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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *Sept. 22 2016*
BY *[Signature]* ANALYST

7
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. 800-2016-025111

12 **CARL GENE GOLD, M.D.**
13 **55 Forest Ridge**
Springfield, IL 62712
14 **Physician's and Surgeon's Certificate**
15 **No. G130167**

A C C U S A T I O N

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 May 3, 2014, the Medical Board issued Physician's and Surgeon's
24 Certificate No. G130167 to Carl Gene Gold, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2017, unless renewed.

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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 unless otherwise indicated.

4 4. Section 2227 of the Code provides, in part, that the Board may revoke, suspend for a
5 period not to exceed one year, or place on probation, the license of any licensee who has been
6 found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

7 5. Section 2305 of the Code provides, in part, that the revocation, suspension, or other
8 discipline, restriction or limitation imposed by another state upon a license to practice medicine
9 issued by that state, or the revocation, suspension, or restriction of the authority to practice
10 medicine by any agency of the federal government, that would have been grounds for discipline
11 in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional
12 conduct.

13 6. Section 141 of the Code states:

14 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
15 department, a disciplinary action taken by another state, by any agency of the federal government,
16 or by another country for any act substantially related to the practice regulated by the California
17 license, may be a ground for disciplinary action by the respective state licensing board. A
18 certified copy of the record of the disciplinary action taken against the licensee by another state,
19 an agency of the federal government, or another country shall be conclusive evidence of the
20 events related therein.

21 "(b) Nothing in this section shall preclude a board from applying a specific statutory
22 provision in the licensing act administered by that board that provides for discipline based upon a
23 disciplinary action taken against the licensee by another state, an agency of the federal
24 government, or another country."

25 **CAUSE FOR DISCIPLINE**

26 **(Discipline, Restriction, or Limitation Imposed by Another State)**

27 7. On or about, July 18, 2016, the Illinois Department of Financial and Professional
28 Regulation, Division of Professional Regulation, issued a Consent Order (Illinois Order). The

1 Illinois Order stated that information from the US Department of Justice Drug Enforcement
2 Administration demonstrated that Respondent diverted Schedule II Controlled Substances from
3 St. Mary's Hospital for personal use. As a result, the Illinois Order placed Respondent on
4 indefinite probation for a minimum of three (3) years.

5 8. Respondent's conduct and the actions of the Illinois Department of Financial and
6 Professional Regulation Division as set forth in paragraph 7, above, and within the actual Illinois
7 Order, attached as Exhibit A, constitute unprofessional conduct and cause for discipline pursuant
8 to sections 2305 and/or 141 of the Code.

9
10 **PRAYER**

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

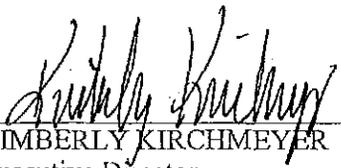
13 1. Revoking or suspending Physician's and Surgeon's Certificate No. G130167, issued
14 to Carl Gene Gold, M.D.;

15 2. Revoking, suspending or denying approval of Carl Gene Gold, M.D.'s authority to
16 supervise physician assistants, pursuant to section 3527 of the Code;

17 3. Ordering Carl Gene Gold, M.D., if placed on probation, to pay the Board the costs of
18 probation monitoring; and

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

20
21 DATED: September 22, 2016


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

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25 SF2016201564

EXHIBIT A

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL)	
REGULATION of the State of Illinois,)	
v.)	No. 2015-05114
Carl Gold, M.D.,)	
License No. 036-118707,)	
Respondent.)	

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter the "Department") and Carl Gold, M.D., (hereinafter the "Respondent"), hereby agree to the following:

STIPULATIONS

Carl Gold, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 036-118707. Said Illinois Physician and Surgeon License is currently in Active status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the Department from US Department of Justice Drug Enforcement Administration that Respondent diverted Schedule II Controlled Substances from St. Mary Hospital for personal use. The allegations set, if proven to be true, would constitute grounds for suspending, revoking and other discipline of Respondent's license on authority of 225 ILCS 60/22(A)(5) and (7).

As a result of the foregoing allegation(s), the Department held an Informal Conference on March 2, 2016. Respondent appeared in person along with Carole Hoffman, his case manager from the Illinois Professionals Health Program. Joseph Szokol, M.D., appeared as a member of the Illinois

Medical Disciplinary Board along with Brian Zachariah, M.D., the Department's Chief Medical Coordinator and Vladimir Lozovski, one of the Department's Staff Attorneys. During the Informal Conference, Respondent provided evidence that he entered into an inpatient treatment program in June 2014 following by participation with Illinois Professional Health Program since July 2015.

