

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

In the Matter of the Accusation)	
Against:)	
)	
)	
TRAMI SUSAN THI LUU, M.D.)	Case No. 800-2015-018393
)	
Physician's and Surgeon's)	
Certificate No. A 40540)	
)	
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 March 8, 2017.

IT IS SO ORDERED March 1, 2017.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 DEMOND L. PHILSON
Deputy Attorney General
4 State Bar No. 220220
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2015-018393

14 **TRAMI SUSAN THI LUU, M.D.**
2521 Krammer Dr.
15 Bakersfield, CA 93301

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Physician's and Surgeon's Certificate No. A 40540

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 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 Demond L. Philson,
25 Deputy Attorney General.

26 2. Trami Susan Thi Luu, M.D. (Respondent) is represented in this proceeding by
27 attorney Raymond J. McMahon, whose address is Doyle, Shafer, McMahon, LLP, 100 Spectrum
28 Center Drive, Suite 520, Irvine, CA.

1 CULPABILITY

2 8. Respondent understands that the charges and allegations in Accusation No. 800-2015-
3 018393, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and
4 Surgeon's Certificate.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation and that those charges constitute cause for discipline.
8 Respondent hereby gives up her right to contest that cause for discipline exists based on those
9 charges.

10 10. Respondent understands that by signing this stipulation she enables the Board to issue
11 an order accepting the surrender of her Physician's and Surgeon's Certificate without further
12 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 Disciplinary Order shall be subject to
18 approval of the Executive Director on behalf of the Medical Board. The parties agree that this
19 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive
20 Director for her consideration in the above-entitled matter and, further, that the Executive
21 Director shall have a reasonable period of time in which to consider and act on this Stipulated
22 Surrender of License and Disciplinary Order after receiving it. By signing this stipulation,
23 respondent fully understands and agrees that she may not withdraw her agreement or seek to
24 rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board,
25 considers and acts upon it.

26 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order
27 shall be null and void and not binding upon the parties unless approved and adopted by the
28 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full

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

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

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

21 **ORDER**

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 40540, issued
23 to Respondent Trami Susan Thi Luu, M.D., is surrendered and accepted by the Medical Board of
24 California.

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

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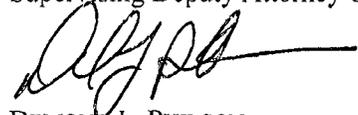
ENDORSEMENT

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: 2/7/17

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



DEMOND L. PHILSON
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2015-018393

1 KAMALA D. HARRIS
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2 VLADIMIR SHALKEVICH
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3 DEMOND L. PHILSON
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 25, 2016
BY: *[Signature]* 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. 800-2015-018393

12 **Trami Susan Thi Luu, M.D.**
2131 19th Street
13 Bakersfield, CA 93301

ACCUSATION

14 Physician's and Surgeon's Certificate No. A 40540

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about November 8, 1983, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 40540 to Trami Susan Thi Luu, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 822 of the Code states:

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

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

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

7 "(c) Placing the licentiate on probation.

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

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

14 **CAUSE FOR DISCIPLINE**

15 **(Mental Illness and/or Physical Illness Affecting Competency)**

16 5. Respondent Trami Susan Thi Luu, M.D. is subject to disciplinary action under
17 Business and Professions Code section 822 in that her ability to practice medicine safely is
18 impaired due to mental illness and/or physical illness affecting competency. The circumstances
19 are as follows:

20 6. On or about December 3, 2015, the Board's Central Complaint Unit received a
21 complaint from Kern County Adult Protective Services. The complaint stated Respondent was
22 reported to Kern County Adult Protective Services (APS) for suffering from memory loss and
23 showing signs of Alzheimer's disease. A Kern County APS social worker conducted a
24 preliminary evaluation and determined Respondent was suffering from a diminished mental
25 capacity.

26 7. On December 29, 2015, a Medical Board investigator interviewed the Kern County
27 APS social worker via telephone. The Kern County APS social worker stated her role at Kern
28 County APS was to evaluate and assist the geriatric population that may not have the resources

1 and support to maintain basic life needs. The Kern County APS social worker explained that
2 Respondent was referred to Kern County APS from an undisclosed source as someone who may
3 be in need of assistance. A Kern County APS social worker was assigned to evaluate Respondent
4 and make recommendations to provide assistance and referrals to assist Respondent in meeting
5 her basic life needs.

6 8. The Kern County APS social worker stated she visited Respondent three times in the
7 field, and each time she found Respondent working at her medical office. She stated that on each
8 visit, Respondent refused to discuss her symptoms or conditions with her. The Kern County APS
9 social worker observed that Respondent smelled and appeared to be un bathed, not groomed, and
10 dressed haphazardly. Respondent appeared to layer her outer clothing, and her outer clothing was
11 not on in a customary fashion. The Kern County APS social worker stated that in spite of
12 Respondent being explained the reason and purpose of her visit to Respondent's office,
13 Respondent appeared confused and uncooperative.

14 9. On January 8, 2016, Respondent signed a voluntary agreement for mental
15 examination. On or about April 2, 2016, Dr. Markham Kirsten conducted a mental examination of
16 Respondent. Dr. Kirsten interviewed Respondent and conducted testing and an evaluation of
17 Respondent. Based on Dr. Kirsten's evaluation and review, he determined Respondent suffers
18 from a major cognitive disorder. Dr. Kirsten concluded that the Respondent presently suffers
19 from a cognitive disorder which substantially impairs her ability to safely practice medicine and
20 that the public is in danger if the Respondent is permitted to continue to practice medicine.

21 **PRAYER**

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

24 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 40540,
25 issued to Trami Susan Thi Luu, M.D.;

26 2. Revoking, suspending or denying approval of Trami Susan Thi Luu, M.D.'s authority
27 to supervise physician assistants, pursuant to section 3527 of the Code;

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- 3. Ordering Trami Susan Thi Luu, 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: August 25, 2016



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

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