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

In the Matter of the Accusation
Against:

Frederick Luther Becker, M.D.
Physician's and Surgeon's Certificate No. G 63724
Respondent

Case No. 800-2015-016331

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 October 28, 2016.

IT IS SO ORDERED October 21, 2016.

MEDICAL BOARD OF CALIFORNIA

By: Kimberley Kirchmeyer
Executive Director
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

FREDERICK L. BECKER, JR., M.D.
2299 Market Street, Apt. 205
San Francisco, CA 94114-1675

Physician’s and Surgeon’s Certificate
No. G 63724,

Respondent.

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

PARTIES

1. Kimberly Kirchmeyer (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 Brenda P. Reyes, Deputy Attorney General.

2. Frederick L. Becker, Jr., M.D. (Respondent) is represented in this proceeding by attorney Thomas E. Still, Esq., whose address is Hinshaw, Marsh, Still & Hinshaw, LLP, 12901 Saratoga Avenue, Saratoga, CA 95070.
3. On or about August 15, 1988, the Board issued Physician's and Surgeon's Certificate No. G 63724 to Frederick L. Becker, Jr., M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-016331 and will expire on October 31, 2017, unless renewed.

JURISDICTION

4. Accusation No. 800-2015-016331 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 14, 2016 and Respondent timely filed a Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2015-016331 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-016331. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; 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.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2015-016331, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 63724 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:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 63724, issued to Respondent Frederick L. Becker, Jr., 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. 800-2015-016331 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

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. 800-2015-016331 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.
ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Thomas E. Still, Esq. 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: 9/25/16

FREDERICK L. BECKER, JR., M.D.
Respondent

I have read and fully discussed with Respondent Frederick L. Becker, Jr., 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: 9/25/16

THOMAS E. STILL, Esq.
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: October 7, 2016

KAMALA D. HARRIS
Attorney General of California

JANE ZACK SIMON
Supervising Deputy Attorney General

BRENDA P. REYES
Deputy Attorney General

Attorneys for Complainant
Exhibit A

Accusation No. 800-2015-016331
In the Matter of the Accusation Against: Frederick L. Becker, Jr., M.D. 2299 Market Street, Apt. 205 San Francisco, CA 94114-1675

Physician's and Surgeon's Certificate No. G 63724,

Respondent.

Complainant alleges:

PARTIES

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

2. On or about August 15, 1988, the Medical Board issued Physician's and Surgeon's Certificate Number G 63724 to Frederick L. Becker, Jr., M.D. (Respondent). The Physician’s and Surgeon’s Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2017, unless renewed.

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3. This Accusation 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.

4. Section 2004 of the Code states, in pertinent part:

   "The board shall have the responsibility for the following:

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

   (b) The administration and hearing of disciplinary actions.

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

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

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

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 820 of the Code states:

   "Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency.

   The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."
7. Section 822 of the Code states:

"If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

"The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

CAUSE FOR DISCIPLINE

(Impairment Affecting Ability to Practice Medicine Safely)

8. Respondent is subject to action under section 822 of the Code in that Respondent is unable to practice medicine safely due to a physical and/or mental condition. The circumstances are as follows:

9. In or about August 2015, the Board received information from an anonymous Kaiser Permanente Hospital employee that Respondent may be impaired to practice medicine safely. The Medical Board initiated an investigation and on or about March 17, 2016, Respondent was interviewed by investigative staff. During the interview, Respondent reported that he was not feeling well and the interview was terminated without being completed.

10. On or about July 12, 2016, the Board received a Work Status Report prepared by Respondent's treating physician, Dr. S.D. Dr. D. states that Respondent has "marked limitations," and that he is permanently disabled and unable to return to work.
11. Therefore, Respondent’s license is subject to action pursuant to section 822 of the 
Code, in that Respondent is unable to practice medicine with safety to the public due to a physical and/or mental condition.

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 G 63724, issued to Frederick L. Becker, Jr., M.D.;

2. Revoking, suspending or denying approval of Frederick L. Becker, Jr., M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. Ordering Frederick L. Becker, Jr., 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: September 14, 2016

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