

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

In the Matter of the Accusation)	
Against:)	
)	
MICHAEL ALAN TRALLA, M.D.)	Case No. 8002015017396
)	
Physician's and Surgeon's)	
Certificate No. G 39279)	
)	
Respondent)	
<hr/>		


DECISION AND ORDER

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 December 30, 2016.

IT IS SO ORDERED December 23, 2016.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **MICHAEL ALAN TRALLA, M.D.**

12 3555 Lutheran Parkway, Suite 160
13 Wheat Ridge, CO 80033

14 Physician's and surgeon's certificate No.
15 G39279

16 Respondent.

Case No. 800-2015-017396

OAH No. 2016070840

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 PARTIES

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
25 of California (Board). She brought this action solely in her official capacity and is represented in
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Machaela M.
27 Mingardi, Deputy Attorney General.

28 2. Michael Alan Tralla, M.D., (Respondent) is representing himself in this proceeding
and has chosen not to exercise his right to be represented by counsel.

1 his voluntary retirement hereby surrenders his Physician's and surgeon's certificate No. G39279
2 for the Board's formal acceptance.

3 9. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of his Physician's and surgeon's certificate without further
5 process.

6 RESERVATION

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

11 CONTINGENCY

12 11. This stipulation shall be subject to approval by the Board. Respondent understands
13 and agrees that counsel for Complainant and the staff of the Board may communicate directly
14 with the Board regarding this stipulation and surrender, without notice to or participation by
15 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
16 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
17 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
18 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
19 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
20 be disqualified from further action by having considered this matter.

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

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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: 10/25/2016 
MICHAEL ALAN TRALLA, M.D.
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: 10/28/2016

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General


MACHAELA M. MINGARDI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

1 KAMALA D. HARRIS
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2 JANE ZACK SIMON
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Attorneys for Complainant

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-017396

13 **MICHAEL ALAN TRALLA, M.D.**
3555 Lutheran Parkway, Suite 160
Wheat Ridge, CO 80033

A C C U S A T I O N

14 Physician's and Surgeon's Certificate
No. G39279,

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 May 18, 1979, the Medical Board issued Physician's and Surgeon's
23 Certificate Number G39279 to Michael Alan Tralla, 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 January 31, 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 turbinate reduction. He failed to perform an exploration for the tip of a needle that broke off
2 between two flaps and could not be located, and failed to communicate properly about the
3 incident with the patient.

4 C. In January 2012, Respondent was performing endoscopic sinus surgery on a patient
5 when bleeding began on the left side. Respondent continued the dissection and moved on to the
6 right side without locating the source of the bleeding, which was a skull base breach.

7 D. On March 20, 2013, Respondent failed to provide proper cross-coverage for a surgical
8 patient and failed to ensure adequate continuity of care for that patient.

9 Respondent received a Letter of Admonition and was placed on five years probation, with
10 terms and conditions including a Center for Personalized Education for Physicians (CPEP)
11 assessment, completion of any and all programs recommended by CPEP, completion of an ethics
12 course, and a prohibition from making any medical marijuana recommendations. A copy of the
13 Order issued by the Colorado State Medical Board is attached as Exhibit A.

14 5. Respondent's conduct and the action of the Colorado State Medical Board as set
15 forth in paragraph 4, above, constitute unprofessional conduct within the meaning of section 2305
16 and conduct subject to discipline within the meaning of section 141(a).

17 **PRAYER**

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

20 1. Revoking or suspending Physician's and Surgeon's Certificate Number G39279,
21 issued to Michael Alan Tralla, M.D.;

22 2. Revoking, suspending or denying approval of Michael Alan Tralla, M.D.'s authority
23 to supervise physician assistants, pursuant to section 3527 of the Code;

24 3. Ordering Michael Alan Tralla, M.D., if placed on probation, to pay the Board the
25 costs of probation monitoring; and

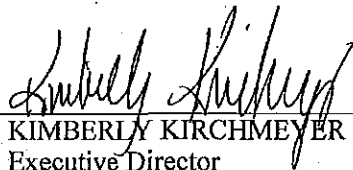
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4. Taking such other and further action as deemed necessary and proper.

DATED: February 18, 2016


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

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Exhibit A



BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2013-2635-A

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF
MICHAEL A. TRALLA, M.D., LICENSE NUMBER DR-21450,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A
("Panel") of the Colorado Medical Board ("Board") and Michael A. Tralla, M.D.
("Respondent") (collectively, the "Parties") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on January 10, 1978 and was issued license number DR-21450 ("License"), which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On or about September 11, 2014, the Panel reviewed case number 2013-2635-A and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S. The Panel thereupon referred the matter initially to the Office of Expedited Settlement, and subsequently to the Attorney General on or about July 8, 2015, pursuant to Section 12-36-118(4)(c)(IV), C.R.S.
4. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case number 2013-2635-A, without the necessity of conducting a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

5. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is represented by counsel;

b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-36-118(4)(c)(IV) and 12-36-118(5), C.R.S.;

c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a formal complaint and disciplinary hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts;

d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Panel; and

e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

FACTUAL BASIS

6. Respondent specifically admits and the Panel finds that:

a. Respondent is a board certified otolaryngologist, specializing in surgery and treatment of disorders of the ear, nose and throat, as well as sinus, voice, head and neck.

b. On or about August 21, 2009, Respondent performed an outpatient septoplasty with inferior turbinate reduction on Patient K.M. During the procedure, the tip of a suture needle was broken off between two flaps within the septum and could not be located. It was below the accepted standard of practice to fail to perform additional exploration for the retained object and to fail to communicate to the patient promptly, before discharge, about the retained object.

c. Respondent was providing cross-coverage for surgical follow-up for patient M.T. on and after March 20, 2013. Although Respondent believed he was to provide cross coverage for two days only, Respondent violated acceptable standards of practice when he failed to ensure that M.T.'s original had resumed coverage, and Respondent failed to ensure adequate continuity of care for M.T.

d. In January 2012, Respondent was performing endoscopic sinus surgery on patient K.H. when bleeding began on the left side. It was later determined that the bleeding had occurred because of a skull base breach. Respondent continued the left side dissection and then moved to the right side without understanding the location and source of the bleeding that he had noted. It was substandard care for Respondent to have continued to remove tissue, and to move to the right side, after the skull base breach, and without better understanding the location and source of bleeding.

e. On or about October 30, 2007, Respondent performed a bedside incision and drainage of patient V.V.'s peritonsillar abscess, under moderate sedation. Respondent did not have hospital privileges to conduct bedside moderate sedation, as performed, without anesthesia assistance. Respondent did not adequately document that he had obtained the requisite informed consent before conducting the procedure.

f. Respondent's conduct, as stated above, failed to meet generally accepted standard of medical practice.

7. Respondent admits and the Panel finds that the acts and/or omissions described in the factual basis above constitutes unprofessional conduct pursuant to Section 12-36-117(1)(p), C.R.S., which states:

(1) "Unprofessional conduct" as used in this article means:

(p) Any act or omission which fails to meet generally accepted standards of medical practice.

8. Based upon the above, the Parties stipulate that the terms of this Order are authorized by Section 12-36-118(5)(g)(III), C.R.S.

LETTER OF ADMONITION

9. This provision shall constitute a Letter of Admonition as set forth in Sections 12-36-118(4)(c)(III)(A) and 12-36-118(5)(g)(III), C.R.S. Respondent is hereby admonished for the acts and omissions described in the factual basis above.

10. By entering this Order, Respondent agrees to waive the rights provided by Section 12-36-118(4)(c)(III)(B), C.R.S., to contest this Letter of Admonition.

PROBATIONARY TERMS

11. Respondent's license to practice medicine is hereby placed on probation for five (5) years commencing on the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

12. During the probationary period, Respondent agrees to be bound by the terms and conditions set forth below.

CPEP EDUCATION PROGRAM

13. Within 30 days of the effective date of this Order, Respondent shall contact the Center for Personalized Education for Physicians ("CPEP") to schedule a competence assessment ("CPEP Assessment"). Respondent shall complete and review the CPEP Assessment within 120 days of the effective date of this Order.

14. The CPEP Assessment will determine whether CPEP recommends that Respondent undergo any education intervention plan or other remedial education or training program. Hereinafter, the term "Education Program" shall refer to any education intervention plan or other remedial education or training program recommended by CPEP, including the "Post-Education Evaluation" component.

15. If the CPEP Assessment indicates Respondent should undergo an Education Program, Respondent shall enroll in the recommended Education Program within 180 days of the effective date of this Order. If the CPEP Assessment indicates that Respondent need not undergo any Education Program, Respondent shall be deemed to have satisfied fully the CPEP Education Program requirement of this Order.

16. Respondent shall timely commence and successfully complete any CPEP recommended Education Program including the Post-Education Evaluation component, within the time required by CPEP. However, the Respondent shall have no more than two years from the effective date of this Order to complete the entire CPEP Education Program unless the Panel determines, in its discretion, that more time is necessary. Any delay in Respondent's completion of the recommended Education Program, including the post-education evaluation, will delay the Respondent's successful completion of the probationary period.

17. Respondent understands and acknowledges that in order to complete the Education Program successfully, the Respondent must demonstrate to CPEP and the Panel's satisfaction that the Respondent has satisfactorily accomplished all CPEP Education Program objectives and has integrated this learning into Respondent's medical practice.

18. Within 30 days of the effective date of this Order, Respondent shall sign any and all releases necessary to allow CPEP to communicate with the Panel. Within 60 days of the effective date of this Order, Respondent shall provide the Panel with a copy of such releases. Respondent shall not revoke such releases prior to successful completion of the probationary period as set forth in this Order. Any failure to execute such a release, failure to provide copies to the Panel, or any revocation of such a release shall constitute a violation of this Order.

19. Respondent shall provide or cause CPEP to provide a copy of the Assessment Report, Education Plan and any other reports regarding the Respondent's participation in the Education Program to the Panel within 30 days of the report's completion.

20. Respondent shall ensure that all reports from CPEP are complete and timely submitted to the Board. Respondent understands that the Board may accept a report, reject a report, refer the matter for additional disciplinary proceedings or take any further action authorized by law.

21. Respondent shall provide the Panel with written proof from CPEP upon successful completion of the recommended Education Program, including successful completion of the Post-Education Evaluation as defined above.

22. The Parties acknowledge that most CPEP Assessments include a computer-based cognitive function screening test. If CPEP determines that Respondent's results on the cognitive function screen suggest the need for further neuropsychological testing, the Respondent shall directly notify or ensure that CPEP notifies, the Panel of such a determination. The Panel may, in its discretion, order Respondent to undergo a comprehensive neuropsychological examination with its peer assistance, or other delegated provider, pursuant to an Order or other written instruction of the Panel. The Respondent understands and agrees to undergo neuropsychological examination as directed by the Panel.

23. All CPEP recommendations and instructions shall constitute terms of this Order. Respondent shall comply with all CPEP recommendations and instructions within the time periods set out by CPEP and the Panel. Respondent's failure to comply with CPEP recommendations and instructions shall constitute a violation of this Order.

PROBE ETHICS PROGRAM

24. Within one year of the effective date of this Order, Respondent shall successfully complete the Professional/Problem Based Ethics Program ("ProBE") conducted by CPEP.

25. In order to successfully complete the course, Respondent's performance in the course must be rated as successful, without condition or qualification.

26. Respondent shall provide proof of successful completion of this course to the Panel within one year of the effective date of this Order.

TOLLING OF THE PROBATIONARY PERIOD

27. If at any time, Respondent ceases the active clinical practice of medicine, defined for the purposes of this Order as evaluating or treating a minimum of five patients per month, the probationary period shall be tolled for the time the Order is in effect and Respondent is not engaged in the active clinical practice of medicine.

