

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

In the Matter of the Accusation )  
Against: )  
)  
)  
George R. Brolaski Jr., M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. A 20748 )  
)  
Respondent )  
\_\_\_\_\_ )

Case No. 800-2015-012781

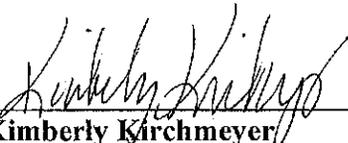
DECISION

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 March 28, 2017.

IT IS SO ORDERED March 21, 2017.

MEDICAL BOARD OF CALIFORNIA

By:   
Kimberly Kirchmeyer  
Executive Director

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 LORI JEAN FORCUCCI  
Deputy Attorney General  
4 State Bar No. 125345  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9449  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 **In the Matter of the Accusation Against:**

Case No. 800-2015-012781

14 **GEORGE R. BROLASKI JR., M.D.**  
15 **699 N. Vulcan Ave., #7**  
**San Diego, CA 92024**

OAH Case No. 2016120425

16 **Physician's and Surgeon's Certificate**  
17 **No. A 20748,**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

18 **Respondent.**

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 Lori Jean Forcucci,  
25 Deputy Attorney General.

26 2. George R. Brolaski Jr., M.D. (Respondent) has elected to represent himself in the  
27 above-captioned matter and has chosen not to exercise his right to be represented by legal counsel  
28 at his own expense in this proceeding.



1 court review of an adverse decision; and all other rights accorded by the California  
2 Administrative Procedure Act and other applicable laws.

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

### 5 CULPABILITY

6 9. Respondent admits the truth of each and every charge and allegation in Accusation  
7 No. 800-2015-012781, agrees that a cause of action under Section 822 of the Business and  
8 Professions Code exists, and hereby surrenders his Physician's and Surgeon's Certificate No.  
9 A 20748 for the Board's formal acceptance.

10 10. Respondent understands that by signing this stipulation he enables the Executive  
11 Director on behalf of the Board to issue an order accepting the surrender of his Physician's and  
12 Surgeon's Certificate on behalf of the Board without further process.

### 13 CONTINGENCY

14 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent  
15 part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . .  
16 stipulation for surrender of a license."

17 12. This Stipulated Surrender of License and Order shall be subject to approval by the  
18 Executive Director on behalf of the Medical Board. The parties agree that this Stipulated  
19 Surrender of License and Order shall be submitted to the Executive Director for her consideration  
20 in the above-entitled matter and, further, that the Executive Director shall have a reasonable  
21 period of time in which to consider and act on this Stipulated Surrender of License and Order  
22 after receiving it. By signing this stipulation, Respondent fully understands and agrees that he  
23 may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive  
24 Director, on behalf of the Medical Board, considers and acts upon it.

25 13. The parties agree that this Stipulated Surrender of License and Order shall be null and  
26 void and not binding upon the parties unless approved and adopted by the Executive Director on  
27 behalf of the Board, except for this paragraph, which shall remain in full force and effect.  
28 Respondent fully understands and agrees that in deciding whether or not to approve and adopt this

1 Stipulated Surrender of License and Order, the Executive Director and/or the Board may receive  
2 oral and written communications from its staff and/or the Attorney General's Office.  
3 Communications pursuant to this paragraph shall not disqualify the Executive Director, the  
4 Board, any member thereof, and/or any other person from future participation in this or any other  
5 matter affecting or involving respondent. In the event that the Executive Director on behalf of the  
6 Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and  
7 Order, with the exception of this paragraph, it shall not become effective, shall be of no  
8 evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action  
9 by either party hereto. Respondent further agrees that should this Stipulated Surrender of License  
10 and Order be rejected for any reason by the Executive Director on behalf of the Board,  
11 Respondent will assert no claim that the Executive Director, the Board, or any member thereof,  
12 was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender  
13 of License and Order or of any matter or matters related hereto.

14 **ADDITIONAL PROVISIONS**

15 14. This Stipulated Surrender of License and Order is intended by the parties herein to be  
16 an integrated writing representing the complete, final and exclusive embodiment of the  
17 agreements of the parties in the above-entitled matter.

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

21 16. In consideration of the foregoing admissions and stipulations, the parties agree the  
22 Executive Director of the Medical Board may, without further notice to or opportunity to be heard  
23 by respondent, issue and enter the following Order on behalf of the Board:

24 **ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 20748, issued  
26 to Respondent George R. Brolaski Jr., M.D., is surrendered and accepted by the Executive  
27 Director on behalf of the Medical Board of California.

28 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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: 2.28.17

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General



LORI JEAN FORCUCCI  
Deputy Attorney General  
*Attorneys for Complainant*

SD2016702193  
81603522.doc

**Exhibit A**

**Accusation No. 800-2015-012781**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 LORI JEAN FORCUCCI  
Deputy Attorney General  
4 State Bar No. 125345  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9449  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 **In the Matter of the Accusation Against:**

Case No. 800-2015-012781

14 **George R. Brolaski, Jr. M.D.**  
15 **699 N. Vulcan Ave., #7,**  
**Encinitas, CA 92024**

**ACCUSATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 20748,**

18 **Respondent.**

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 July 8, 1963, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 20748 to respondent George R. Brolaski, Jr., M.D. (Respondent). Physician's  
26 and Surgeon's Certificate No. A 20748 was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on January 31, 2018, unless renewed.

