

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

In the Matter of the Accusation)
Against:)
)
)
JAMES HENRY GILL, M.D.)
)
Physician's and Surgeon's)
Certificate No. A91982)
)
Respondent)
_____)

Case No. 8002014009407

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 August 18, 2016

IT IS SO ORDERED August 11, 2016 .

MEDICAL BOARD OF CALIFORNIA

By: _____

Kimberly Kirchmeyer
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI
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7 *Attorneys for Complainant*

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

10
11 In the Matter of the Accusation Against:

Case No. 800-2014-009407

12 **JAMES HENRY GILL, M.D.**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 2420 Camino Ramon
14 San Ramon, CA 94583

15 Physician's and Surgeon's Certificate No.
16 A 91982

17 Respondent.

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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. She brought this action solely in her official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by Lynne K.
25 Dombrowski, Deputy Attorney General.

26 2. James Henry Gill, M.D. (Respondent) is represented in this proceeding by attorney
27 Mitchell J. Green, whose address is Mitchell J. Green, Nossaman LLP, 50 California St., 34th
28 Floor, San Francisco, CA 94111.

1 reinstatement after a minimum period of two years from the effective date of this Decision and
2 Order.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following Order:

5 **ORDER**

6 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 91982, issued
7 to Respondent James Henry Gill, M.D., is surrendered and accepted by the Medical Board of
8 California.

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

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

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

17 4. If Respondent ever files an application for licensure or a petition for reinstatement in
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
19 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
20 effect at the time the petition is filed, and all of the charges and allegations contained in
21 Accusation No. 800-2014-009407 shall be deemed to be true, correct, and admitted by
22 Respondent when the Board determines whether to grant or deny the petition.

23 5. If Respondent should ever apply or reapply for a new license or certification, or
24 petition for reinstatement of a license, by any other health care licensing agency in the State of
25 California, all of the charges and allegations contained in Accusation No. 800-2014-009407 shall
26 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
27 Issues or any other proceeding seeking to deny or restrict licensure.

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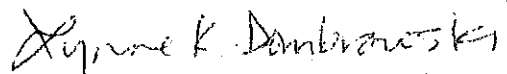
ENDORSEMENT

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: 07/06/2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2014-009407

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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 7 20 16
BY P. Firdaus ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 800-2014-009407

12 **James Henry Gill, M.D.**
13 2420 Camino Ramon
San Ramon, CA 94583

ACCUSATION

14 Physician's and Surgeon's Certificate
15 No. A 91982,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 1, 2005, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 91982 to James Henry Gill, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
26 and will expire on July 31, 2017, unless renewed.

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

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

9 8. Section 2228 of the Code states:

10 "The authority of the board or the California Board of Podiatric Medicine to discipline a
11 licensee by placing him or her on probation includes, but is not limited to, the following:

12 "(a) Requiring the licensee to obtain additional professional training and to pass an
13 examination upon the completion of the training. The examination may be written or oral, or both,
14 and may be a practical or clinical examination, or both, at the option of the board or the
15 administrative law judge.

16 "(b) Requiring the licensee to submit to a complete diagnostic examination by one or more
17 physicians and surgeons appointed by the board. If an examination is ordered, the board shall
18 receive and consider any other report of a complete diagnostic examination given by one or more
19 physicians and surgeons of the licensee's choice.

20 "(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including
21 requiring notice to applicable patients that the licensee is unable to perform the indicated
22 treatment, where appropriate.

23 "(d) Providing the option of alternative community service in cases other than violations
24 relating to quality of care."

25 9. Section 2234 of the Code, states, in pertinent part:

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

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

3 “(b) Gross negligence. . . .

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

6 “(f) Any action or conduct which would have warranted the denial of a certificate. . . .”

7 10. Section 2239 of the Code states, in pertinent part:

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

15 11. Section 11170 of the Health and Safety Code states that “No person shall prescribe,
16 administer, or furnish a controlled substance for himself.”

17 12. Section 11173 of the Health and Safety Code states, in pertinent part, that:

18 “(a) No person shall obtain or attempt to obtain controlled substances, or procure or
19 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
20 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

21 “(b) No person shall make a false statement in any prescription, order, report, or record,
22 required by this division. . . .

23 “(d) No person shall affix any false or forged label to a package or receptacle containing
24 controlled substances.”

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