlled substances while working as the on-call anesthesiologist for surgical intervention in the  
7 Obstetrics department of a hospital evidences a critical deficiency of the clinical judgment of a  
8 physician and constitutes gross negligence for the self-prescribing of controlled substances, and  
9 the use of controlled substances in a manner dangerous to self and others.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Impairment - Chemical Dependence)**

12 16. Respondent is subject to disciplinary action under section 822 of the Code in that  
13 Respondent is unable to practice medicine safely due to multiple diagnoses of chemical  
14 dependence based on the following:

15 17. Paragraphs 11 to 15 are incorporated in this Second Cause for Disciplinary Action, as  
16 though fully set out herein.

17 18. Respondent's license is subject to discipline pursuant to sections 822 and 2227 of the  
18 Code in that, due to diagnosed chemical dependence, Respondent is unable or is impaired in his  
19 ability to practice medicine.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Practice Under the Influence)**

22 19. Respondent is subject to disciplinary action under section 2280 of the Code in that  
23 Respondent was engaged in the practice of medicine when he was under the influence of a  
24 narcotic drug which impaired his ability to practice medicine safely based on the following:

25 20. Paragraphs 11 to 15 are incorporated in this Third Cause for Disciplinary Action, as  
26 though fully set out herein.

27 21. Respondent's license is subject to discipline pursuant to section 2280 of the Code in  
28 that Respondent was the on-duty anesthesiologist when he was found in the physician's call

1 room, face down and nearly unresponsive, with an IV in his left arm attached to an empty  
2 syringe. Respondent's conduct endangered the safety of the public and his patients.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Dishonest Acts)**

5 22. Respondent's license is subject to discipline and respondent is guilty of  
6 unprofessional conduct in violation of sections 2234, 2234(a) and 2234(e) of the Code in that  
7 Respondent engaged in dishonest acts based on the following:

8 23. Paragraphs 11 to 15 are incorporated in this Fourth Cause for Disciplinary Action, as  
9 though fully set out herein.

10 24. Respondent's license is subject to discipline pursuant to sections 2234 and 2234(e) of  
11 the Code by reason of his dishonest acts in illicitly obtaining and diverting narcotics for his own  
12 use.

13 **PRAYER**

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

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A121792,  
17 issued to Hugo Estefano Altamirano, M.D.;

18 2. Revoking, suspending or denying approval of Hugo Estefano Altamirano, M.D.'s  
19 authority to supervise physician assistants and advanced practice nurses;

20 3. Ordering Hugo Estefano Altamirano, M.D., if placed on probation, to pay the Board  
21 the costs of probation monitoring; and

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

23  
24 DATED: March 2, 2017

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

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