

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

In the Matter of the Accusation )  
Against: )  
)  
)  
GEOFFREY LOUIS PHELAN, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. C 36207 )  
)  
Respondent )  
\_\_\_\_\_ )

Case No. 800-2015-013660

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*  
KIMBERLY KIRCHMEYER  
EXECUTIVE DIRECTOR

1 XAVIER BECERRA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 DEMOND L. PHILSON  
Deputy Attorney General  
4 State Bar No. 220220  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7548  
Facsimile: (916) 327-2247  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
13  
14 **GEOFFREY LOUIS PHELAN, M.D.**  
1119 S Mission Rd. #122  
Fallbrook, CA 92028-3225  
15  
16 **Physician's and Surgeon's Certificate No. C**  
**36207**  
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Respondent.

Case No. 800-2015-013660

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Demond L. Philson, Deputy Attorney General.

2. Geoffrey Louis Phelan, M.D. (Respondent) is represented in this proceeding by attorney Matthew D. Phelan, whose address is 271 Avery Ct., New Castle, CO, 81647.





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

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

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

17 **ORDER**

18 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 36207, issued  
19 to Respondent Geoffrey Louis Phelan, M.D., is surrendered and accepted by the Medical Board  
20 of California.

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

25 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in  
26 California as of the effective date of the Board's Decision and Order.

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

1 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
2 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
3 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
4 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
5 contained in Accusation No. 800-2015-013660 shall be deemed to be true, correct and admitted  
6 by Respondent when the Board determines whether to grant or deny the petition.

7 5. If Respondent should ever apply or reapply for a new license or certification, or  
8 petition for reinstatement of a license, by any other health care licensing agency in the State of  
9 California, all of the charges and allegations contained in Accusation, No. 800-2015-013660 shall  
10 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
11 Issues or any other proceeding seeking to deny or restrict licensure.

12  
13 ACCEPTANCE

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

19  
20 DATED: 6/26/15 Geoffrey L. Phelan MD  
21 GEOFFREY LOUIS PHELAN, M.D.  
Respondent

22 I have read and fully discussed with Respondent Geoffrey Louis Phelan, M.D. the terms  
23 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
24 approve its form and content.

25 DATED: \_\_\_\_\_  
26 MATTHEW D. PHELAN  
Attorney for Respondent

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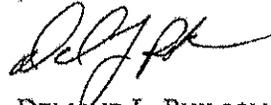
ENDORSEMENT

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: 6/28/18

Respectfully submitted,

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



DEMOND L. PHILSON  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2015-013660**

1 XAVIER BECERRA  
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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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. 800-2015-013660

14 Geoffrey Louis Phelan, M.D.  
1119 S Mission Rd. #122  
15 Fallbrook, CA 92028-3225

ACCUSATION

16 Physician's and Surgeon's Certificate  
17 No. C 36207,

18 Respondent.

19  
20 Complainant alleges:

21 PARTIES

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

25 2. On or about November 25, 1974, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number C 36207 to Geoffrey Louis Phelan, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on May 31, 2018, unless renewed.

JURISDICTION

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

4. Section 2234 of the Code, states:

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

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

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

“(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

“(d) Incompetence.

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

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

“(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.



1 and never physically went to the clinic where the evaluations of Patient A were being done.  
2 Respondent did not request or review the patient's prior medical records. In Patient A's medical  
3 chart, under "Medications" Respondent notes that Patient A was taking Ibuprofen 400mg but it  
4 does not provide detailed information about how many pills per day patient A was taking.

5 9. In patient A's medical record, there was no documentation of other therapies  
6 Respondent tried, previous medication trials, physical exam findings, review of diagnostic studies  
7 indicating the severity of the arthritis, or other data that would support a recommendation for  
8 medical marijuana. The medical records do not include any information regarding the type of  
9 arthritis Patient A was diagnosed with.

10 10. In patient A's medical record, Respondent notes "evaluated by specialist" but does  
11 not elaborate on what type of specialist, what types of diagnostics or imaging were performed, or  
12 what type of work up was conducted by the specialist.

13 11. Respondent treated Patient A via telemedicine only, not having seen the patient in  
14 person before, and issued him a recommendation for medical marijuana comprised of ninety-nine  
15 (99) plants. Respondent did not perform a focused musculoskeletal physical examination related  
16 to the arthritis. Respondent should have performed a focused musculoskeletal physical  
17 examination in order to support his recommendation for medical marijuana.

18 12. Respondent committed acts of repeated negligence in his care and treatment of patient  
19 A, which included, but are not limited to, the following:

20 (a) Respondent departed from the standard of care by failing to perform an  
21 appropriate examination on the patient prior to issuing a recommendation for medical marijuana.;

22 (b) Respondent departed from the standard of care by failing to keep adequate  
23 records that support the decision to recommend medical marijuana for this patient; and,

24 (c) Respondent departed from the standard of care by failing to adequately review  
25 the prior medical treatment before making a recommendation for medical marijuana.

26 **Patient B:**

27 13. On or about May 26, 2016, the CCU received a complaint from patient B alleging  
28 Respondent provided patient B with a recommendation for medical marijuana using telemedicine

1 without performing an examination on Patient B. On November 16, 2015, patient B received a  
2 recommendation for medical marijuana from Respondent.

3 14. On or about November 16, 2015, Respondent saw patient B, from a remote location  
4 away from the clinic via videoconferencing. Patient B complained of back pain which appears to  
5 be the reason for the recommendation of medical marijuana. Respondent saw patient B via  
6 telemedicine only, without having seen the patient in person before. Respondent issued Patient B  
7 a recommendation for medical marijuana. In the medical records that document the patient's visit  
8 with Respondent, there is no documentation of a physical exam. Respondent did not perform an  
9 examination on patient B and never physically went to the clinic where the evaluations were being  
10 done.

11 15. In patient B's medical record, there is no documentation of other therapies  
12 Respondent tried, previous medication trials, or other data that would support a recommendation  
13 for medical marijuana.

14 16. In patient B's medical record, there is no indication of a treatment plan with  
15 objectives that would support a recommendation for medical marijuana.

16 17. Respondent committed acts of repeated negligence in his care and treatment of patient  
17 B, which included, but are not limited to, the following:

18 (a) Respondent departed from the standard of care by failing to perform an  
19 appropriate examination on the patient prior to issuing a recommendation for medical marijuana;  
20 and,

21 (b) Respondent departed from the standard of care by failing to keep adequate  
22 records that support the decision to recommend medical marijuana for this patient.

23 18. Respondent's conduct, as described above, constitutes repeated acts of negligence in  
24 the practice of medicine in violation of section 2234(c) of the Code and thereby provides cause to  
25 discipline Respondent's license.

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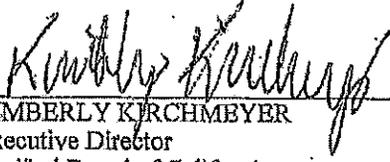


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3. Ordering Geoffrey Louis Phelan, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: April 18, 2018

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

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