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

In the Matter of the Accusation Against:	)	
JAMES JOSEPH GALIZIA, M.D.	)	**Case No. 8002017031197**
Physician's and Surgeon's Certificate No. G60491	)	
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 June 13, 2017 **.**

IT IS SO ORDERED June 6, 2017 **.**

MEDICAL BOARD OF CALIFORNIA

By: Kimberly Kirchmeyer
Kimberly Kirchmeyer
Executive Director

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
ALICE W. WONG
Deputy Attorney General
State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5597
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation Against: **JAMES JOSEPH GALIZIA, M.D.** **766 Spring Creek Road** **P.O. Box 1445** **Blanco, TX 78606** **Physician's and Surgeon's Certificate No. G60491** Respondent.	Case No. 800-2017-031197 **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 Alice W. Wong, Deputy Attorney General.

2. On or about June 29, 1987, the Board issued Physician's and Surgeon's Certificate No. G60491 to James Joseph Galizia, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on February 28, 2017 and has not been renewed. It is in a delinquent status. Respondent is currently on probation as a result of the Board's Decision and Order effective April

17, 2013 in Case No. 16-2011-220531. On or about, April 10, 2017, the Board issued a Cease Practice Order prohibiting Respondent from engaging in the practice of medicine. That Cease Practice Order, which became effective April 10, 2017, was based on Respondent's failure to obey Probation Condition No. 1 of the Board's Decision and Order (Abstain from Alcohol) in Case No. 16-2011-220531.

3. Respondent has waived his right to be represented by counsel and is representing himself in this matter.

4. Respondent has received, read, and understands the Petition to Revoke Probation, which is presently on file and pending, a copy of which is attached as Exhibit A, and is incorporated by reference.

5. Respondent has carefully read and understands the charges and allegations in the Petition to Revoke Probation. Respondent also has carefully read and understands the effects of this Stipulated Surrender of License.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine 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 documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

8. Respondent agrees that the Board has jurisdiction and cause to take action against his physician's and surgeon's certificate by virtue of the allegations set forth in the Petition to Revoke Probation. Respondent wishes to surrender his California license.

9. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for Surrender of License shall be subject to approval by the Board. Respondent understands and agrees that the Medical Board's staff and counsel for Complainant may communicate directly

with the Board regarding this Stipulation for Surrender of License, without notice to or participation by Respondent. By signing this Stipulation for Surrender of License, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. In the event that this Stipulation is rejected for any reason by the Board, it will be of no force or effect, except for this paragraph, for either party. The Board will not be disqualified from further action in this matter by virtue of its consideration of this Stipulation.

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

11. Respondent fully understands and agrees that if he ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement, and Respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed. Information gathered in connection with Petition to Revoke Probation number 800-2017-031197 may be considered by the Board in determining whether or not to grant the petition for reinstatement. For the purposes of the reinstatement hearing, the allegations in Petition to Revoke Probation number 800-2017-031197 shall be deemed to be true, correct, and admitted by Respondent, and Respondent waives any and all defenses based on a claim of laches or the statute of limitations.

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

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ACCEPTANCE

13. I have carefully read the above Stipulated Surrender of License. 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 G60491 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: 4/24/17

JAMES JOSEPH GALIZIA, 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: 4/26/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

ALICE W. WONG
Deputy Attorney General
Attorneys for Complainant

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Stipulated Surrender of License and Order.docx

Exhibit A

Petition to Revoke Probation No. 800-2017-031197

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
ALICE W. WONG
Deputy Attorney General
State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5597
Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 18 20 17
BY R. Furdaus ANALYST

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

In the Matter of the Petition to Revoke Probation Against, **JAMES JOSEPH GALIZIA, M.D.** **766 Spring Creek Road** **P.O. Box 1445** **Blanco, TX 78606** **Physician's and Surgeon's Certificate No. G60491** Respondent.	Case No. 800-2017-031197 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about June 29, 1987, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate Number G60491 to James Joseph Galizia, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on February 28, 2017 and is in delinquent status.

3. In a disciplinary action entitled "In the Matter of Accusation Against James Joseph Galizia, M.D.," Case No. 16-2011-220531, the Medical Board of California, issued a decision, effective April 17, 2013, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision (2013 Decision and Order) is attached as Exhibit A and is incorporated by reference, as if fully set forth herein.

4. On April 10, 2017, the Board issued a cease practice order prohibiting Respondent from engaging in the practice of medicine. That Cease Practice Order, which became effective April 10, 2017, was based on Respondent's failure to obey Probation Condition No. 1 of the Board's 2013 Decision and Order (Abstain from Alcohol) and Condition No. 2 (Biological Fluid Testing) in Case No. 16-2011-220531.

JURISDICTION

5. This Petition to Revoke Probation 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.

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

PRIOR DISCIPLINARY ACTION

7. On August 6, 2012, Accusation No. 16-2011-220531 was filed against Respondent alleging violations of section 2305 and section 141 [discipline imposed by another state] as a result of disciplinary actions taken against Respondent's license to practice medicine in the State of Texas and the State of New York. The disciplinary action was based on Respondent's two arrests for driving under the influence of alcohol on August 28, 2009 and September 19, 2009. The second arrest occurred while Respondent was on-call. The Texas Medical Board noted that concerns regarding Respondent's alcohol use and ability to practice safely arose in 2007, and in

2008, Respondent was subject to random testing after it was reported that he emitted the odor of alcohol at work. Respondent also failed to notify the hospital of his arrests, or that he was incarcerated and unable to respond as an on-call physician.

8. In January of 2013, Respondent signed a stipulation agreeing to a disciplinary order revoking his Physician's and Surgeon's Certificate, but staying the revocation and placing him on five (5) years' probation. The Board adopted this stipulation as its final Decision in the matter, and the effective date of the 2013 Decision and Order was April 17, 2013. Terms and conditions of the stipulation pertinent to this action include a provision that Respondent abstain from the use of alcohol; that he submit to biological fluid testing; and that he comply with the Board's probation unit and that he shall maintain a current and renewed California Physician's and Surgeon's license.

9. The 2013 Decision and Order provided that if Respondent violated probation in any respect, the Board could revoke probation and carry out the disciplinary order that was stayed. Paragraph 14 of the Board's 2013 Decision and Order (Exhibit A, p. 8) states: "Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

FIRST CAUSE TO REVOKE PROBATON

(Failure to Abstain from Alcohol)

10. At all times after the effective date of the 2013 Decision and Order in Case No. 16-2011-220531, Probation Condition 1 stated:

> "CONTROLLED SUBSTANCES/DANGEROUS DRUGS/ALCOHOL-ABSTAIN FROM USE: Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition. Within 15

calendar days of receiving any lawful prescription medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name and strength; and issuing pharmacy name, address, and telephone number. Respondent shall abstain completely from the use of products or beverages containing alcohol."

11. Respondent violated this provision of probation when he failed to comply with Probation Condition No. 1, as follows:

A. On or about February 23, 2017, Respondent's biological fluid test results tested positive for alcohol;

B. On March 15, 2017, Respondent's biological fluid test results tested positive for alcohol.

SECOND CAUSE TO REVOKE PROBATION

(Biological Fluid Testing)

12. At all times after the effective date of the 2013 Decision and Order in Case No. 16-2011-220531, Probation Condition 2 stated:

"BIOLOGICAL FLUID TESTING: Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon the request of the Board or its designee. Biological fluid testing may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar screening approved by the Board or its designee. Within 30 days of this Decision, Respondent shall, at his expense, contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation. A certified copy of any laboratory test results may be received in evidence in any proceedings between the Board and the Respondent. If Respondent has a positive biological fluid test, he shall receive written and/or oral notification from the Board or its designee to immediately cease the practice of medicine. Respondent shall not resume the practice of medicine until a final decision has issued on an accusation and/or a petition to revoke probation."

13. Respondent violated this provision of probation when Respondent's biological fluid test results tested positive for alcohol on or about February 23, 2017 and March 15, 2017.

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THIRD CAUSE TO REVOKE PROBATION

(Failure to Comply with Probation Unit)

14. At all times after the effective date of Respondent's probation, Probation Condition 10 stated:

> "PROBATION UNIT COMPLIANCE: Respondent shall comply with and fully cooperate with the Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b). Respondent shall not engage in the practice of medicine in Respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license. Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days."

