

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

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

ROBERT BARRY LITMAN, M.D.)

Case No. 800-2017-035668

**Physician's and Surgeon's)
Certificate No. G26925)**

Respondent)

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 2, 2018

IT IS SO ORDERED July 26, 2018 .

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JOHN S. GATSCHET
Deputy Attorney General
4 State Bar No. 244388
California Department of Justice
5 1300 I Street, Suite 125
P.O. Box 944255
6 Sacramento, CA 94244-2550
Telephone: (916) 210-7546
7 Facsimile: (916) 327-2247

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. 800-2017-035668

14 **ROBERT BARRY LITMAN, M.D.**
15 PO Box 775
Lincoln, CA 95648-0775

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Physician's and Surgeon's Certificate No. G 26925,

17 Respondent.

18
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
23 Board of California ("Board"). She brought this action solely in her official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by John
25 S. Gatschet, Deputy Attorney General.

26 2. Robert Barry Litman, M.D. ("Respondent") is represented in this proceeding by
27 attorney Paul Chan, Esq., whose address is:
28

1 Paul Chan, Esq.
2 Law Offices of Paul Chan
3 2311 Capitol Avenue
4 Sacramento, CA 95816.

5 3. On or about June 13, 1974, the Board issued Physician's and Surgeon's Certificate
6 No. G 26925 to Robert Barry Litman, M.D. ("Respondent"). The Physician's and Surgeon's
7 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
8 No. 800-2017-035668 and will expire on November 30, 2019, unless renewed. An Interim
9 Suspension Order was issued on June 13, 2018, which prohibits Respondent from practicing
10 medicine.

11 JURISDICTION

12 4. Prior to the Board accepting this stipulated surrender, Accusation No. 800-2017-
13 035668 was filed before the Medical Board of California and is currently pending against
14 Respondent. Respondent agrees to waive any and all service and notice requirements and is
15 choosing to enter into a stipulated surrender of his license with the Board. On June 13, 2018,
16 Respondent informed the Board that he wished to surrender his Physician's and Surgeon's
17 Certificate. Respondent has chosen to not file a Notice of Defense contesting the Accusation and
18 instead is entering into a stipulation that will lead to the surrender of his Physician's and
19 Surgeon's Certificate. A copy of Accusation No. 800-2017-035668 is attached as Exhibit A and
20 incorporated by reference.

21 ADVISEMENT AND WAIVERS

22 5. Respondent has carefully read, fully discussed with counsel, and understands the
23 charges and allegations in Accusation No. 800-2017-035668. Respondent also has carefully read,
24 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
25 and Order.

26 6. Respondent is fully aware of his legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
28 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

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

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

5 CULPABILITY

6 8. Respondent understands that the charges and allegations in Accusation No. 800-2017-
7 035668, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
8 Surgeon's Certificate.

9 9. For the purpose of resolving the Accusation without the expense and uncertainty of
10 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
11 basis for the cause of action and cause for discipline in the Accusation and that those causes
12 constitute cause for discipline and/or revocation of his Physician's and Surgeon's Certificate No.
13 G 26925. Respondent hereby gives up his right to contest that cause for discipline and/or
14 revocation exists based on those charges.

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

18 11. If Respondent ever files an application for licensure or a petition for reinstatement in
19 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
20 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
21 effect at the time the petition is filed, and all of the charges and allegations contained in
22 Accusation No. 800-2017-035668 shall be deemed to be true, correct and admitted by Respondent
23 when the Board determines whether to grant or deny the petition.

24 RESERVATION

25 12. The admissions made by Respondent herein are only for the purposes of this
26 proceeding, or any other proceedings in which the Medical Board of California or other
27 professional licensing agency is involved, and shall not be admissible in any other criminal or
28 civil proceeding.

CONTINGENCY

1
2 13. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
3 part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . .
4 stipulation for surrender of a license."

5 14. This Stipulated Surrender of License and Disciplinary Order shall be subject to
6 approval of the Executive Director on behalf of the Medical Board. The parties agree that this
7 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive
8 Director for her consideration in the above-entitled matter and, further, that the Executive
9 Director shall have a reasonable period of time in which to consider and act on this Stipulated
10 Surrender of License and Disciplinary Order after receiving it. By signing this stipulation,
11 respondent fully understands and agrees that he may not withdraw his agreement or seek to
12 rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board,
13 considers and acts upon it.

14 15. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall
15 be null and void and not binding upon the parties unless approved and adopted by the Executive
16 Director on behalf of the Board, except for this paragraph, which shall remain in full force and
17 effect. Respondent fully understands and agrees that in deciding whether or not to approve and
18 adopt this Stipulated Surrender of License, the Executive Director and/or the Board may receive
19 oral and written communications from its staff and/or the Attorney General's Office.
20 Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board,
21 any member thereof, and/or any other person from future participation in this or any other matter
22 affecting or involving respondent. In the event that the Executive Director on behalf of the Board
23 does not, in her discretion, approve and adopt this Stipulated Surrender of License, with the
24 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
25 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
26 hereto. Respondent further agrees that should this Stipulated Surrender of License be rejected for
27 any reason by the Executive Director on behalf of the Board, respondent will assert no claim that
28 the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,

1 discussion and/or consideration of this Stipulated Surrender of License or of any matter or matters
2 related hereto.

