

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

In the Matter of the Accusation)
Against:)

JOHN W. COPELAND, M.D.)

Case No. 8002015016991

Physician's and Surgeon's)
Certificate No. C26299)

Respondent)
_____)

DECISION

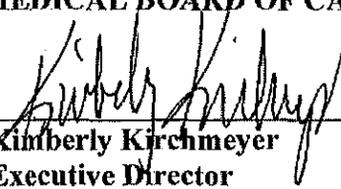
The attached Stipulated Surrender of License is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 17, 2016.

IT IS SO ORDERED June 10, 2016.

MEDICAL BOARD OF CALIFORNIA

By: _____


Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of the State of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 CAROLYNE EVANS
Deputy Attorney General
4 State Bar No. 289206
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102
Telephone: (415) 703-1211
6 Fax: (415) 703-5480
7 Attorneys for Complainant

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

11
12 **In the Matter of the Accusation Against:**

13 **JOHN COPELAND, M.D.**

14
15
16 Physician's and Surgeon's Certificate
No. C 26299,

17
18 Respondent.

Case No.: 800-2015-016991

**STIPULATED SURRENDER OF
LICENSE**

19
20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this
proceeding that the following matters are true:

21
22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
of California (Board). This action has at all times been maintained solely in the official capacity
23 of the Executive Director of the Medical Board of California, who is represented by Kamala D.
24 Harris, Attorney General of the State of California, by Carolyn Evans, Deputy Attorney General.

25
26 2. John Copeland, M.D. (Respondent) has received, read, and understands the
27 Accusation which is presently on file and pending in case number 800-2015-016991 (Accusation)
a copy of which is attached as Exhibit A.
28

1 3. Respondent is represented in this proceeding by attorney Robert Hodges, whose
2 address is: McNamara, Dodge, Ney, Beatty, Slattery, Pfalzer, Borges & Brothers, 1211 Newell
3 Avenue, Walnut Creek, CA 94596.

4 4. Respondent has carefully read, and fully discussed with counsel, and understands the
5 charges and allegations in the Accusation. Respondent also has carefully read, and fully
6 discussed with counsel, and understands the effects of this Stipulated Surrender of License.

7 5. Respondent is fully aware of his legal rights in this matter, including the right to a
8 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
9 his own expense; the right to confront and cross-examine the witnesses against him; the right to
10 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
11 the attendance of witnesses and the production of documents; the right to reconsideration and
12 court review of an adverse decision; and all other rights accorded by the California
13 Administrative Procedure Act and other applicable laws.

14 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
15 every right set forth above.

16 7. Respondent agrees that the Board has jurisdiction and cause to take action against his
17 physician's and surgeon's certificate by virtue of the allegations set forth in the Accusation and
18 pursuant to Business and Professions Code section 822. Respondent wishes to surrender his
19 California license.

20 8. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for
21 Surrender of License shall be subject to the approval of the Board. Respondent understands and
22 agrees that the Medical Board's staff and counsel for Complainant may communicate directly
23 with the Board regarding this Stipulation for Surrender of License, without notice to or
24 participation by Respondent or his counsel. By signing this Stipulation for Surrender of License,
25 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
26 Stipulation prior to the time the Board considers and acts upon it. In the event that this
27 Stipulation is rejected for any reason by the Board, it will be of no force or effect for either party.
28

1 The Board will not be disqualified from further action in this matter by virtue of its consideration
2 of this Stipulation.

3 9. Upon acceptance of this Stipulation for Surrender of License by the Board,
4 Respondent understands that he will no longer be permitted to practice as a physician and surgeon
5 in California, and also agrees to surrender and cause to be delivered to the Board any license and
6 wallet certificate in his possession before the effective date of the decision. The admissions made
7 by Respondent herein are only for the purposes of this proceeding, or any other proceedings in
8 which the Medical Board or other professional licensing agency is involved, and shall not be
9 admissible in any other criminal or civil proceeding.

10 10. Respondent fully understands and agrees that if he ever files an application for
11 relicensure or reinstatement in the State of California, the Board shall treat it as a petition for
12 reinstatement, and Respondent must comply with all laws, regulations and procedures for
13 reinstatement of a revoked license in effect at the time the petition is filed. Notwithstanding any
14 other provisions of law, relicensure or reinstatement of a licentiate against whom action has been
15 taken pursuant to Section 822 shall also follow the procedures outlined in Code Section 823.

16 11. Respondent understands that because this surrender of license is based on Section 822
17 of the Code, he may not petition for reinstatement as a physician and surgeon for a period of one
18 (1) year from the effective date of his surrender. Information gathered in connection with
19 Accusation number 800-2015-016991 may be considered by the Board in determining whether or
20 not to grant the petition for reinstatement. For the purposes of the reinstatement hearing, the
21 allegations in Accusation number 800-2015-016991 shall be deemed to be admitted by
22 Respondent, and Respondent waives any and all defenses based on a claim of laches or the statute
23 of limitations.