15. Respondent's probation is subject to revocation because he failed to maintain a current California Physician's and Surgeon's license in violation of Condition 10, referenced above. The facts and circumstances regarding this violation are as follows:

A. On February 28, 2017, Respondent's Physician's and Surgeon's Certificate expired and was placed on delinquent status. Respondent did not pay his license renewal fee and he is not permitted to practice.

PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in Case No. 16-2011-220531 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. G60491 issued to James Joseph Galizia, M.D.;

2. Revoking, suspending or denying approval of James Joseph Galizia, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code; or advanced nurse practitioners;

3. Ordering James Joseph Galizia, 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, 2017

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

SF2017203113

Exhibit A

Decision and Order

Medical Board of California Case No. 16-2011-220531

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

In the Matter of the Accusation Against:	)	
JAMES JOSEPH GALIZIA M.D.	)	File No. 16-2011-220531
Physician's and Surgeon's Certificate No. G 60491	)	
Respondent	)	

DECISION

The attached Stipulated Settlement 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 April 17, 2013.

IT IS SO ORDERED March 18, 2013.

MEDICAL BOARD OF CALIFORNIA

By: _____
Barbara Yaroslavsky, Chair
Panel A

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
JANE ZACK SIMON [State Bar No. 116564]
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5544
Facsimile: (415) 703-5480

Attorneys for Complainant

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

In the Matter of the Accusation Against: **JAMES JOSEPH GALIZIA, M.D.** 508 West First Street Tyler, TX 75701 Physician's and Surgeon's Certificate No. G60491 Respondent	**Case No. 16-2011-220531** **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of California. This action has at all times been brought and maintained in the official capacity of the Medical Board's Executive Director. Complainant is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Jane Zack Simon, Deputy Attorney General.

2. James Joseph Galizia, M.D. (Respondent) is representing himself in this action.

3. On June 29, 1987, the Medical Board of California issued Physician's and Surgeon's Certificate No. G60491 to Respondent. Said certificate is renewed and current with an expiration date of February 28, 2013.

4. Accusation No. 16-2011-220531 (Accusation) was duly filed before the Medical Board of California (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent and Respondent filed a Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A.

5. Respondent has carefully read and understands the charges and allegations in the Accusation. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order (Stipulation).

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine 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 documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

8. Respondent admits that based on the orders issued by the Texas Medical Board and the New York Board of Professional Medical Conduct as set forth in the Accusation, Complainant could establish a *prima facie* case with respect to the charges and allegations set forth in the Accusation. Respondent agrees that his California Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

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

10. This Stipulation shall be subject to the approval of the Board. Respondent understands and agrees that Board staff and counsel for Complainant may communicate directly with the Board regarding this Stipulation, without notice to or participation by Respondent. If the Board fails to adopt this Stipulation as its Order in this matter, the Stipulation shall be of no force or effect; it shall be inadmissible in any legal action between the parties; and the Board shall not be disqualified from further action in this matter by virtue of its consideration of this Stipulation. Respondent also understands and agrees that he will not be able to withdraw or modify this Stipulation while it is before the Board for consideration.

11. The parties understand and agree that facsimile or electronic copies of this Stipulated Settlement and Disciplinary Order, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate number G60491 issued to respondent James Joseph Galizia, M.D. is revoked. However, the revocation is stayed and respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Controlled Substances/Dangerous Drugs/Alcohol - Abstain From Use:** Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition. Within 15 calendar days of receiving any lawful prescription medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name and strength; and issuing pharmacy name, address, and telephone number. Respondent shall abstain completely from the use of products or beverages containing alcohol.

2. **Biological Fluid Testing:** Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon the request of the Board or its designee. Biological fluid testing may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar screening approved by the Board or its designee. Within 30 days of this Decision, Respondent shall, at his expense, contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation. A certified copy of any laboratory test results may be received in evidence in any proceedings between the Board and the Respondent. If Respondent has a positive biological fluid test, he shall receive written and/or oral notification from the Board or its designee to immediately cease the practice of medicine. Respondent shall not resume the practice of medicine until a final decision has issued on an accusation and/or a petition to revoke probation.