28. Respondent must comply with all other terms of the Order and all other terms of probation. Unless otherwise specified, all terms of the Order and all terms of probation shall remain in effect, regardless of whether the probationary period has been tolled, from the effective date of this Order until probation is terminated. The probationary period shall be tolled for any time that Respondent is not in compliance with any term of this Order.

OUT OF STATE PRACTICE

29. Respondent may wish to leave Colorado and practice in another state. At any time other than during a period of suspension imposed by this Order, and whether to practice out of state or for any other reason, Respondent may request, in writing, that the Board place Respondent's License on inactive status as set forth in Section 12-36-137, C.R.S. Respondent's request to place his license on inactive status must include written evidence that Respondent has reported this Order to all other jurisdictions in which Respondent is licensed, as required by the "Other Terms" Section of this Order. Upon the approval of such request, Respondent may cease to comply with the terms of this Order. Failure to comply with the terms of this Order while inactive shall not constitute a violation of this Order. While inactive, Respondent shall not perform any act in the state of Colorado that constitutes the practice medicine, nor shall Respondent perform any act in any other jurisdiction pursuant to the authority of a license to practice medicine granted by the state of Colorado. Unless Respondent's License is inactive, Respondent must comply with all terms of this Order, irrespective of Respondent's location. The probationary period will be tolled for any period of time Respondent's License is inactive.

30. Respondent may resume the active practice of medicine at any time pursuant to written request and as set forth in Section 12-36-137(5), C.R.S. With such written request, Respondent shall demonstrate engagement in CPEP activities as required by CPEP and shall nominate any necessary monitor required by CPEP as provided above. Respondent shall be permitted to resume the active practice of medicine only after approval of the required monitor.

TERMINATION OF PROBATION

31. Upon the expiration of the probationary period, Respondent may submit a written request for restoration of Respondent's license to unrestricted status. If Respondent has complied with the terms of probation, and if Respondent's probationary period has not been tolled, such release shall be granted by the Panel in the form of written notice.

OTHER TERMS

32. The terms of this Order were mutually negotiated and determined.

33. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

34. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

35. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

36. Respondent shall submit an update to his profile with the Healthcare Professions Profiling Program regarding this Order within thirty (30) days of the effective date of this Order.

37. During the probationary period or any period in which a physician is subject to prescribing restrictions, no physician shall perform an assessment of a patient's medical history and current medical condition, including a personal physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana Program. Respondent hereby understands and agrees that he shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

38. Respondent shall obey all state and federal laws while the terms of this Order are in effect.

39. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:

- Exempla Lutheran Medical Center
- St. Anthony Central Hospital

40. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to Section 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in Section 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

41. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

42. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

43. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

44. Respondent acknowledges that the Panel may choose not to accept the terms of this Agreement and that if the Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

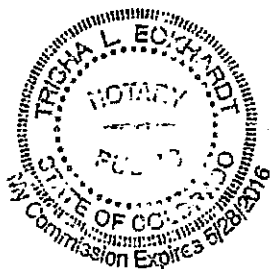
45. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

46. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's license. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

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Michael A. Tralla, M.D.
Michael A. Tralla, M.D.

THE FOREGOING was acknowledged before me this 5 day of October 2015
by Michael A. Tralla, M.D. in the County of Denver, State of Colorado.



Trisha Edwards
NOTARY PUBLIC

5/28/16
My commission expires

THE FOREGOING Stipulation and Final Agency Order is approved this 8th
day of October, 2015.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

Eric R. Groce, M.D.
~~Brock M. Bordelon, M.D.~~ ERIC R GROCE, M.D.
ACTING Chair, Inquiry Panel A

THE FOREGOING Stipulation and Final Agency Order is effective upon
service to Respondent, on October 8, 2015.

Eric R. Groce

APPROVED AS TO FORM:

FOR THE RESPONDENT
MICHAEL A. TRALLA, M.D.

FOR THE COLORADO MEDICAL
BOARD

MESSNER REEVES LLP

CYNTHIA H. COFFMAN
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*Counsel of Record