28 ///

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 (Code) unless otherwise  
4 indicated.

5 4. Section 2227 of the Code states, in pertinent part:

6 “(a) A licensee whose matter has been heard by an administrative law judge of the  
7 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or  
8 whose default has been entered, and who is found guilty, or who has entered into a  
9 stipulation for disciplinary action with the board, may, in accordance with the provisions of  
10 this chapter:

11 “(1) Have his or her license revoked upon order of the board.

12 “(2) Have his or her right to practice suspended for a period not to exceed one year  
13 upon order of the board.

14 “(3) Be placed on probation and be required to pay the costs of probation monitoring  
15 upon order of the board.

16 “(4) Be publicly reprimanded by the board. The public reprimand may include a  
17 requirement that the licensee complete relevant educational courses approved by the board.

18 “(5) Have any other action taken in relation to discipline as part of an order of  
19 probation, as the board or an administrative law judge may deem proper.

20 “...”

21 5. Section 820 of the Code states:

22 “Whenever it appears that any person holding a license, certificate or permit under  
23 this division<sup>1</sup> or under any initiative act referred to in this division may be unable to practice  
24 his or her profession safely because the licentiate’s ability to practice is impaired due to  
25 mental illness, or physical illness affecting competency, the licensing agency may order the  
26 licentiate to be examined by one or more physicians and surgeons or psychologists

27 \_\_\_\_\_  
28 <sup>1</sup> Division 2 of the Business and Professions Code entitled, “Healing Arts.”

1 designated by the agency. The report of the examiners shall be made available to the  
2 licentiate and may be received as direct evidence in proceedings conducted pursuant to  
3 Section 822.”

4 6. Section 822 of the Code states, in pertinent part:

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

8 “(a) Revoking the licentiate’s certificate or license.

9 “(b) Suspending the licentiate’s right to practice.

10 “(c) Placing the licentiate on probation.

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

13 “...”

14 7. Section 824 of the Code states:

15 “The licensing agency may proceed against a licentiate under either Section  
16 820, or 822, or under both sections.”

17 **SECTION 822 CAUSE FOR ACTION**

18 **(Mental or Physical Illness Affecting Competency)**

19 8. Respondent’s Physician’s and Surgeon’s Certificate No. A 20748 is subject to action  
20 under section 822 of the Code in that his ability to practice medicine safely is impaired because he  
21 is mentally ill, or physically ill affecting competency, as more particularly alleged hereinafter:

22 9. Between in and about 2012 to 2016, Respondent has been a practicing psychiatrist  
23 providing psychiatric care and treatment to patients in the community of San Ysidro, California.

24 10. In or about March of 2015, Respondent’s physician referred him for a  
25 neuropsychological evaluation. Respondent’s performance on that evaluation produced abnormal  
26 results. Specifically, Respondent was repetitive in some of his answers (suggesting memory loss),  
27 and was unable to state the month, or day, or identify the city he was in during the examination.

28 ///

1 11. Pursuant to Business and Professions Code section 820, at the request of the Board,  
2 Respondent voluntarily presented to three doctors chosen by the Board for three types of medical  
3 examinations: psychiatric, physical and neuropsychological.

4 A. Psychiatric Examination:

5 On or about March 1, 2016, Respondent attended a psychiatric examination  
6 performed by A. A., M.D. Respondent scored 23/30 on the Montreal Cognitive Assessment  
7 test<sup>2</sup> and his examination indicated a mild to moderate unspecified neurocognitive disorder.

8 B. Physical Examination:

9 On or about March 7, 2016, Respondent attended a physical examination performed  
10 by R. L., M.D. Dr. L. opined that Respondent suffers from mild short term memory  
11 impairment and inability to recall specific objects within one to two minutes of testing. Dr.  
12 L. recommended that Respondent undergo neuropsychological testing to determine whether  
13 Respondent had an illness or condition that would impact his ability to safely practice  
14 medicine.

15 C. Neuropsychological Examination:

16 On or about July 1, 2016, Respondent attended a neuropsychological fitness-for-duty  
17 examination performed by Dr. W. P., Ph.D. Respondent's neuropsychological examination  
18 results showed memory impairment and impairment of most aspects of Respondent's  
19 language. Dr. P. found that Respondent meets criteria for amnesic mild cognitive  
20 impairment and diagnosed Respondent with Mild Neurocognitive Disorder.

21 12. Dr. P. found that Respondent's impairments on cognitive testing are sufficiently  
22 deficient that they can constitute a concern for his independent practice of medicine, and that  
23 Respondent's current marked memory impairments pose a significant concern for his practice of  
24 medicine as it relates to the safety of the public.

25 ///

26 \_\_\_\_\_  
27 <sup>2</sup> A normal Montreal Cognitive Assessment test score is considered to be greater than  
28 26/30.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 No. A 20748, issued to Respondent George R. Brolaski Jr., M.D.;
2. Revoking, suspending or denying approval of Respondent George R. Brolaski Jr., M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Respondent George R. Brolaski 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: November 10, 2016

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

SD2016702193  
81468791.doc