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

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

8 **ORDER**

9 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. G 26925,
10 issued to Respondent Robert Barry Litman, M.D., is surrendered and accepted by the Medical
11 Board of California.

12 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 26925
13 and the acceptance of the surrendered license by the Board shall constitute the imposition of
14 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
15 become a part of Respondent's license history with the Medical Board of California.

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

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

20 4. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Accusation, No. 800-2017-035668 shall
23 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
24 Issues or any other proceeding seeking to deny or restrict licensure.

25 5. Respondent understands and agrees that if he ever files a petition for reinstatement of
26 his license, that it will be reviewed by the Board pursuant to Business and Professions Code
27 section 822 and 823. The Respondent understands and agrees that the Board will require
28 competence evidence of the absence and/or control of the condition which caused Respondent to

1 be subject to this action before reinstatement of his license. Respondent further understands and
2 agrees that the Board may impose license terms, conditions, and restrictions as set forth in
3 Business and Professions Code section 823 as a pre-condition of the Board potentially ordering a
4 reinstatement of Respondent's license.

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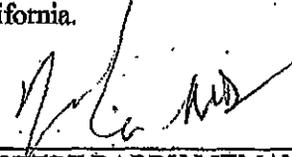
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ACCEPTANCE

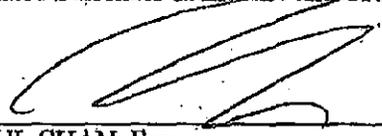
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Paul Chan, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10 July 2018


ROBERT BARRY LITMAN, M.D.
Respondent

I have read and fully discussed with Respondent Robert Barry Litman, 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: 7/18/18

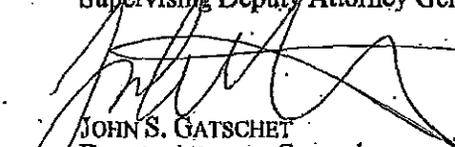

PAUL CHAN, Esq.
Attorney for Respondent

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: 7/23/18

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General


JOHN S. GATSCHET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-035668

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JOHN S. GATSCHET
Deputy Attorney General
4 State Bar No. 244388
California Department of Justice
5 1300 I Street, Suite 125
P.O. Box 944255
6 Sacramento, CA 94244-2550
Telephone: (916) 210-7546
7 Facsimile: (916) 327-2247

8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 9 2018
BY: [Signature] ANALYST

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

13 In the Matter of the Accusation Against:

Case No. 800-2017-035668

14 Robert Barry Litman, M.D.
15 PO Box 775
Lincoln, CA 95648-0775

ACCUSATION

16 Physician's and Surgeon's Certificate No. G 26925,
17 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 June 13, 1974, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 26925 to Robert Barry Litman, M.D. ("Respondent"). That Certificate was in
26 full force and effect at all times relevant to the charges brought herein and will expire on
27 November 30, 2019, unless renewed. An Interim Suspension Order was issued on June 13, 2018,
28 which prohibits Respondent from practicing medicine.

1 SECOND CAUSE FOR DISCIPLINE

2 (Self-Prescribing and Self-Furnishing of Controlled Substances)

3 12. Respondent's license is subject to disciplinary action under section 2234,
4 subdivisions (a), (e), and (f), of the Code and section 11170 of the Health and Safety Code in that
5 he self-prescribed and self-furnished controlled substances. The circumstances are as follows:

6 13. Between September 16, 2016, and August 3, 2017, Respondent ordered 9000 pills of
7 350 mg. carisoprodol, 2000 pills of 1 mg. alprazolam, and 500 pills of 10/325 mg. hydrocodone
8 with acetaminophen directly from a drug distribution company. These medications are all listed
9 as controlled substances pursuant to the California Health and Safety Code and Federal Drug
10 Enforcement Agency. On or about October 25, 2017, Respondent admitted ordering carisoprodol
11 and hydrocodone with acetaminophen from a drug distribution company for his own personal use.
12 Respondent stated that he ordered the controlled substances after his own personal primary care
13 physician stopped prescribing to him.

14 PRAYER

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

- 17 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 26925,
18 issued to Robert Barry Litman, M.D.;
- 19 2. Revoking, suspending or denying approval of Robert Barry Litman, M.D.'s authority
20 to supervise physician assistants and advanced practice nurses;
- 21 3. Ordering Robert Barry Litman, M.D., if placed on probation, to pay the Board the
22 costs of probation monitoring; and
- 23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: July 9, 2018


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

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