3. **Evaluation:** Prior to practicing medicine in California, Respondent shall provide the Board or its designee access to information or documentation requested by the Board or its designee pertaining to his monitoring agreement, biological fluid testing, or other information pertaining to his compliance with the disciplinary order issued by the Texas Medical Board and the New York Board of Professional Conduct, and/or the Texas Physician Health Program. Respondent may be required by the Board or its designee to undergo and complete an addiction evaluation (and psychological testing, if deemed necessary) by a Board-appointed specialist in addiction medicine who shall consider any information provided by the Board or its designee and any other information the examiner(s) deems relevant, and shall furnish a written evaluation report(s) to the Board or its designee. In addition to the terms and conditions set forth in this Stipulation, Respondent shall comply with all restrictions or conditions recommended by the evaluator(s) within 15 calendar days after being notified by the Board or its designee. Failure to undergo and complete the evaluation(s) and any psychological testing, or comply with any required additional conditions or restrictions, is a violation of probation. During the course of

probation, and on such a periodic basis as may be required by the Board or its designee, respondent shall undergo and complete additional evaluation(s). During any evaluation(s) Respondent shall cooperate fully with the evaluator(s), and shall provide the evaluator(s) with access to any information, records or documents that the evaluator(s) may deem pertinent or necessary. Respondent shall pay the cost of all evaluations and psychological testing. Respondent shall not engage in the clinical practice of medicine in California until notified in writing by the Board or its designee of its determination that he is medically and mentally fit to practice safely.

4. **Practice Monitor:** At least 30 days prior to engaging in the practice of medicine in California, Respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs. The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement. Throughout probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation. The monitor shall submit a quarterly written report to the Board or its designee which includes an evaluation of Respondent's performance, indicating whether

Respondent's practices are within the standards of practice of medicine, and whether Respondent is practicing medicine safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter. If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor, Respondent shall be suspended from the practice of medicine until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent shall cease the practice of medicine within 3 calendar days after being so notified by the Board or designee. Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation.

5. **Solo Practice**: Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where Respondent merely shares office space with another physician but is not affiliated for the purposes of providing patient care or Respondent is the sole physician practitioner at that location.

6. **Notification:** Prior to engaging in the practice of medicine, the Respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days. This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

7. **Supervision of Physician Assistants:** During probation, Respondent is prohibited from supervising physician assistants.

8. **Obey all Laws:** Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

9. **Quarterly Declarations:** Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

10. **Probation Unit Compliance:** Respondent shall comply with and fully cooperate with the Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b). Respondent shall not engage in the practice of medicine in Respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license. Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

11. **Interview With the Board, or its Designee:** Respondent shall be available in person for interviews either at Respondent's place of business or at the probation unit office, with the Board or its designee, upon request at various intervals, and either with or without prior notice throughout the term of probation.

12. **Non-practice While on Probation:** Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month

in direct patient care, clinical activity or teaching, or other activity as approved by the Board or its designee. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice. In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California-San Diego School of Medicine prior to resuming the practice of medicine. Respondent's period of non-practice while on probation shall not exceed two (2) years. Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-practice or practice in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Notification; Obey All Laws; Probation Unit Compliance; Controlled Substances/Dangerous Drugs/Alcohol - Abstain From Use; Biological Fluid Testing.

Any respondent disciplined under B&P Code sections 141(a) or 2305 (another State discipline) may petition for modification or termination of penalty: 1) if the other state's discipline terms are modified, terminated or reduced; and 2) if at least one year has elapsed from the effective date of the California discipline.

13. **Completion of Probation:** Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

14. **Violation of Probation:** Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke

probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

15. **License Surrender:** Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request the voluntary surrender of Respondent's license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

16. **Probation Monitoring Costs:** Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which are currently set at $3,999.00, but may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order and understand the Stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 1-22-13

JAMES JOSEPH GALIZIA, M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 2/5/13

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California

JANE ZACK SIMON
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5544
Fax: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
Attorneys for Complainant
Medical Board of California

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 2012
BY ANALYST

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

In the Matter of the Accusation Against: **JAMES JOSEPH GALIZIA, M.D.** 508 West First Street Tyler, TX 75701 Physician's and Surgeon's Certificate No. G60491 Respondent.	**Case No. 16-2011-220531** **ACCUSATION**

The Complainant alleges:

1. Complainant Linda K. Whitney is the Executive Director of the Medical Board of California, Department of Consumer Affairs, and brings this Accusation solely in her official capacity.

