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

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

Case No. D1-2005-170574

13 **JOHN F. GRANT, M.D.**
14 **4021 Mount Pinos Way**
PO Box 1446
Frazier Park, CA 93225

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

15 **Physician's and Surgeon's Certificate**
16 **No. A 63101**

Respondent

17 **FINDINGS OF FACT**

18 1. On or about June 7, 2010, Complainant Linda K. Whitney, in her official capacity as
19 the Executive Director of the Medical Board of California (Board), filed Accusation/Petition to
20 Revoke Probation No. D1-2005-170574 against John Grant, M.D. (Respondent) before the Board.

21 2. On or about July 25, 1997, the Board issued Physician's and Surgeon's Certificate No.
22 A 63101 to Respondent. Said certificate is delinquent and expired as of January 31, 2011.

23 3. On or about June 7, 2010, Arlene Krysinski, an employee of the Complainant
24 Agency, served by Certified Mail a copy of the Accusation/Petition to Revoke Probation No. D1-
25 2005-170574, Statement to Respondent, Notice of Defense, Request for Discovery, and
26 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
27 with the Board, which was and is 4021 Mount Pinos Way, PO Box 1446, Frazier Park, CA
28 93225.

1 On or about July 30, 2010, Dianna Gharibian, an employee of the Complainant Agency,
2 served Respondent at the office of the Medical Board of California, at 27202 Turnberry Lane,
3 Ste. 280, Valencia, CA 91355 by personal delivery, a copy of the Accusation/Petition to Revoke
4 Probation No. D1-2005-170574, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7.

6 On or about October 4, 2010, Nancy Christenson, an employee of the Office of the
7 Attorney General, served by Certified Mail a copy of the Accusation/Petition to Revoke
8 Probation No. D1-2005-170574, Statement to Respondent, Notice of Defense, Request for
9 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's last
10 known address at 4209 Grandview Street, Palmdale, CA 93551. A copy of the
11 Accusation/Petition to Revoke Probation, and, the related documents, and Declaration of Service
12 are attached as exhibit A, and are incorporated herein by reference.

13 4. Service of the Accusation/Petition to Revoke Probation was effective as a matter of
14 law under the provisions of Government Code section 11505, subdivision (c).

15 On or about October 7, 2010, the aforementioned documents were returned by the U.S.
16 Postal Service marked "Unclaimed." A copy of the envelope returned by the post office is
17 attached as exhibit B, and is incorporated herein by reference.

18 5. Business and Professions Code section 118 states, in pertinent part:

19 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
20 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
21 order of a court of law, or its surrender without the written consent of the board, shall not, during
22 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
23 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
24 provided by law or to enter an order suspending or revoking the license or otherwise taking
25 disciplinary action against the license on any such ground."

26 5. Government Code section 11506 states, in pertinent part:

27 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
28 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
4 Accusation/Petition to Revoke Probation, and therefore waived his right to a hearing on the merits
5 of Accusation/Petition to Revoke Probation No. D1-2005-170574.

6 6. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
8 agency may take action based upon the respondent's express admissions or upon other evidence
9 and affidavits may be used as evidence without any notice to respondent."

10 7. The affidavits of probation monitors Raina Castaneda and Dhianna Gharibian are
11 enclosed separately in evidence packet C. The facts alleged therein are deemed true and shall
12 form part of the administrative record relied upon by the agency in its determination of the issues.

13 8. Pursuant to its authority under Government Code section 11520, the Board finds
14 Respondent is in default. The Board will take action without further hearing and, based on
15 Respondent's express admissions by way of default and the evidence before it contained in
16 exhibits A, B, and evidence packet C finds that the allegations in Accusation/Petition to Revoke
17 Probation No. D1-2005-170574 are true.

18 **DETERMINATION OF ISSUES**

19 1. Based on the foregoing findings of fact, Respondent John Grant, M.D. has subjected
20 his Physician's and Surgeon's Certificate No. A 63101 to discipline.

21 2. A copy of the Accusation/Petition to Revoke Probation and the related documents and
22 Declaration of Service are attached.

23 3. The agency has jurisdiction to adjudicate this case by default.

24 4. The Board is authorized to revoke Respondent's Physician's and Surgeon's License
25 based upon the following violations alleged in the Accusation/Petition to Revoke Probation:

26 a. Violation of Condition 5 of the Board's decision and/or unprofessional conduct
27 under section 2234 of the Code, failure to participate in and successfully complete all
28 phases of the clinical training program outlined under Condition 5.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's License No. A 63101, heretofore issued to Respondent JOHN F. GRANT, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 2, 2011 at 5:00 p.m.

It is so ORDERED August 3, 2011

LINDA K. WHITNEY
Executive Director

FOR THE MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

EXHIBIT A

1 EDMUND G. BROWN JR.
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 JEAN-PIERRE FRANCILLETTE, State Bar No. 236017
Deputy Attorney General
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P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5330
6 Facsimile: (916) 327-2247

7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. D1-2005-170574

13 **JOHN F. GRANT, M.D.**
14 **4021 Mount Pinos Way**
PO Box 1446
15 **Frazier Park, CA 93225**

PETITION TO REVOKE PROBATION

15 **Physician's and Surgeon's No. A 63101**

16 Respondent.

17
18 Petitioner alleges:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) brings this Petition to Revoke Probation solely in
21 her official capacity as the Executive Director of the Medical Board of California.

22 2. On or about July 25, 1997, the Medical Board of California issued Physician's and
23 Surgeon's Number A 63101 to John Francis Garcia, M.D. On or about July 14, 1999, Dr. Garcia
24 changed his name to John Francis Grant [M.D.] (Respondent). Said certificate is renewed and
25 current with an expiration date of January 31, 2011.

26 3. In a disciplinary action entitled "In the Matter of the Accusation Against John F.
27 [Francis] Grant, M.D.," Case No. 09-2005-170574, the Medical Board of California, issued a
28 decision, effective May 7, 2009, in which Respondent's Physician's and Surgeon's certificate was

1 revoked. However, the revocation was stayed and Respondent was placed on probation for a
2 period of four (4) years with certain terms and conditions. A copy of that decision is attached as
3 Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Medical Board of California
6 ("Board"), Department of Consumer Affairs, under the authority of the following laws. All
7 section references are to the Business and Professions Code unless otherwise indicated.

8 5. Section 2227 of the Code provides, in pertinent part, that a licensee who is found
9 guilty under the Medical Practice Act may have his or her license revoked, suspended for a period
10 not to exceed one year, placed on probation and required to pay the costs of probation monitoring,
11 or such other action taken in relation to discipline as the Division¹ deems proper.

12 6. Section 2234 of the Code provides, in pertinent part, that the Board shall take action
13 against any licensee who is charged with unprofessional conduct.

14 FIRST CAUSE TO REVOKE PROBATION

15 (Failure to Participate in and Successfully Complete the PACE Requirement and/or
16 Unprofessional Conduct)

17 8. At all times after the effective date of Respondent's probation, Condition 5 of the
18 Board's Decision stated:

19 "Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a
20 clinical training or educational program equivalent to the Physician Assessment and Clinical
21 Education Program ("PACE") offered at the University of California - San Diego School of
22 Medicine ("Program").

23 The Program shall consist of a Comprehensive Assessment program comprised of a two-
24 day assessment of respondent's physical and mental health; basic clinical and communication

25 ¹ California Business and Professions Code section 2002, as amended and effective
26 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
27 the State Medical Practice Act (Cal. Bus. & Prof. Code, sections 2000, et seq.) means the
28 "Medical Board of California," and references to the "Division of Medical Quality" and
"Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the
Board.

1 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
2 respondent's specialty or sub-specialty, and at minimum, a 40 hour program of clinical education
3 in the area of practice in which respondent was alleged to be deficient and which takes into
4 account data obtained from the assessment, Decision, Accusation, and any other information that
5 the Medical Board or its designee deems relevant. Respondent shall pay all expenses associated
6 with the clinical training program.

7 Based on respondent's performance and test results in the assessment and clinical education,
8 the Program will advise the Medical Board or its designee of its recommendation for the scope
9 and length of any additional educational or clinical training, treatment for any medical condition,
10 treatment for any psychological condition, or anything else affecting respondent's practice of
11 medicine. Respondent shall comply with Program recommendations.

12 At the completion of any additional educational or clinical training, respondent shall submit
13 to and pass an examination. The Program's determination whether or not respondent passed the
14 examination or successfully completed the Program shall be binding. Respondent shall complete
15 the Program not later than six months after respondent's initial enrollment unless the Medical
16 Board or its designee agrees in writing to a later time for completion.

17 Failure to participate in and complete successfully all phases of the clinical training
18 program outlined above is a violation of probation.”

19 9. Respondent's probation is subject to revocation in that he failed to comply with
20 Condition 5 of his probation as referenced above. The facts and circumstances regarding this
21 violation are as follows.

22 A. On or about June 5, 2009, Respondent met with and discussed the terms of his
23 probation with his probation monitor. As part of that discussion, Respondent was advised to
24 contact PACE as soon as possible. Respondent was given the PACE flyer with its contact
25 information. Respondent was informed of what the PACE program consisted of and was advised
26 that he needed to be enrolled by July 6, 2009 to be in compliance with the Board's Decision.

27 B. On or about September 30, 2009, Respondent advised his probation monitor
28 that he had not yet enrolled in the PACE program because he was not able to pay the fee, but that

1 Respondent hoped that he would have the money for PACE within the next six months.
2 Respondent's probation monitor advised Respondent that Respondent was to be enrolled in the
3 PACE program by July 6, 2009, according to the Board's Decision.

4 C. On or about January 5, 2010, Respondent advised his probation monitor that he
5 was still not yet enrolled in the PACE program. Respondent stated that he intended on having the
6 money saved up and to be enrolled in PACE no later than in the next two months. Respondent's
7 probation monitor advised Respondent that his failure to enroll in PACE was a violation of his
8 probation.

9 D. On or about March 15, 2010, Respondent advised his probation monitor that he
10 hoped to pay for Phase I of the PACE program within the next two months. Respondent
11 continued to be out of compliance as his enrollment in PACE had still not been completed.

12 10. Respondent's failure to enroll in and successfully complete the PACE program
13 constitutes a violation of probation under Condition 5 of the Board's Decision and/or
14 unprofessional conduct under section 2234 of the Code. Therefore, cause exists to impose the
15 disciplinary order of revocation that was stayed.

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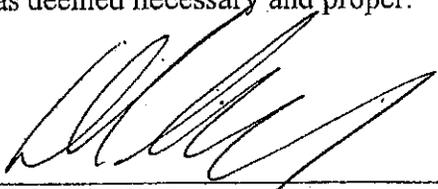
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PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in Case No. 09-2005-170574 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 63101 issued to John Francis Grant, M.D.;
2. Revoking or suspending Physician's and Surgeon's Certificate No. A 63101, issued to John Francis Grant, M.D.;
3. Revoking, suspending or denying approval of John Francis Grant, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
4. Ordering John Francis Grant, M.D., to pay the Board the costs of probation monitoring if placed on probation;
5. Taking such other and further action as deemed necessary and proper.

DATED: June 7, 2010



LINDA K. WHITNEY
Executive Director
Medical Board of California
State of California
Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 09-2005-170574

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

In the Matter of the Accusation Against:)

)
)
)
JOHN F. GRANT, M.D.)

File No. 09-2005-170574

)
)
Physician's and Surgeon's)
Certificate No. A63101)

)
)
Respondent.)
)

DECISION

The attached Stipulated Settlement and Disciplinary 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 May 7, 2009.

IT IS SO ORDERED April 7, 2009.

MEDICAL BOARD OF CALIFORNIA

By: Shelton Duruisseau

Shelton Duruisseau, Ph.D., Chair

Panel A

MEDICAL BOARD OF CALIFORNIA

I do hereby certify that this document is a true and correct copy of the original on file in this office.

Signature: _____
Title: _____

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 JOHN F. GRANT, M.D.
1037 E. Palmdale Blvd.
14 Palmdale, CA 93550

15 Physician's and Surgeon's Certificate No.
16 A63101,

17 Respondent.

Case No. 09-2005-170574

OAH No. L-2008100175

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Barbara Johnston (Complainant) is the Executive Director of the Medical
22 Board of California. She brought this action solely in her official capacity and is represented in
23 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Alexandra
24 M. Alvarez, Deputy Attorney General.

25 2. Respondent JOHN F. GRANT, M.D. (Respondent), is represented in this
26 proceeding by attorney Jehan N. Jayakumar, Esq., whose address is Carlson & Jayakumar
27 2424 S. E. Bristol Street, Suite 300, Newport Beach, CA 92660.

28 //

1 2. EDUCATION COURSE Within 60 calendar days of the beginning of
2 respondent's second year of probation, and on an annual basis thereafter, respondent shall submit
3 to the Medical Board or its designee for its prior approval educational program or course which
4 shall not be less than 40 hours per year for each year of probation. The educational program or
5 course shall be aimed at correcting any areas of deficient practice or knowledge and shall be
6 Category I certified, limited to classroom, conference, or seminar settings. The educational
7 program or course shall be at respondent's expense and shall be in addition to the Continuing
8 Medical Education (CME) requirements for renewal of licensure. Following the completion of
9 each course, the Medical Board or its designee may administer an examination to test
10 respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours
11 of continuing medical education of which 40 hours were in satisfaction of this condition.

12 3. PRESCRIBING PRACTICES COURSE Within 60 calendar days of the
13 effective date of this Decision, respondent shall enroll in a course in prescribing practices, at
14 respondent's expense, approved in advance by the Medical Board or its designee. Failure to
15 successfully complete the course during the first year of probation is a violation of probation.

16 A prescribing practices course taken after the acts that gave rise to the charges in
17 the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
18 Medical Board or its designee, be accepted towards the fulfillment of this condition if the course
19 would have been approved by the Medical Board or its designee had the course been taken after
20 the effective date of this Decision.

21 Respondent shall submit a certification of successful completion to the Medical
22 Board or its designee not later than 15 calendar days after successfully completing the course, or
23 not later than 15 calendar days after the effective date of the Decision, whichever is later.

24 4. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of
25 the effective date of this decision, respondent shall enroll in a course in medical record keeping,
26 at respondent's expense, approved in advance by the Medical Board or its designee. Failure to
27 successfully complete the course during the first year of probation is a violation of probation.

28 //

1 A medical record keeping course taken after the acts that gave rise to the charges
2 in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
3 Medical Board or its designee, be accepted towards the fulfillment of this condition if the course
4 would have been approved by the Medical Board or its designee had the course been taken after
5 the effective date of this Decision.

6 Respondent shall submit a certification of successful completion to the Medical
7 Board or its designee not later than 15 calendar days after successfully completing the course, or
8 not later than 15 calendar days after the effective date of the Decision, whichever is later.

9 5. CLINICAL TRAINING PROGRAM Within 60 calendar days of the
10 effective date of this Decision, respondent shall enroll in a clinical training or educational
11 program equivalent to the Physician Assessment and Clinical Education Program (PACE)
12 offered at the University of California - San Diego School of Medicine ("Program").

13 The Program shall consist of a Comprehensive Assessment program comprised of
14 a two-day assessment of respondent's physical and mental health; basic clinical and
15 communication skills common to all clinicians; and medical knowledge, skill and judgment
16 pertaining to respondent's specialty or sub-specialty, and at minimum, a 40 hour program of
17 clinical education in the area of practice in which respondent was alleged to be deficient and
18 which takes into account data obtained from the assessment, Decision, Accusation, and any other
19 information that the Medical Board or its designee deems relevant. Respondent shall pay all
20 expenses associated with the clinical training program.

21 Based on respondent's performance and test results in the assessment and clinical
22 education, the Program will advise the Medical Board or its designee of its recommendation for
23 the scope and length of any additional educational or clinical training, treatment for any medical
24 condition, treatment for any psychological condition, or anything else affecting respondent's
25 practice of medicine. Respondent shall comply with Program recommendations.

26 At the completion of any additional educational or clinical training, respondent
27 shall submit to and pass an examination. The Program's determination whether or not
28 respondent passed the examination or successfully completed the Program shall be binding.

1 Respondent shall complete the Program not later than six months after
2 respondent's initial enrollment unless the Medical Board or its designee agrees in writing to a
3 later time for completion.

4 Failure to participate in and complete successfully all phases of the clinical
5 training program outlined above is a violation of probation.

6 6. MONITORING - PRACTICE/BILLING Within 30 calendar days of the
7 effective date of this Decision, respondent shall submit to the Medical Board or its designee for
8 prior approval as a practice and billing monitor, the name and qualifications of one or more
9 licensed physicians and surgeons whose licenses are valid and in good standing, and who are
10 preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no
11 prior or current business or personal relationship with respondent, or other relationship that could
12 reasonably be expected to compromise the ability of the monitor to render fair and unbiased
13 reports to the Medical Board, including, but not limited to, any form of bartering, shall be in
14 respondent's field of practice, and must agree to serve as respondent's monitor. Respondent
15 shall pay all monitoring costs.

16 The Medical Board or its designee shall provide the approved monitor with copies
17 of the Decision and Accusation, and a proposed monitoring plan. Within 15 calendar days of
18 receipt of the Decision, Accusation, and proposed monitoring plan, the monitor shall submit a
19 signed statement that the monitor has read the Decision and Accusation, fully understands the
20 role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor
21 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan
22 with the signed statement.

23 Within 60 calendar days of the effective date of this Decision, and continuing
24 throughout probation, respondent's practice and billing shall be monitored by the approved
25 monitor. Respondent shall make all records available for immediate inspection and copying on
26 the premises by the monitor at all times during business hours, and shall retain the records for the
27 entire term of probation.

28 ///

1 The monitors shall submit a quarterly written report to the Medical Board or its
2 designee which includes an evaluation of respondent's performance, indicating whether
3 respondent's practices are within the standards of practice of medicine or billing, or both, and
4 whether respondent is practicing medicine safely, billing appropriately or both.

5 It shall be the sole responsibility of respondent to ensure that the monitor submits
6 the quarterly written reports to the Medical Board or its designee within 10 calendar days after
7 the end of the preceding quarter.

8 If the monitor resigns or is no longer available, respondent shall, within 5 calendar
9 days of such resignation or unavailability, submit to the Medical Board or its designee, for prior
10 approval, the name and qualifications of a replacement monitor who will be assuming that
11 responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement
12 monitor within 60 days of the resignation or unavailability of the monitor, respondent shall be
13 suspended from the practice of medicine until a replacement monitor is approved and prepared to
14 assume immediate monitoring responsibility. Respondent shall cease the practice of medicine
15 within 3 calendar days after being so notified by the Medical Board or designee.

16 In lieu of a monitor, respondent may participate in a professional enhancement
17 program equivalent to the one offered by the Physician Assessment and Clinical Education
18 Program at the University of California, San Diego School of Medicine, that includes, at
19 minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of
20 professional growth and education. Respondent shall participate in the professional enhancement
21 program at respondent's expense during the term of probation.

22 Failure to maintain all records, or to make all appropriate records available for
23 immediate inspection and copying on the premises, or to comply with this condition as outlined
24 above is a violation of probation.

25 7. NOTIFICATION Prior to engaging in the practice of medicine, the
26 respondent shall provide a true copy of the Decision and Accusation to the Chief of Staff or the
27 Chief Executive Officer at every hospital where privileges or membership are extended to
28 respondent, at any other facility where respondent engages in the practice of medicine, including

1 all physician and locum tenens registries or other similar agencies, and to the Chief Executive
2 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.
3 Respondent shall submit proof of compliance to the Medical Board or its designee within 15
4 calendar days.

5 This condition shall apply to any change in hospitals, other facilities or insurance
6 carrier.

7 8. SUPERVISION OF PHYSICIAN ASSISTANTS During probation,
8 respondent is prohibited from supervising physician assistants.

9 9. OBEY ALL LAWS Respondent shall obey all federal, state and local
10 laws, all rules governing the practice of medicine in California, and remain in full compliance
11 with any court ordered criminal probation, payments and other orders.

12 10. QUARTERLY DECLARATIONS Respondent shall submit quarterly
13 declarations under penalty of perjury on forms provided by the Medical Board, stating whether
14 there has been compliance with all the conditions of probation. Respondent shall submit
15 quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

16 11. PROBATION UNIT COMPLIANCE Respondent shall comply with the
17 Medical Board's probation unit. Respondent shall, at all times, keep the Medical Board informed
18 of respondent's business and residence addresses. Changes of such addresses shall be
19 immediately communicated in writing to the Medical Board or its designee. Under no
20 circumstances shall a post office box serve as an address of record, except as allowed by
21 Business and Professions Code section 2021(b).

22 Respondent shall not engage in the practice of medicine in respondent's place of
23 residence. Respondent shall maintain a current and renewed California physician's and
24 surgeon's license.

25 Respondent shall immediately inform the Medical Board, or its designee, in
26 writing, of travel to any areas outside the jurisdiction of California which lasts, or is
27 contemplated to last, more than 30 calendar days.

28 //

1 12. INTERVIEW WITH THE MEDICAL BOARD, OR ITS DESIGNEE

2 Respondent shall be available in person for interviews either at respondent's place of business or
3 at the probation unit office, with the Medical Board or its designee, upon request at various
4 intervals, and either with or without prior notice throughout the term of probation.

5 13. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent
6 should leave the State of California to reside or to practice, respondent shall notify the Medical
7 Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-
8 practice is defined as any period of time exceeding 30 calendar days in which respondent is not
9 engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions
10 Code.

11 All time spent in an intensive training program outside the State of California
12 which has been approved by the Medical Board or its designee shall be considered as time spent
13 in the practice of medicine within the State. A Board-ordered suspension of practice shall not be
14 considered as a period of non-practice. Periods of temporary or permanent residence or practice
15 outside California will not apply to the reduction of the probationary term. Periods of temporary
16 or permanent residence or practice outside California will relieve respondent of the responsibility
17 to comply with the probationary terms and conditions with the exception of this condition and
18 the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance;
19 and Cost Recovery.

20 Respondent's license shall be automatically cancelled if respondent's periods of
21 temporary or permanent residence or practice outside California total two years. However,
22 respondent's license shall not be cancelled as long as respondent is residing and practicing
23 medicine in another state of the United States and is on active probation with the medical
24 licensing authority of that state, in which case the two year period shall begin on the date
25 probation is completed or terminated in that state.

26 14. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

27 In the event respondent resides in the State of California and for any reason
28 respondent stops practicing medicine in California, respondent shall notify the Medical Board or

1 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
2 practice. Any period of non-practice within California, as defined in this condition, will not
3 apply to the reduction of the probationary term and does not relieve respondent of the
4 responsibility to comply with the terms and conditions of probation. Non-practice is defined as
5 any period of time exceeding 30 calendar days in which respondent is not engaging in any
6 activities defined in sections 2051 and 2052 of the Business and Professions Code.

7 All time spent in an intensive training program which has been approved by the
8 Medical Board or its designee shall be considered time spent in the practice of medicine. For
9 purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with
10 any other condition of probation, shall not be considered a period of non-practice.

11 Respondent's license shall be automatically cancelled if respondent resides in
12 California and for a total of two years, fails to engage in California in any of the activities
13 described in Business and Professions Code sections 2051 and 2052.

14 15. COMPLETION OF PROBATION Respondent shall comply with all
15 financial obligations (e.g., probation costs) not later than 120 calendar days prior to the
16 completion of probation. Upon successful completion of probation, respondent's certificate shall
17 be fully restored.

18 16. VIOLATION OF PROBATION Failure to fully comply with any term or
19 condition of probation is a violation of probation. If respondent violates probation in any respect,
20 the Medical Board, after giving respondent notice and the opportunity to be heard, may revoke
21 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to
22 Revoke Probation, or an Interim Suspension Order is filed against respondent during probation,
23 the Medical Board shall have continuing jurisdiction until the matter is final, and the period of
24 probation shall be extended until the matter is final.

25 17. LICENSE SURRENDER Following the effective date of this Decision, if
26 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
27 the terms and conditions of probation, respondent may request the voluntary surrender of
28 respondent's license. The Medical Board reserves the right to evaluate respondent's request and

1 to exercise its discretion whether or not to grant the request, or to take any other action deemed
2 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
3 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the
4 Medical Board or its designee and respondent shall no longer practice medicine. Respondent
5 will no longer be subject to the terms and conditions of probation and the surrender of
6 respondent's license shall be deemed disciplinary action. If respondent re-applies for a medical
7 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

8 18. PROBATION MONITORING COSTS Respondent shall pay the costs
9 associated with probation monitoring each and every year of probation, as designated by the
10 Medical Board, which may be adjusted on an annual basis. Such costs shall be payable to the
11 Medical Board of California and delivered to the Medical Board or its designee no later than
12 January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is
13 a violation of probation.

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ACCEPTANCE

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I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jehan N. Jayakumar, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A63101. 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, Department of Consumer Affairs.

DATED: 2/10/09


JOHN F. GRANT, M.D.
Respondent

I have read and fully discussed with Respondent JOHN F. GRANT, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/10/09


JEHAN N. JAYAKUMAR, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED 3/2/09

EDMUND G. BROWN JR., Attorney General
of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General


ALEXANDRA M. ALVAREZ
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:)

JOHN F. GRANT, M.D.)

**Physician's and Surgeon's)
Certificate No. A63101)**

Respondent.)

File No. 09-2005-170574

DECISION

The attached Stipulated Settlement and Disciplinary 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 May 7, 2009.

IT IS SO ORDERED April 7, 2009.

MEDICAL BOARD OF CALIFORNIA

By: *Shelton Duruisseau*
**Shelton Duruisseau, Ph.D., Chair
Panel A**

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 ALEXANDRA M. ALVAREZ, State Bar No. 187442
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5
6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-3141
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 JOHN F. GRANT, M.D.
1037 E. Palmdale Blvd.
14 Palmdale, CA 93550

15 Physician's and Surgeon's Certificate No.
16 A63101,

17 Respondent.

Case No. 09-2005-170574

OAH No. L-2008100175

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Barbara Johnston (Complainant) is the Executive Director of the Medical
22 Board of California. She brought this action solely in her official capacity and is represented in
23 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Alexandra
24 M. Alvarez, Deputy Attorney General.

25 2. Respondent JOHN F. GRANT, M.D. (Respondent), is represented in this
26 proceeding by attorney Jehan N. Jayakumar, Esq., whose address is Carlson & Jayakumar
27 2424 S. E. Bristol Street, Suite 300, Newport Beach, CA 92660.

28 ///

1 CULPABILITY

2 8. Respondent agrees that, at an administrative hearing, complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
4 No. 09-2005-170574, a true and correct copy of which is attached hereto as Exhibit "A."

5 9. Respondent agrees that if he ever petitions for early termination or
6 modification of probation, or if the Board ever petitions for revocation of probation, all of the
7 charges and allegations contained in Accusation No. 09-2005-170574 shall be deemed true,
8 correct and fully admitted by respondent for purposes of that proceeding or any other licensing
9 proceeding involving respondent in the State of California.

10 10. Respondent agrees that his Physician's and Surgeon's Certificate No.
11 A63101 is subject to discipline and he agrees to be bound by the Medical Board of California
12 (Medical Board)'s imposition of discipline as set forth in the Disciplinary Order below.

13 CONTINGENCY

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

24 OTHER MATTERS

25 12. The parties understand and agree that facsimile copies of this Stipulated
26 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
27 force and effect as the originals.

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1 2. EDUCATION COURSE Within 60 calendar days of the beginning of
2 respondent's second year of probation, and on an annual basis thereafter, respondent shall submit
3 to the Medical Board or its designee for its prior approval educational program or course which
4 shall not be less than 40 hours per year, for each year of probation. The educational program or
5 course shall be aimed at correcting any areas of deficient practice or knowledge and shall be
6 Category I certified, limited to classroom, conference, or seminar settings. The educational
7 program or course shall be at respondent's expense and shall be in addition to the Continuing
8 Medical Education (CME) requirements for renewal of licensure. Following the completion of
9 each course, the Medical Board or its designee may administer an examination to test
10 respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours
11 of continuing medical education of which 40 hours were in satisfaction of this condition.

12 3. PRESCRIBING PRACTICES COURSE Within 60 calendar days of the
13 effective date of this Decision, respondent shall enroll in a course in prescribing practices, at
14 respondent's expense, approved in advance by the Medical Board or its designee. Failure to
15 successfully complete the course during the first year of probation is a violation of probation.

16 A prescribing practices course taken after the acts that gave rise to the charges in
17 the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
18 Medical Board or its designee, be accepted towards the fulfillment of this condition if the course
19 would have been approved by the Medical Board or its designee had the course been taken after
20 the effective date of this Decision.

21 Respondent shall submit a certification of successful completion to the Medical
22 Board or its designee not later than 15 calendar days after successfully completing the course, or
23 not later than 15 calendar days after the effective date of the Decision, whichever is later.

24 4. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of
25 the effective date of this decision, respondent shall enroll in a course in medical record keeping,
26 at respondent's expense, approved in advance by the Medical Board or its designee. Failure to
27 successfully complete the course during the first year of probation is a violation of probation.

28 ///

1 A medical record keeping course taken after the acts that gave rise to the charges
2 in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
3 Medical Board or its designee, be accepted towards the fulfillment of this condition if the course
4 would have been approved by the Medical Board or its designee had the course been taken after
5 the effective date of this Decision.

6 Respondent shall submit a certification of successful completion to the Medical
7 Board or its designee not later than 15 calendar days after successfully completing the course, or
8 not later than 15 calendar days after the effective date of the Decision, whichever is later.

9 5. CLINICAL TRAINING PROGRAM Within 60 calendar days of the
10 effective date of this Decision, respondent shall enroll in a clinical training or educational
11 program equivalent to the Physician Assessment and Clinical Education Program (PACE)
12 offered at the University of California - San Diego School of Medicine ("Program").

13 The Program shall consist of a Comprehensive Assessment program comprised of
14 a two-day assessment of respondent's physical and mental health; basic clinical and
15 communication skills common to all clinicians; and medical knowledge, skill and judgment
16 pertaining to respondent's specialty or sub-specialty, and at minimum, a 40 hour program of
17 clinical education in the area of practice in which respondent was alleged to be deficient and
18 which takes into account data obtained from the assessment, Decision, Accusation, and any other
19 information that the Medical Board or its designee deems relevant. Respondent shall pay all
20 expenses associated with the clinical training program.

21 Based on respondent's performance and test results in the assessment and clinical
22 education, the Program will advise the Medical Board or its designee of its recommendation for
23 the scope and length of any additional educational or clinical training, treatment for any medical
24 condition, treatment for any psychological condition, or anything else affecting respondent's
25 practice of medicine. Respondent shall comply with Program recommendations.

26 At the completion of any additional educational or clinical training, respondent
27 shall submit to and pass an examination. The Program's determination whether or not
28 respondent passed the examination or successfully completed the Program shall be binding.

1 Respondent shall complete the Program not later than six months after
2 respondent's initial enrollment unless the Medical Board or its designee agrees in writing to a
3 later time for completion.

4 Failure to participate in and complete successfully all phases of the clinical
5 training program outlined above is a violation of probation.

6 6. MONITORING - PRACTICE/BILLING Within 30 calendar days of the
7 effective date of this Decision, respondent shall submit to the Medical Board or its designee for
8 prior approval as a practice and billing monitor, the name and qualifications of one or more
9 licensed physicians and surgeons whose licenses are valid and in good standing, and who are
10 preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no
11 prior or current business or personal relationship with respondent, or other relationship that could
12 reasonably be expected to compromise the ability of the monitor to render fair and unbiased
13 reports to the Medical Board, including, but not limited to, any form of bartering, shall be in
14 respondent's field of practice, and must agree to serve as respondent's monitor. Respondent
15 shall pay all monitoring costs.

16 The Medical Board or its designee shall provide the approved monitor with copies
17 of the Decision and Accusation, and a proposed monitoring plan. Within 15 calendar days of
18 receipt of the Decision, Accusation, and proposed monitoring plan, the monitor shall submit a
19 signed statement that the monitor has read the Decision and Accusation, fully understands the
20 role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor
21 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan
22 with the signed statement.

23 Within 60 calendar days of the effective date of this Decision, and continuing
24 throughout probation, respondent's practice and billing shall be monitored by the approved
25 monitor. Respondent shall make all records available for immediate inspection and copying on
26 the premises by the monitor at all times during business hours, and shall retain the records for the
27 entire term of probation.

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1 The monitors shall submit a quarterly written report to the Medical Board or its
2 designee which includes an evaluation of respondent's performance, indicating whether
3 respondent's practices are within the standards of practice of medicine or billing, or both, and
4 whether respondent is practicing medicine safely, billing appropriately or both.

5 It shall be the sole responsibility of respondent to ensure that the monitor submits
6 the quarterly written reports to the Medical Board or its designee within 10 calendar days after
7 the end of the preceding quarter.

8 If the monitor resigns or is no longer available, respondent shall, within 5 calendar
9 days of such resignation or unavailability, submit to the Medical Board or its designee, for prior
10 approval, the name and qualifications of a replacement monitor who will be assuming that
11 responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement
12 monitor within 60 days of the resignation or unavailability of the monitor, respondent shall be
13 suspended from the practice of medicine until a replacement monitor is approved and prepared to
14 assume immediate monitoring responsibility. Respondent shall cease the practice of medicine
15 within 3 calendar days after being so notified by the Medical Board or designee.

16 In lieu of a monitor, respondent may participate in a professional enhancement
17 program equivalent to the one offered by the Physician Assessment and Clinical Education
18 Program at the University of California, San Diego School of Medicine, that includes, at
19 minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of
20 professional growth and education. Respondent shall participate in the professional enhancement
21 program at respondent's expense during the term of probation.

22 Failure to maintain all records, or to make all appropriate records available for
23 immediate inspection and copying on the premises, or to comply with this condition as outlined
24 above is a violation of probation.

25 7. NOTIFICATION Prior to engaging in the practice of medicine, the
26 respondent shall provide a true copy of the Decision and Accusation to the Chief of Staff or the
27 Chief Executive Officer at every hospital where privileges or membership are extended to
28 respondent, at any other facility where respondent engages in the practice of medicine, including

1 all physician and locum tenens registries or other similar agencies, and to the Chief Executive
2 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.
3 Respondent shall submit proof of compliance to the Medical Board or its designee within 15
4 calendar days.

5 This condition shall apply to any change in hospitals, other facilities or insurance
6 carrier.

7 8. SUPERVISION OF PHYSICIAN ASSISTANTS During probation,
8 respondent is prohibited from supervising physician assistants.

9 9. OBEY ALL LAWS Respondent shall obey all federal, state and local
10 laws, all rules governing the practice of medicine in California, and remain in full compliance
11 with any court ordered criminal probation, payments and other orders.

12 10. QUARTERLY DECLARATIONS Respondent shall submit quarterly
13 declarations under penalty of perjury on forms provided by the Medical Board, stating whether
14 there has been compliance with all the conditions of probation. Respondent shall submit
15 quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

16 11. PROBATION UNIT COMPLIANCE Respondent shall comply with the
17 Medical Board's probation unit. Respondent shall, at all times, keep the Medical Board informed
18 of respondent's business and residence addresses. Changes of such addresses shall be
19 immediately communicated in writing to the Medical Board or its designee. Under no
20 circumstances shall a post office box serve as an address of record, except as allowed by
21 Business and Professions Code section 2021(b).

22 Respondent shall not engage in the practice of medicine in respondent's place of
23 residence. Respondent shall maintain a current and renewed California physician's and
24 surgeon's license.

25 Respondent shall immediately inform the Medical Board, or its designee, in
26 writing, of travel to any areas outside the jurisdiction of California which lasts, or is
27 contemplated to last, more than 30 calendar days.

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1 12. INTERVIEW WITH THE MEDICAL BOARD, OR ITS DESIGNEE

2 Respondent shall be available in person for interviews either at respondent's place of business or
3 at the probation unit office, with the Medical Board or its designee, upon request at various
4 intervals, and either with or without prior notice throughout the term of probation.

5 13. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent

6 should leave the State of California to reside or to practice, respondent shall notify the Medical
7 Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-
8 practice is defined as any period of time exceeding 30 calendar days in which respondent is not
9 engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions
10 Code.

11 All time spent in an intensive training program outside the State of California
12 which has been approved by the Medical Board or its designee shall be considered as time spent
13 in the practice of medicine within the State. A Board-ordered suspension of practice shall not be
14 considered as a period of non-practice. Periods of temporary or permanent residence or practice
15 outside California will not apply to the reduction of the probationary term. Periods of temporary
16 or permanent residence or practice outside California will relieve respondent of the responsibility
17 to comply with the probationary terms and conditions with the exception of this condition and
18 the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance;
19 and Cost Recovery.

20 Respondent's license shall be automatically cancelled if respondent's periods of
21 temporary or permanent residence or practice outside California total two years. However,
22 respondent's license shall not be cancelled as long as respondent is residing and practicing
23 medicine in another state of the United States and is on active probation with the medical
24 licensing authority of that state, in which case the two year period shall begin on the date
25 probation is completed or terminated in that state.

26 14. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

27 In the event respondent resides in the State of California and for any reason
28 respondent stops practicing medicine in California, respondent shall notify the Medical Board or

1 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
2 practice. Any period of non-practice within California, as defined in this condition, will not
3 apply to the reduction of the probationary term and does not relieve respondent of the
4 responsibility to comply with the terms and conditions of probation. Non-practice is defined as
5 any period of time exceeding 30 calendar days in which respondent is not engaging in any
6 activities defined in sections 2051 and 2052 of the Business and Professions Code.

7 All time spent in an intensive training program which has been approved by the
8 Medical Board or its designee shall be considered time spent in the practice of medicine. For
9 purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with
10 any other condition of probation, shall not be considered a period of non-practice.

11 Respondent's license shall be automatically cancelled if respondent resides in
12 California and for a total of two years, fails to engage in California in any of the activities
13 described in Business and Professions Code sections 2051 and 2052.

14 15. COMPLETION OF PROBATION Respondent shall comply with all
15 financial obligations (e.g., probation costs) not later than 120 calendar days prior to the
16 completion of probation. Upon successful completion of probation, respondent's certificate shall
17 be fully restored.

18 16. VIOLATION OF PROBATION Failure to fully comply with any term or
19 condition of probation is a violation of probation. If respondent violates probation in any respect,
20 the Medical Board, after giving respondent notice and the opportunity to be heard, may revoke
21 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to
22 Revoke Probation, or an Interim Suspension Order is filed against respondent during probation,
23 the Medical Board shall have continuing jurisdiction until the matter is final, and the period of
24 probation shall be extended until the matter is final.

25 17. LICENSE SURRENDER Following the effective date of this Decision, if
26 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
27 the terms and conditions of probation, respondent may request the voluntary surrender of
28 respondent's license. The Medical Board reserves the right to evaluate respondent's request and

1 to exercise its discretion whether or not to grant the request, or to take any other action deemed
2 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
3 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the
4 Medical Board or its designee and respondent shall no longer practice medicine. Respondent
5 will no longer be subject to the terms and conditions of probation and the surrender of
6 respondent's license shall be deemed disciplinary action. If respondent re-applies for a medical
7 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

8 18. PROBATION MONITORING COSTS Respondent shall pay the costs
9 associated with probation monitoring each and every year of probation, as designated by the
10 Medical Board, which may be adjusted on an annual basis. Such costs shall be payable to the
11 Medical Board of California and delivered to the Medical Board or its designee no later than
12 January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is
13 a violation of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jehan N. Jayakumar, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A63101. 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, Department of Consumer Affairs.

DATED: 2/10/09
JOHN F. GRANT, M.D.
Respondent

I have read and fully discussed with Respondent JOHN F. GRANT, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/10/09
JEHAN N. JAYAKUMAR, ESQ.
Attorney for Respondent**ENDORSEMENT**

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

DATED 3/2/09EDMUND G. BROWN JR., Attorney General
of the State of CaliforniaTHOMAS S. LAZAR
Supervising Deputy Attorney General
ALEXANDRA M. ALVAREZ
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 09-2005-170574

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 ALEXANDRA M. ALVAREZ, State Bar No. 187442
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3141
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 5, 20 08
BY W. L. H. H. H. ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 09-2005-170574

13 JOHN F. GRANT, M.D.
4021 Mt. Pinos Way
14 P.O. Box 1446
Frazier Park, CA 93225

OAH No.

ACCUSATION

15 Physician's and Surgeon's Certificate No.
16 A63101

17 Respondent.

18
19 Complainant alleges:

20 PARTIES

21 1. Barbara Johnston (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Director of the Medical Board of California, State of
23 California.

24 2. On or about July 25, 1997, the Medical Board of California issued
25 Physician's and Surgeon's Certificate Number A63101 to JOHN F. GRANT, M.D. (Respondent).
26 The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
27 charges brought herein and will expire on January 31, 2009, unless renewed.

28 ///

JURISDICTION

1
2 3. This Accusation is brought before the Medical Board of California
3 (Medical Board) for the Department of Consumer Affairs, State of California, under the authority
4 of the following laws. All section references are to the Business and Professions Code (Code)
5 unless otherwise indicated.

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

10 5. Section 2234 of the Code provides:

11 "The Division of Medical Quality' shall take action against any licensee who is
12 charged with unprofessional conduct. In addition to other provisions of this article,
13 unprofessional conduct includes, but is not limited to, the following:

14 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
15 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,
16 the Medical Practice Act].

17 "(b) Gross negligence.

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

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

25
26 1. California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et. seq.) means the "Medical
Board of California," and references to the "Division of Medical Quality" and "Division of
Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

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

6 "(d) Incompetence.

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

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

10 "...."

11 6. Section 2238 of the Code provides:

12 "A violation of any federal statute or federal regulation or any of the statutes or
13 regulations of this state regulating dangerous drugs or controlled substances constitutes
14 unprofessional conduct."

15 7. Section 2242 provides:

16 "(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section
17 4022 without an appropriate prior examination and a medical indication, constitutes
18 unprofessional conduct.

19 "...."

20 8. Section 2266 of the Code provides:

21 "The failure of a physician and surgeon to maintain adequate and accurate records
22 relating to the provision of services to their patients constitutes unprofessional conduct."

23 9. Section 725 of the Code provides:

24 "(a) Repeated acts of clearly excessive prescribing, furnishing, dispensing, or
25 administering of drugs or treatment, repeated acts of clearly excessive use of diagnostic
26 procedures, or repeated acts of clearly excessive use of diagnostic or treatment facilities
27 as determined by the standard of the community of licensees is unprofessional conduct

28 ///

1 for a physician and surgeon, dentist, podiatrist, psychologist, physical therapist,
2 chiropractor, optometrist, speech-language pathologist, or audiologist.

3 "...."

4 FIRST CAUSE FOR DISCIPLINE

5 (Gross Negligence)

6 10. Respondent has subjected his Physician's and Surgeon's Certificate No.
7 A63101 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
8 subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of
9 patient C.W., as more particularly alleged hereinafter:

10 (a) On or about February 9, 2004, patient C.W. presented to respondent for an
11 initial office visit for treatment of her migraines. Respondent's notes indicate that he took an
12 initial history from the patient and his impression was possible attention deficit syndrome,
13 depression and bi-polar condition. He obtained a list of C.W.'s medications, which included
14 Norco² 10 at one tablet four times per day. There was no further medical history or physical
15 examination documented.

16 (b) On or about March 8, 2004, patient C.W. presented to respondent for a
17 follow up visit. Respondent's note indicates that patient C.W. wanted to start new medication;
18 however, the note does not identify the new medication. Respondent opined that patient C.W.
19 may have attention deficit syndrome and she should try Ritalin. There was no further medical
20 history or physical examination documented.

21 (c) On or about April 7, 2004, patient C.W. presented to respondent for a refill
22 of her Norco prescription. Patient C.W. reported that she felt better on the Ritalin and that she
23 needed more Norco because she had given some to her grandfather. There was no further
24 medical history or physical examination documented.

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27 2. "Norco," a brand name for hydrocodone bitartrate and acetaminophen, is a Schedule II
28 controlled substance under Health and Safety Code section 11055(b)(1)(J) and a dangerous
drug within the meaning of California Business and Professions Code section 4022.

1 (d) Respondent continued to treat patient C.W. to approximately the end of
2 August 2005. There is no documentation of patient C.W.'s visits to respondent after April 7,
3 2004, even though respondent continued to provide treatment to patient C.W. until the end of
4 August 2005.

5 (e) Based on information obtained through a Controlled Substance Review
6 and Evaluation System (CURES)³ check, respondent authorized approximately 6,670 Norco
7 tablets to patient C.W. during an eight month period between January 3, 2005 to August 22,
8 2005. During that same period of time, patient was receiving approximately 6,000 Norco tablets
9 from other physicians as well.

10 (f) Respondent committed gross negligence in his care and treatment of
11 patient C.W., which included, but was not limited to, the following:

12 (1) Failure to maintain the integrity of patient C.W.'s electronic medical
13 records as a result of his non-payment of fees; and

14 (2) Prescribing excessive doses of Norco to patient C.W.

15 SECOND CAUSE FOR DISCIPLINE

16 (Repeated Negligent Acts)

17 11. Respondent has further subjected his Physician's and Surgeon's Certificate
18 No. A63101 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
19 subdivision (c), of the Code, in that he has committed repeated negligent acts in his care and
20 treatment of patient C.W. and his assigned patients, as more particularly alleged hereinafter:

21 (a) Paragraph 10, above, is hereby incorporated by reference as if fully set
22 forth herein.

23 (b) Respondent committed repeated negligent acts in his care and treatment of
24 patient C.W. and his assigned patients, which included, but was not limited to, the following:

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26 _____
27 3. The CURES program was established to automate the collection and analysis of all
28 Schedule II and III controlled substance prescriptions issued in California, which allows for the
identification of drug trends or patterns of abuse.

1 Patient C.W.

2 (1) Paragraph 10, above, is hereby incorporated by reference as if fully
3 set forth herein.

4 Assigned Patients

5 (1) On or about July 18, 2006, a section 805 report was received by the
6 Medical Board, which indicated that respondent's membership was terminated from his
7 group practice because he did not have adequate malpractice insurance and had
8 abandoned his patients.

9 (2) On or about March 11, 2008, respondent was interviewed by a Medical
10 Board investigator regarding the allegation of patient abandonment. Respondent stated
11 that he went through a divorce, which caused him to incur high attorney fees and in an
12 effort to manage his financial affairs, he stopped paying taxes for a year. The Internal
13 Revenue Service seized his accounts, which then led respondent to file for bankruptcy
14 prior to the closure of his office. Respondent stated that he was forced out of his medical
15 practice by the bankruptcy proceedings and the Internal Revenue Service. He was not
16 able to pay for his office lease and was subsequently locked out of his medical office.

17 (3) Respondent failed to timely notify his patients of the closure of his office
18 and to transfer their care and medical records to another physician.

19 THIRD CAUSE FOR DISCIPLINE

20 (Incompetence)

21 12. Respondent has further subjected his Physician's and Surgeon's Certificate
22 No. A63101 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
23 subdivision (d), of the Code, in that he has demonstrated incompetence in his care and treatment
24 of patient C.W., as more particularly alleged in paragraph 10, above, which is incorporated by
25 reference as if fully set forth herein.

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1 treatment of patient C.W., as more particularly alleged in paragraph 10, above, which is
2 incorporated by reference as if fully set forth herein.

3 PRAYER

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

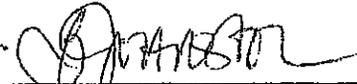
6 1. Revoking or suspending Physician's and Surgeon's Certificate Number
7 A63101, issued to JOHN F. GRANT, M.D.;

8 2. Revoking, suspending or denying approval of JOHN F. GRANT, M.D.'s
9 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

10 3. If placed on probation, ordering JOHN F. GRANT, M.D. to pay the
11 Medical Board the costs of probation monitoring; and

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

13
14 DATED: September 5, 2008

15
16 
17 BARBARA JOHNSTON
18 Executive Director
19 Medical Board of California
20 State of California
21 Complainant

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