For purposes of this Consent Order only, Respondent acknowledges that should this matter proceed to a contested hearing, the Illinois Medical Disciplinary Board (the "Board") could find violations of the Medical Practice Act. The Department and Respondent stipulate that the above acknowledgement is made only for the purposes of this Consent Order. In the event that this Consent Order is not approved by the Board or is not approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation ("Director"), this acknowledgement shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Consent Order had not been submitted. In addition, upon approval of this Consent Order, neither this acknowledgement nor this Consent Order may be utilized in any other proceeding, except one to enforce this Agreement.

Respondent has been advised of the right to have pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of this Consent Order. Respondent knowingly waives each of these rights, as well as the right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Medical Disciplinary Board or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent, Carl Gold, M.D., be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Carl Gold M.D., Respondent, agree:

- A. Upon effective date of this Consent Order, Illinois Physician and Surgeon License of Carl Gold, M.D., License No. 036-118707, is hereby placed on an Indefinite Probation for a minimum of three (3) years;
- B. During the period of probation, Respondent shall provide the Department with quarterly reports which include: (i) current residential address and contact telephone number; (ii) Respondent shall provide a copy of any performance evaluation completed by his employer within the prior quarter. Respondent, shall at the beginning of Probation, provide the Department with objective documentation as to the frequency of employee performance evaluations; (iii) description of job duties, responsibilities and name of immediate supervisor; (iv) copy of any and all incident reports within the prior quarter filled against Respondent; and (v) information, regarding any arrests, criminal, or civil actions filed, including DUI and/or other similar offenses against the Respondent;
- C. Respondent shall notify the Department's Chief of Probation Investigations in writing of any change in employment and/or home address and/or telephone number within ten (10) days;

- D.** Respondent shall continue to comply with all recommendations and conditions outlined by the Illinois Professional Health Program Aftercare Agreement. Respondent's Aftercare Program Director shall submit quarterly reports to the Department. The Quarterly reports should document his compliance with all terms of his Aftercare Agreement and Caduceus Discharge/Aftercare Agreement. A violation of said Aftercare Agreement shall constitute a violation of this Probation;
- E.** Respondent shall continue to comply with all recommendations and conditions outlined by his Resurrection Behavioral Health Caduceus Discharge/Aftercare Agreement;
- F.** Respondent shall abstain from the consumption of alcohol and/or use of mood altering and/or psychoactive drugs except those prescribed by a primary care and/or treating physician;
- G.** Respondent shall abstain from the use of any illegal substances;
- H.** Respondent shall continue to see primary care physician to treat any and/all medical illnesses, complaints and/or symptoms. Respondent shall request his primary care physician to submit to the Department quarterly reports regarding Respondent's current condition, any treatments, medications, etc.;
- I.** Respondent shall not treat himself and/or any of his family members. Respondent shall not prescribe any Controlled Substances and/or mood altering substances for himself and any of his personal friends and family members;
- J.** Respondent shall continue to attend Narcotics and/or Alcoholics Anonymous meetings at the frequency determined by his IPHP Agreement. Respondent shall maintain a log of 12-step meeting attendance including date, time, location and main theme of the meeting. Respondent shall submit proof of attendance of these meetings on a quarterly basis to the

Department;

- K.** Respondent shall continue to participate in ongoing treatment with his Illinois physician, who is certified in Addiction Medicine, at the frequency determined by said physician. Respondent shall request his addiction medicine physician to submit quarterly reports to the Department. The quarterly reports should document the progress of his therapy, current medication and etc.;
- L.** While Respondent's said license is on Probation, Respondent shall provide a copy of this Consent Order to every health care institution, where Respondent is holding clinical privileges, and request his employer/managing partner to submit quarterly reports to the Department regarding Respondent's clinical performance, attendance record and any and all other issues arising out of Respondent's practice of medicine at every healthcare facility where Respondent is engaged in the practice of medicine;
- M.** Respondent's Department's Chairperson(s) shall agree to inform the Department immediately if there is evidence of inappropriate behavior, professional misconduct, a violation of Respondent's probation or any violation of the laws and rules governing the practice of medicine;
- N.** While Respondent's said license is on Probation, Respondent shall request a Managing Partner of his practice to submit quarterly reports to the Department regarding Respondent's clinical performance, attendance record and any and all other issues arising out of Respondent's practice of medicine;
- O.** Respondent's practice Managing Partner shall agree to inform the Department immediately if there is evidence of inappropriate behavior, professional misconduct, a violation of Respondent's probation or any violation of the laws and rules governing the

practice of medicine;

- P. Respondent shall submit blood and/or urine specimens for toxicology testing/evaluation at frequency established by his IPHP agreement through his designated Aftercare Program's laboratory. Respondent shall sign all necessary releases authorizing his Aftercare program to immediately report to the Department any positive test results;
- Q. Respondent shall execute such releases of medical and psychiatric records as necessary for use by the Medical Disciplinary Board or other Department's designee to obtain copies of medical records and authorize the Department's designee to discuss Respondent's case with his treating physicians and/or physicians holding Respondent's medical and psychiatric records;
- R. All the reports required to be submitted under the terms of this Probation shall be filed with the Department no later than 1/20, 4/20, 7/20 and 10/20 of each year during the full term of the Probation;
- S. Respondent agrees that a violation of the terms and conditions of this Consent Order or a violation of the terms of probation is a violation of 225 ILCS 60/22(A)(15);
- T. Respondent shall not violate the Illinois Medical Practice Act of 1987, any other federal and state laws related to the practice of medicine as well as any other federal and state laws;
- U. If Respondent violates any of the terms and conditions of this Order, the Director of the Division of Professional Regulation may issue an Order forthwith mandating the automatic, immediate, indefinite suspension of Respondent's Illinois Physician License No. 036-118707 for minimum of twelve months. This Indefinite Suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event Respondent contests in writing by the filing with the Department within 30 (thirty) days

of the effective date of the Indefinite Suspension, a Petition, complying with the Department's Rules of Practice In Administrative Hearings, the factual basis underlying said Indefinite Suspension, then Respondent shall be afforded a hearing on the merits within thirty (30) days from the filing of said Petition;

V. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

6/20/16
DATE

Vladimir Lozovskiy
Vladimir Lozovskiy, Attorney for the Department

6/29/16
DATE

Carl Gold
Carl Gold, M.D., Respondent

7/6/16
DATE

Richard H. Lee
Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 18~~A~~ day of July, 2016.

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION of the State of Illinois, BRYAN A.
SCHNEIDER, Secretary
DIVISION OF PROFESSIONAL REGULATION**



**JAY STEWART
DIRECTOR**

REF: Case No. 2015-05114/ License No. 036-118707

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

In the Matter of the Accusation Against:

CARL GENE GOLD, M.D.
Springfield, Illinois

Physician's and Surgeon's Certificate
No. G130167

Respondent.

OAH No. 2016100845

Case No. 800-2016-025111

PROPOSED DECISION

Administrative Law Judge Mary-Margaret Anderson, Office of Administrative Hearings, State of California, heard this matter on March 2, 2017, in Oakland, California.

Carolyne Evans, Deputy Attorney General, represented Complainant Kimberly Kirchmeyer.

Respondent Carl Gene Gold, M.D., represented himself.

The record closed on March 2, 2017.

FACTUAL FINDINGS

1. Complainant Kimberly Kirchmeyer filed the Accusation in her official capacity as Executive Director of the Medical Board of California (Board).

2. On May 3, 2014, the Board issued Physician's and Surgeon's Certificate No. G130167 to Carl Gene Gold, M.D. (Respondent). The certificate bears the expiration date of December 31, 2017.

Illinois discipline

3. Respondent is also licensed as a physician and surgeon in Illinois. On July 18, 2016, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (Department), issued a Consent Order (Illinois Order) that placed Respondent's

Illinois license on indefinite probation for a minimum term of three years. The Illinois Order states that the Department had received information from the United States Department of Justice Drug Enforcement Administration that Respondent diverted Schedule II controlled substances from St. Mary's Hospital for his personal use. In agreeing to the Illinois Order, Respondent acknowledged that should the matter proceed to a contested hearing, the Department could prove violations of the Medical Practice Act.

4. The terms and conditions of probation in Illinois include that Respondent abstain from the use of narcotics unless prescribed and submit to toxicology testing and evaluations as required. Violations of probation are grounds for immediate, indefinite suspension of Respondent's license for a minimum of twelve months.

5. On February 6, 2017, the Acting Director of the Division of Professional Regulation Department issued an Order indefinitely suspending Respondent's license for a minimum of twelve months. The basis for the Order was an affidavit signed on February 3, 2017, by Ronald Romano, Investigator with the Probation Compliance Unit. Romano wrote in pertinent part:

As part of my duties, I learned that the President of the Medical Staff of Passavant Area Hospital submitted a report to the Department regarding Respondent's conduct which occurred on December 9, 2016, that raised serious concerns regarding his professional conduct and his ability to provide safe, quality care to patients. In summary, Respondent, who was informed he was to provide a random urine sample on that day, approached at least four individuals and discussed obtaining urine samples from them. Respondent was able to obtain a urine sample from a unit clerk. When Respondent was questioned regarding his conduct, his responses were "not logical, consistent, or credible, which further escalated the concerns for [Respondent] for patient safety, and for the Hospital's employees."

6. Declarations from four employees who Respondent approached relate similar stories. Respondent told them that he needed their help because of a situation in the clinic; a patient had called and expressed belief that the drug screens at the clinic had been tampered with. The employees were asked what medications they took and if they had drunk alcohol the night before. Depending upon the answer, Respondent asked if they would be willing to supply a urine sample to be tested, for example, to "rule out foul play." One of the employees supplied a urine sample for Respondent.

Massachusetts's discipline

7. On December 28, 1994, the Board of Registration in Medicine, Commonwealth of Massachusetts, entered a Final Decision & Order regarding Respondent. The findings included that Respondent was addicted to narcotics, which placed into question his competence

to practice medicine. On April 25, 1996, Respondent's license to practice medicine in Massachusetts was placed on probation for five years under terms and conditions.

Respondent's evidence

8. Respondent testified that when he was enrolled in a residency program in Massachusetts, he was addicted to narcotics. He was caught diverting Fentanyl by unauthorized access to a Pyxis machine at a Boston area hospital. Respondent described his physical condition as "near death" when he was discovered, and he entered an inpatient treatment program. Respondent successfully completed treatment and his recovery was solid until he relapsed in Illinois in 2016.

9. Respondent also diverted Fentanyl at St. Mary's Hospital in Illinois. He swapped the labels from Fentanyl and saline so that staff would think they were disposing of Fentanyl when they were actually disposing of saline. Respondent's theft was discovered through an audit.

10. Respondent again entered treatment and completed a one-month program, which he asserts was successful.

11. On December 9, 2016, Respondent was informed that he was required to submit a urine sample. While working at the clinic where he was employed, he asserts that he received a telephone call from a patient who complained about the clinic's testing procedures and threatened "to report" the clinic "to many folks." He formulated a plan that he asserts was designed to help and at the time he felt was a clear solution to this problem. He sought a urine sample from one of the employees to use as a test.

Respondent acknowledges that his plan did not work out well, and at the end of the day he realized this and drove across town to submit his own sample. He did not obtain the name of the patient who called. Respondent also described the plan as illogical, and that "it looks horrible." But he contends that it was not an indication of relapse and that he did not violate his probation. Respondent said that that he was contesting the suspension and that a hearing was scheduled in Illinois the day following this hearing.

12. Respondent's family lives in California and he intends to practice here at some point. He hopes to have the suspension in Illinois overturned and believes this is possible if not likely, but the process will take several months.

LEGAL CONCLUSIONS

1. Business and Professions Code section 141, subdivision (a), provides:

For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action by another

state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

Business and Professions Code section 2305 provides:

The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

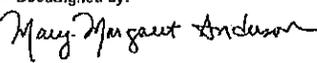
2. Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code sections 141 and 2305 by reason of the matters set forth in Findings 3 through 6; the conduct therein described is unprofessional conduct in California.

3. Respondent is a self-described recovering addict. His medical licenses in Massachusetts and Illinois were both disciplined following his theft of narcotics from the hospitals where he was employed. Regardless of whether there was cause for the recent Illinois suspension, it is undisputed that he relapsed in 2016 and diverted drugs. Respondent's recovery is, at best, recent, and he presented no evidence of rehabilitation except his own testimony. The public safety at this time requires that his California license be revoked.

ORDER

Physician's and Surgeon's Certificate No. G130167, held by Carl Gene Gold, M.D., is revoked.

DATED: March 15, 2017

DocuSigned by:

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MARY-MARGARET ANDERSON
Administrative Law Judge
Office of Administrative Hearings