2. On June 29, 1987, Physician's and Surgeon's Certificate No. G60491 was issued by the Medical Board of California (Board) to James Joseph Galizia, M.D. (Respondent.) The certificate is renewed and current with an expiration date of February 28, 2013.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California[1], under the authority of the following sections of the California Business and Professions Code ("Code") and/or other relevant statutory enactment:

A. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

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[1] The term "Board" means the Medical Board of California; "Division of Medical Quality" shall also be deemed to refer to the Board.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Other States)

4. On June 3, 2011, the Texas Medical Board issued an Agreed Order regarding Respondent's license to practice medicine in the State of Texas. The Agreed Order resolved charges that Respondent practiced medicine when he was impaired due to the intemperate use of alcohol. The Agreed Order made factual findings that Respondent was arrested for driving under the influence of alcohol on August 28, 2009 and September 19, 2009. The second arrest occurred while Respondent was on-call. The Texas Medical Board noted that concerns regarding Respondent's alcohol use and ability to practice safely arose in 2007, and in 2008, Respondent was subject to random testing after it was reported that he emitted the odor of alcohol at work. Respondent also failed to notify the hospital of his arrests, or that he was incarcerated and unable to respond as an on-call physician. Respondent was referred to the Texas Physician Health Program (PHP.) Under the terms of the June 3, 2011 Agreed Order, the Agreed Order was automatically terminated upon Respondent's acceptance to the PHP. On August 26, 2011, the Texas Medical Board issued a Termination of Agreed Order by PHP Referral, noting that Respondent was accepted into the PHP. Copies of the June 3, 2011 and August 26, 2011 Orders issued by the Texas Medical Board are attached as Exhibit A.

5. On August 8, 2011, the New York State Board for Professional Medical Conduct (New York Board) issued a Consent Order regarding Respondent's license to practice medicine in New York. The New York Consent Order was based on the Orders issued by the Texas Medical Board. Under the terms of the New York Consent Order, a stayed suspension of 2 years was issued, and Respondent was ordered to comply with the Orders issued by the Texas Medical Board. A copy of the August 8, 2011 Consent Order issued by the New York Board is attached as Exhibit B.

6. Respondent's conduct and the actions of the Texas Medical Board and the New York Board as set forth in paragraphs 4 and 5, above, constitute unprofessional conduct within the meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G60491 issued to respondent James Joseph Galizia, M.D.;
2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants;
3. Ordering Respondent, if placed on probation, to pay the costs probation monitoring; and
4. Taking such other and further action as the Board deems necessary and proper.

DATED: August 6, 2012.

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

EXHIBIT A

LICENSE NO. K-3196

IN THE MATTER OF THE LICENSE OF JAMES JOSEPH GALIZIA, M.D.	BEFORE THE TEXAS MEDICAL BOARD

TERMINATION OF AGREED ORDER BY PHP REFERAL

On the 26 day of August, 2011, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of JAMES JOSEPH GALIZIA, M.D. ("Probationer").

Probation is the subject of an Agreed Order ("Order").

Probationer was qualified for and received a referral to the Physician Health Program ("PHP").

The PHP notified the Board on AUGUST 22, 2011 that the matter is "resolved" through acceptance of Probationer into the PHP.

At the time of PHP's determination the Probationer was in full compliance with the terms and conditions of the Order.

ORDER

Based on the available information, the Board ORDERS that:

The Probationer's Order and probation is hereby TERMINATED.

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 26 day of August, 2011.

Irvin E. Zeitler, Jr., D.O., President
Texas Medical Board

LICENSE NO. K-3196

IN THE MATTER OF	BEFORE THE
THE LICENSE OF	
JAMES JOSEPH GALIZIA, M.D.	TEXAS MEDICAL BOARD

AGREED ORDER

On the 3rd day of June, 2011, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of James Joseph Galizia, M.D. ("Respondent").

On May 20, 2011, Respondent appeared in person, with counsel Jeff McDonald, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Irvin E. Zeitler Jr., D.O. and Julie Attebury, members of the Board. Sandra M. Zimmerman represented Board staff.

BOARD CHARGES

Board staff charged that Respondent practiced medicine when he was impaired due to the intemperate use of alcohol. Specifically, Respondent was arrested on August 28, 2009, and again on September 19, 2009, for driving while intoxicated ("DWI"), the second arrest occurring while he was on call. His hospital privileges were terminated based on the failure to report the DWI incidents and patient safety concerns related to practicing while impaired.

BOARD HISTORY

Respondent has not previously been the subject of disciplinary action by the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

   a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.

   b. Respondent currently holds Texas Medical License No. K-3196. Respondent is also licensed to practice in California and New York.

   c. Respondent is primarily engaged in the practice of internal medicine with a subspecialty in cardiovasular diseases. Respondent is board certified by the American Board of Internal Medicine, a member of the American Board of Medical Specialties.

   d. Respondent is 57 years of age.

2. Specific Panel Findings:

   a. On December 16, 2007, the UTHSC Medical Executive Committee ("MEC") sent a memo to the Physician Health Sub-Committee related to concerns about Respondent's clinical performance, the safety of Respondent's patients, and Respondent's health, in part based on information that Respondent drove after a social function at which he drank excessive amounts of alcohol. Respondent refused confidential counseling for alcohol use.

   b. On April 11, 2008, UTHSC received a report that, on March 21, 2008, Respondent responded to a call and reported to work emitting the odor of alcohol. Respondent denied the use of alcohol, but agreed to random drug and alcohol testing for one year.

c. Approximately one and a half years later, on August 28, 2009, Respondent was arrested for DWI and did not appear for scheduled clinic duties that day.

d. On September 19, 2009, Respondent was arrested for DWI. At the time of his arrest, Respondent was on call at the UTHSC. Respondent was sentenced to 90 days in jail and his driver's license was suspended for one year. During his sentence, Respondent maintained his status as on call physician without notifying UTHSC that he was incarcerated and unavailable to respond to calls.

e. On August 1, 2010, UTHSC terminated Respondent's privileges after a routine credentialing check revealed Respondent's arrests. In terminating his privileges, the MEC cited Respondent's DWI arrests, his failure to notify UTHSC of the arrests, his failure to notify UTHSC that he was incarcerated and would be unable to respond as on call physician, and his failure to report the arrests to the Board.

3. Mitigating Factors

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

a. Respondent admitted that he was an alcoholic and underwent treatment at Palmetto from January 2, 2011, through March 18, 2011. He acknowledges that his alcoholism is a significant disease that kept him from admitting he was an alcoholic.

b. Respondent was required by his outpatient agreement with Palmetto to attend 90 Alcoholic Anonymous meetings in 90 days and he is in compliance with the agreement.

c. Respondent is involved in his county Physician Health and Rehabilitation Committee program and participates in drug screening according to the Texas Medical Association monitoring guidelines.

d. Respondent has completed all sentencing requirements for the DWI convictions.

e. Respondent contacted PHP prior to the ISC to determine what he needs to do to participate in that program.

f. It is in the public interest to refer Respondent to PHP in order that he may be able to continue to serve as a productive member of the Texas medical community.

g. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Sections 167.009 and 167.010 of the Act authorize the Board to make a public referral to the Physician Health Program through an agreed order and to require participation in the program.

3. Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety to patients because of illness; drunkenness; excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition.

4. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers.

5. Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent using alcohol or drugs in an intemperate manner that could endanger a patient's life.

6. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

7. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

8. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent is referred to the Texas Physician Health Program.

2. Respondent shall comply with all the provisions of the Act and other statutes regulating Respondent's practice.

3. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

4. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by

§164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

5. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

6. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

7. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board upon Respondent's submission of evidence demonstrating acceptance to the Texas Physician Health Program.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

SIGNATURE PAGES FOLLOW

I, JAMES JOSEPH GALIZIA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: June 2, 2011.