24 12. The parties understand and agree that facsimile or electronic copies of this Stipulated
25 Surrender of License, including facsimile or electronic signatures thereto, shall have the same
26 force and effect as the originals.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and discussed it with my attorney, Robert Hodges. I enter into it freely and voluntarily and with full knowledge of its force and effect, do hereby surrender my Physician's and Surgeon's Certificate Number C 26299 to the Medical Board of California, for its formal acceptance. By signing this Stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California and I also will cause to be delivered to the Board any license and wallet certificate in my possession before the effective date of the decision.

DATED: 5-6-2016


JOHN COPELAND, M.D.
Respondent

I have read and fully discussed with Respondent, John Copeland, the terms and conditions and other matters contained in the above stipulated surrender agreement. I approve its form and content.

DATED: 5-6-2016


ROBERT HODGES
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 5-9-16

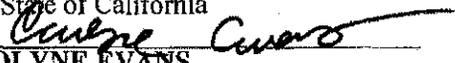
KAMALA D. HARRIS, Attorney General
of the State of California

CAROLYNE EVANS
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 CAROLYNE EVANS
Deputy Attorney General
4 State Bar No. 289206
455 Golden Gate Avenue, Suite 11000
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *Mar 16 20 16*
BY *[Signature]* ANALYST

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

10 In the Matter of the Accusation Against:
11 **JOHN COPELAND, M.D.**

Case No. 800-2015-016991
ACCUSATION

12 **1111 A Street, Antioch**
13 **California, 94509**

14 Physician's and Surgeon's certificate
15 No. C26299,

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).¹

23 2. On or about July 28, 1964, the Board issued Physician's and Surgeon's certificate
24 Number C26299 to John Copeland, M.D. (Respondent). The Physician's and Surgeon's certificate
25 is renewed and current with an expiration date of March 31, 2017. On March 10, 2016, an
26

27 ¹ The term "Board" means the Medical Board of California. "Division of Medical
28 Quality" shall also be deemed to refer to the Board. (Bus. & Prof. Code, §2002).

1 interim suspension order was issued against Respondent pursuant to Government Code Section
2 11529(c).

3 JURISDICTION

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

7 4. Section 2227 of the Code authorizes the Board to take action against a licensee by
8 revoking, suspending for a period not to exceed one year, placing the licensee on probation and
9 requiring payment of costs of probation monitoring, or taking such other action as the Board
10 deems proper.

11 5. Section 822 of the Code provides that if a licensing agency determines that a
12 licensee's ability to practice his or her profession safely is impaired because of mental or physical
13 illness affecting competency, the licensing agency may take action by revoking the licensee's
14 certificate or license, suspending the licensee's right to practice, placing the licensee on probation
15 or taking such other action in relation to the licensee as the licensing agency in its discretion
16 deems proper.

17 DISCIPLINARY HISTORY

18 6. On or about, June 23, 1993, an accusation was filed against Respondent. The
19 accusation charged Respondent with unprofessional conduct in violation of Section 2236.
20 Respondent entered into a stipulated settlement and disciplinary order. The Board adopted the
21 stipulated settlement and disciplinary order with an effective date of October 21, 1994. The
22 Board's decision resulted in Respondent's license being subject to a revocation, the revocation
23 was stayed and Respondent was placed on probation for five years subject to certain terms and
24 conditions. On August 25, 1998, Respondent filed a petition for early termination of probation.
25 On or about, April 28, 1999, the petition for early termination was granted.

26 7. On or about, December 2, 2009, an accusation was filed against Respondent. The
27 accusation charged Respondent with gross negligence, incompetence, and inadequate
28 documentation. On or about March 17, 2010, Respondent entered into a stipulated settlement and

1 disciplinary order. The Board adopted the stipulated settlement and disciplinary order with an
2 effective date of May 19, 2010. The order subjected Respondent's license to a public reprimand
3 pursuant to Section 2227 (a)(4).

4 **FACTS**

5 8. Respondent is a 79 year-old physician specializing in family medicine.

6 9. In February 2016, Respondent underwent a neurological evaluation. A board
7 certified neurologist concluded that Respondent has a mental and/or physical impairment that
8 renders him unable to safely practice medicine.

9 10. Respondent's license is subject to Board action pursuant to Sections 822 and 2227
10 of the Code in that Respondent is impaired in his ability to safely practice medicine by virtue of
11 physical and/or mental impairment affecting competency.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board issue a decision:

15 1. Revoking or suspending Physician's and Surgeon's certificate Number C 26299,
16 issued to John Copeland, M.D.;

17 2. Revoking, suspending or denying approval of John Copeland, M.D.'s authority to
18 supervise physician assistants, pursuant to section 3527 of the Code;

19 3. Ordering John Copeland, M.D., if placed on probation, to pay the Board the costs of
20 probation monitoring; and

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

22
23 DATED: March 16, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant