

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

In the Matter of the Accusation )  
Against: )

JAMES ROBERT LUDERS, M.D. )

Case No. 800-2016-024259

Physician's and Surgeon's )  
Certificate No. G 48265 )

Respondent )

DECISION

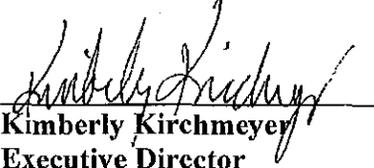
The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 20, 2017.

IT IS SO ORDERED April 13, 2017.

MEDICAL BOARD OF CALIFORNIA

By:

  
Kimberly Kirchmeyer  
Executive Director

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 KEITH C. SHAW  
Deputy Attorney General  
4 State Bar No. 227029  
455 Golden Gate Avenue, Suite 11000  
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*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

Case No. 800-2016-024259

11 **JAMES LUDERS, M.D.**

**STIPULATION SURRENDER OF  
LICENSE AND ORDER**

12 1440 Wikiup Drive  
13 Santa Rosa, CA 95403

14 **Physician's and Surgeon's Certificate**  
15 **No. G48265,**

16 Respondent.  
17

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

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
21 of California (Board). She brought this action solely in her official capacity and is represented in  
22 this matter by Xavier Becerra, Attorney General of the State of California, by Keith C. Shaw,  
23 Deputy Attorney General.

24 2. James Luders, M.D. (Respondent) is representing himself in this proceeding with the  
25 advice and under the direction of his duly authorized Legal Representative, his wife, Susan  
26 Luders, who has power of attorney over Respondent's person and legal affairs (Legal  
27 Representative).  
28

1           3.    Respondent and/or his Legal Representative have received, read, and understand the  
2    Accusation which is presently on file and pending in Accusation No. 800-2016-024259. A copy  
3    of Accusation No. 800-2016-024259 is attached as exhibit A and incorporated herein by  
4    reference.

5           4.    Respondent and/or his Legal Representative have received, read, and understand the  
6    charges and allegations in the Accusation. Respondent and/or his Legal Representative also have  
7    carefully read and understand the effects of this Stipulated Surrender of License.

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

16          6.    Respondent and/or his Legal Representative voluntarily, knowingly, and intelligently  
17   waive and gives up each and every right set forth above.

18          7.    Respondent and/or his Legal Representative agree that the Board has jurisdiction and  
19   cause to take action against Respondent's physician's and surgeon's certificate by virtue of the  
20   allegations set forth in the Accusation and pursuant to Business and Professions Code §822.  
21   Respondent is unable to practice medicine and wishes to surrender his California license.

22          8.    Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for  
23   Surrender of License shall be subject to the approval of the Board. Respondent and/or his Legal  
24   Representative understand and agree that the Medical Board's staff and counsel for Complainant  
25   may communicate directly with the Board regarding this Stipulation for Surrender of License,  
26   without notice to or participation by Respondent and/or his Legal Representative. By signing this  
27   Stipulation for Surrender of License, Respondent and/or his Legal Representative understand and  
28   agree that Respondent may not withdraw his agreement or seek to rescind the Stipulation prior to

1 the time the Board considers and acts upon it. In the event that this Stipulation is rejected for any  
2 reason by the Board, it will be of no force or effect for either party. The Board will not be  
3 disqualified from further action in this matter by virtue of its consideration of this Stipulation.

4 9. Upon acceptance of this Stipulation for Surrender of License by the Board,  
5 Respondent and/or his Legal Representative understand that Respondent will no longer be  
6 permitted to practice as a physician and surgeon in California, and also agree to surrender and  
7 cause to be delivered to the Board any license and wallet certificate in Respondent's possession  
8 before the effective date of the decision.

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

13 11. If Respondent ever files a petition for relicensure or reinstatement in the State of  
14 California, the Board shall treat it as a petition for reinstatement. Respondent must comply with  
15 all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time  
16 the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2016-  
17 024259 shall be deemed to be true, correct and admitted by Respondent when the Board  
18 determines whether to grant or deny the petition.

19 12. If Respondent should ever apply or reapply for a new license or certification, or  
20 petition for reinstatement of a license, by any other health care licensing agency in the State of  
21 California, all of the charges and allegations contained in Accusation No. 800-2016-024259 shall  
22 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
23 Issues or any other proceeding seeking to deny or restrict licensure.

24 13. Respondent and/or his Legal Representative understand that because this surrender of  
25 license is based on Section 822 of the Code, Respondent may not petition for reinstatement as a  
26 physician and surgeon for a period of one (1) year from the effective date of his surrender.  
27 Information gathered in connection with Accusation No. 800-2016-024259 may be considered by  
28 the Board in determining whether or not to grant the petition for reinstatement. For the purposes

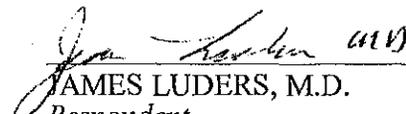
1 of the reinstatement hearing, the allegations in Accusation No. 800-2016-024259 shall be deemed  
2 to be admitted by Respondent, and Respondent waives any and all defenses based on a claim of  
3 laches or the statute of limitations.

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

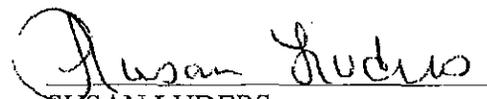
7 ACCEPTANCE

8 I have carefully read the above Stipulated Surrender of License. I enter into it freely and  
9 voluntarily and with full knowledge of its force and effect, do hereby surrender my Physician's  
10 and Surgeon's Certificate Number G48265, to the Medical Board of California, for its formal  
11 acceptance. By signing this Stipulation to surrender my license, I recognize that upon its formal  
12 acceptance by the Board, I will lose all rights and privileges to practice as a physician and  
13 surgeon in the State of California and I also will cause to be delivered to the Board any license  
14 and wallet certificate in my possession before the effective date of the decision.

15  
16 DATED: 3/13/17

17   
18 JAMES LUDERS, M.D.  
19 Respondent

20 DATED: 3/13/17

21   
22 SUSAN LUDERS  
23 Legal Representative for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 3/20/17

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

  
KEITH C. SHAW  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2016-024259**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 KEITH C. SHAW  
Deputy Attorney General  
4 State Bar No. 227029  
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6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO MARCH 7, 2017  
BY *[Signature]* ANALYST

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

10 In the Matter of the Accusation Against:

Case No. 800-2016-024259

11 James Luders, M.D.  
12 1440 Wikiup Drive  
13 Santa Rosa, CA 95403

ACCUSATION

14 Physician's and Surgeon's Certificate  
15 No. G48265,

16 Respondent.

17  
18 Complainant alleges:

19  
20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California.

23 2. On or about July 19, 1982, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G48265 to James Luders, M.D. (Respondent). The certificate is renewed and  
25 current and, unless renewed will expire on October 31, 2017, unless renewed.  
26

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1 patient, causing HIPAA violations, provided prescriptions for opioids despite abnormal drug  
2 screens and without an examination, referred patients to pain clinics with no medical  
3 documentation in the file, and failed to address patients' medical issues.

4 8. Following his departure from St. Helena Hospital, Respondent was diagnosed at the  
5 V.A.'s Hospital in San Francisco with severe cognitive impairment consistent with an advanced  
6 stage of Alzheimer's disease Dementia. Respondent's condition is such that he is presently  
7 unintelligible and cannot have a meaningful conversation. Respondent's treating physician  
8 confirmed his diagnosis in December 2016 and has concluded that he cannot safely practice  
9 medicine.

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

13 **PRAYER**

14 WHEREFORE, Complainant prays that a hearing be held and that the Board issue an  
15 order:

- 16 1. Revoking or suspending Physician's and Surgeon's Certificate Number G48265,  
17 issued to James Luders, M.D.;
- 18 2. Prohibiting James Luders, M.D., from supervising a physician's assistant;
- 19 3. Ordering James Luders, M.D., if placed on probation, to pay the costs of  
20 probation monitoring;
- 21 4. Taking such other and further action as may be deemed proper and appropriate.

22  
23 DATED: March 7, 2017

  
24 KIMBERLY KIRCHMEYER  
25 Executive Director  
26 Medical Board of California  
27 State of California  
28 *Complainant*

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