JAMES JOSEPH GALIZIA, M.D.
Respondent

STATE OF Colorado §
§
COUNTY OF El Paso §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 2nd day of June, 2011.

Signature of Notary Public

(Notary Seal)

BETHANY ANN LOHSE
Notary Public
State of Colorado

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 3RD day of JUNE, 2011.

Irvin F. Zeitler, Jr., D.O., President
Texas Medical Board

EXHIBIT B

NEW YORK STATE: DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF JAMES JOSEPH GALIZIA, M.D.	CONSENT ORDER BPMC No. 11-198

Upon the application of JAMES JOSEPH GALIZIA, M.D., (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order. It is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 8/8/11

REDACTED

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

STATE OF NEW YORK: DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF JAMES JOSEPH GALIZIA, M.D. CO-10-09-5972-A	CONSENT AGREEMENT

JAMES JOSEPH GALIZIA, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about October 31, 1983, I was licensed to practice medicine in the State of New York and issued license number 156580 by the New York State Education Department.

My current address is REDACTED , and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I do not contest the two (2) Specifications, and agree to the following sanction:

Two (2) years suspension of my license to practice medicine, stayed.

Respondent shall comply fully with the June 3, 2011, Texas Medical Board, Agreed Order, and any extensions or modifications thereof.

Respondent shall provide a written authorization for the Texas Board to provide the Director of the Office of Professional Medical Conduct (OPMC) with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Texas Order.

Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the Texas Order during the declaration period specified.

Should Respondent return to the practice of medicine in the State of New York or in any jurisdiction where that practice is predicated upon Respondent's New York State medical license, Respondent shall provide ninety (90) days notice in writing to the Director, OPMC. The Director in his sole discretion, may impose whatever limitations, or further conditions, he deems appropriate.

I agree, further, that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the effective date of the Consent Order and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the OPMC in its administration and enforcement of the Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Agreement. Respondent shall meet with a person designated by the Director, OPMC, as directed, or upon the request of Respondent, shall consider conducting such meeting telephonically if Respondent is out of state. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent

Agreement shall not be used against me in any way and shall be kept in strict confidence and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law

I agree that if the Board adopts this Consent Agreement the Chair of the Board shall issue a Consent Order in accordance with its terms I agree that the Consent Order shall take effect upon its issuance by the Board either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement or to my attorney by certified mail or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order this Consent Agreement and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms I ask the Board to adopt this Consent Agreement of my own free will and not under duress compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department the Director, OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so I further understand and agree that no prior or separate written or oral communication can limit that discretion

AFFIRMED:

DATED 1/26/11

REDACTED

JAMES JOSEPH GALIZIA M.D
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: August 3, 2011

REDACTED

JOEL E. ABELOVE
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 8/8/11

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

STATE OF NEW YORK . DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF JAMES JOSEPH GALIZIA, M.D. CO-10-09-5972-A	STATEMENT OF CHARGES

JAMES JOSEPH GALIZIA, M.D., Respondent, was authorized to practice medicine in New York state on October 31, 1983, by the issuance of license number 156550 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 15, 2010, in the County Court at Law, Smith County, Texas, Respondent was found guilty, based on a plea of guilty, of Driving While Intoxicated 2nd, a class A misdemeanor, and was sentenced to 90 days confinement, suspended, license suspension for (1) one year, $2.00 fees, and $393.00 court costs, following his arrest on August 28, 2009.

B. On or about March 15, 2010, in the County Court at Law, Smith County, Texas, Respondent was found guilty, based on a plea of guilty, of Driving While Intoxicated 2nd, a class A misdemeanor, and was sentenced to 90 days confinement, suspended, license suspension for (1) one year, and court costs, following his arrest on September 19, 2009, to run concurrently with the sentence in "A."

C. On or about June 9, 2004, in the County Court at Law No. 3 of Travis County, TX, Respondent was found guilty of Driving While Intoxicated, a misdemeanor, and sentenced to 120 days in jail, a fine of $2,000, court costs, 18 months supervision, and 60 hours of community service restitution.

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Respondent violated New York Education Law 6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which if

COPY

committed in New York state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A and/or B; and/or

2. The facts in Paragraph C.

DATED: April 28, 2011
Albany, New York

REDACTED

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct