

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

In the Matter of the Accusation)
Against:)
)
)
JOHN WILLIAM MCNEIL, M.D.) Case No. 11-2011-218542
)
Physician's and Surgeon's)
Certificate No. G-34418)
)
Respondent)
_____)

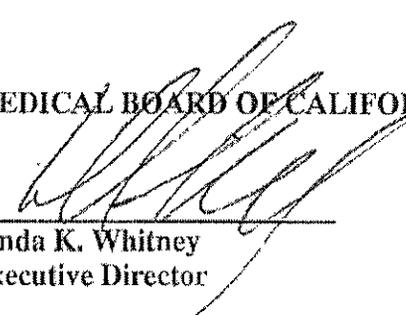
DECISION

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 January 23, 2013

IT IS SO ORDERED January 16, 2013.

MEDICAL BOARD OF CALIFORNIA

By: 

Linda K. Whitney
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
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Attorneys for Complainant
8

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

11 In the Matter of the Accusation Against:

Case No. 11-2011-218542

12 **JOHN WILLIAM MCNEIL, M.D.**
13 **PO BOX 8250,**
14 **Inglewood, CA 90308**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate No.**
16 **G 34418**

17 Respondent.

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19 In the interest of a prompt and speedy resolution of this matter, consistent with the public
20 interest and the responsibility of the Medical Board of California (Board) the parties hereby agree
21 to the following Stipulated Surrender of License and Order which will be submitted to the Board
22 for approval and adoption as the final disposition of the Accusation.

23 PARTIES

24 1. Linda K. Whitney (Complainant) is the Executive Director of the Board. She brought
25 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,
26 Attorney General of the State of California, by Chris Leong, Deputy Attorney General.

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1 CULPABILITY

2 8. Respondent understands that the charges and allegations in Accusation No. 11-2011-
3 218542, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
4 Surgeon's Certificate.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation and that those charges constitute cause for discipline.
8 Respondent hereby gives up his right to contest that cause for discipline exists based on those
9 charges.

10 10. Respondent understands that by signing this stipulation he enables the Board to issue
11 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
12 process.

13 CONTINGENCY

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

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

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

1 ORDER

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 34418, issued
3 to Respondent JOHN WILLIAM McNEIL, M.D., is surrendered and accepted by the Medical
4 Board of California.

5 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
6 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
7 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
8 of Respondent's license history with the Medical Board of California.

9 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
10 California as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
12 issued, his wall certificate on or before the effective date of the Decision and Order.

13 4. If Respondent ever files an application for licensure or a petition for reinstatement in
14 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
15 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
16 effect at the time the petition is filed, and all of the charges and allegations contained in
17 Accusation No. 11-2011-218542 shall be deemed to be true, correct and admitted by Respondent
18 when the Board determines whether to grant or deny the petition.

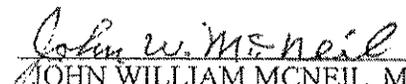
19 5. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 11-2011-218542 shall
22 be deemed 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 ACCEPTANCE

25 I have carefully read the above Stipulated Surrender of License and Order and have fully
26 discussed it with my attorney, Bertrand E. Christian. I understand the stipulation and the effect it
27 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
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License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/19/2012 
JOHN WILLIAM MCNEIL, M.D.
Respondent

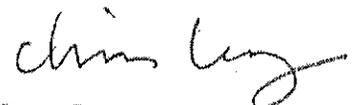
I have read and fully discussed with Respondent the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 19 December 2012 
BERTRAND E. CHRISTIAN
Attorney for 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: 12/27/12 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General


CHRIS LEONG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 11-2011-218542

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 7, 2012
BY [Signature] ANALYST

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CHRIS LEONG
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 11-2011-218542

13 **JOHN WILLIAM McNEIL, M.D.,**
14 PO BOX 8250
Inglewood, California 90308

ACCUSATION

15 Physician's and Surgeon's Certificate No. G34418

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

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

22 2. On or about June 25, 1977, the Board issued Physician's and Surgeon's
23 Certificate No. G34418 to John William McNeil, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in effect at all times relevant to the charges brought herein and expires
25 on December 31, 2012.

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1 order.”

2 Authority of the Board:

3 5. Section 2004 of the Code states:

4 “The Board shall have the responsibility for the following:

5 “(a) The enforcement of the disciplinary and criminal provisions of the Medical
6 Practice Act.

7 “(b) The administration and hearing of disciplinary actions.

8 “(c) Carrying out disciplinary actions appropriate to findings made by a medical
9 quality review committee, the division¹, or an administrative law judge.

10 “(d) Suspending, revoking, or otherwise limiting certificates after the
11 conclusion of disciplinary actions.

12 “(e) Reviewing the quality of medical practice carried out by physician and
13 surgeon certificate holders under the jurisdiction of the board.”

14 6. Section 2227 of the Code states, in pertinent part:

15 “(a) A licensee whose matter has been heard by an administrative law judge of
16 the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or
17 whose default has been entered, and who is found guilty may, in accordance with the provisions
18 of this chapter:

19 “(1) Have his or her license revoked upon order of the division.

20 “(2) Have his or her right to practice suspended for a period not to
21 exceed one year upon order of the division.

22 “(3) Be placed on probation and be required to pay the costs of
23 probation monitoring upon order of the division.

24 “(4) Be publicly reprimanded by the division.

25
26 ¹ Business and Professions Code section 2002, effective January 1, 2008, provides that
27 unless otherwise expressly provided, the term “Board” as used in the State Medical Practices Act
28 (Bus. & Prof. Code, § 2002 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 “(5) Have any other action taken in relation to discipline as the division
2 or an administrative law judge may deem proper.”

3 7. Section 820 of the Code states:

4 "Whenever it appears that any person holding a license, certificate or permit under
5 this division or under any initiative act referred to in this division may be unable to practice his or
6 her profession safely because the licentiate's ability to practice is impaired due to mental illness,
7 or physical illness affecting competency, the licensing agency may order the licentiate to be
8 examined by one or more physicians and surgeons or psychologists designated by the agency.
9 The report of the examiners shall be made available to the licentiate and may be received as direct
10 evidence in proceedings conducted pursuant to Section 822."

11 8. Section 822 of the Code states, in pertinent part:

12 “If a licensing agency determines that its licentiate’s ability to practice his or her
13 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
14 competency, the licensing agency may take action by any one of the following methods:

15 “(a) Revoking the licentiate’s certificate or license.

16 “(b) Suspending the licentiate’s right to practice.

17 “(c) Placing the licentiate on probation.

18 “(d) Taking such other action in relation to the licentiate as the licensing
19 agency in its discretion deems proper.

20 “The licensing agency shall not reinstate a revoked or suspended certificate or
21 license until it has received competent evidence of the absence or control of the condition which
22 caused its action and until it is satisfied that with due regard for the public health and safety the
23 person’s right to practice his or her profession may be reinstated.”

24 BACKGROUND

25 9. On October 17, 2012, an Ex Parte Request for Immediate Issuance of an
26 Interim Order of Suspension was granted pursuant to Government Code section 11529 in this
27 matter.
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1 awhile but Respondent signed the Business and Professions code section 820 form. He was
2 asked to sign a medical release which he agreed to do. Again he had a blank stare on his face
3 and said it's because he left a patient in the hospital too long. Respondent then said he knew
4 nothing about his privileges being restricted at CHMC, that no one has ever talked to him. He
5 said he had never heard of the Well Being Committee.

6 D. MBC Expert Medical Reviewer Suzanne M. Dupée, M.D. ("Dr.
7 Dupée"), who is certified by the American Board of Psychiatry and Neurology, with additional
8 certificates from the same organization in the subspecialty of Child & Adolescent Psychiatry and
9 the subspecialty of Forensic Psychiatry, prepared a report dated September 10, 2012, regarding
10 her evaluation of Respondent.

11 E. Dr. Dupée, on August 27, 2012, interviewed Respondent and
12 conducted an Independent Medical Examination. Specifically, Dr. Dupée found in a
13 September 10, 2012, report as follows:

14 "MENTAL STATE EXAMINATION:

15 "Dr. McNeil presented as a tall African American male. He was well-dressed in a
16 suit. When arranging his appointment, Dr. McNeil called my cell phone up to 12 times,
17 attempting to leave multiple messages. I was unable to answer my phone on the day he
18 called because I was with patients all afternoon. The following day, I returned Dr.
19 McNeil's call to set up the appointment. I gave him verbal instructions regarding the time
20 and date of the appointment, and the office location. During my phone call, I noticed that
21 Dr. McNeil had latency in his responses to questions and repeated my office address
22 multiple times. I offered to email or fax Dr. McNeil the information, which I
23 subsequently did, including detailed instructions on how to get to my office. Dr. McNeil
24 was to arrive at 1:00 p.m. on August 27, 2012. He arrived at 1:30 p.m., even though his
25 wife drove him. I noticed a slight tremor of his hands. He described his mood as "good."
26 His observable mood or affect was extremely flat. His thought processes were linear and
27 logical. He gave simple responses. There was no evidence of psychosis, mania, anxiety,
28 obsessions, or compulsions. He appeared somewhat depressed. He denied thoughts of

1 harming himself or others. His insight and judgment were poor. He was not cognitively
2 intact.

3 "Dr. McNeil was not fully oriented to time and date. He said the date was August
4 25, 2012. He was able to tell me his date of birth. He was not initially able to remember
5 any of three objects after five minutes, but was able to remember two with assistance and
6 hints. He was able to make simple change. He was able to define simple similarities and
7 interpret a common proverb. He was able to complete serially subtracting sevens from
8 100. He was able to name the President of the United States, but had difficulty naming
9 any past presidents and needed clues. He did not know the Governor of California. He
10 stated if he found a stamped addressed envelope on the street, he would put it in the
11 mailbox. He was able to discuss recent world events, such as the problems in Syria and
12 the Olympics."

13 F. In her Conclusions and Analysis in her September 10, 2012, report
14 Dr. Dupée stated as follows:

15 "Dr. McNeil is a very pleasant, 72-year-old physician who presents with a
16 dementia of unknown etiology. Numerous colleagues, nurses, and family members have
17 observed his cognitive and physical decline, and even his receptionist has noted in the
18 records that he sees very few patients a week, and that his practice has significantly
19 declined. However, Dr. McNeil is a proud man who appears to be in significant denial
20 about his current cognitive limitations and the risk he poses to himself and his patients.
21 His denial might be the result of his limited cognition.

22 "Although Dr. McNeil has had a CAT scan and neurological examination, there
23 appears to be an urgent need for further definition as to the etiology of his dementia. He
24 presents clinically like a patient with Parkinson's Disease, since he has the classical slow,
25 shuffling-type gait, masked faces, blunted affect, monotonous speech, micrographia, and
26 tremor. It is unclear whether Dr. McNeil would show any improvement from treatment,
27 once the etiology of his dementia is diagnosed. For example, there might be some
28 improvement if he has Parkinson's Disease and is treated with antiparkinsonian

1 medications.

2 "REFERRAL QUESTIONS:

3 "1. Is Dr. McNeil a danger to himself or others?

4 "It is my opinion with a reasonable degree of medical certainty that Dr. McNeil is not a
5 danger to himself or others per se. He is not suicidal or homicidal, and not a dangerous
6 individual.

7 "2. Does Dr. McNeil have impaired ability to conduct the solo practice of
8 medicine with safety to the public?

9 "It is my opinion that Dr. McNeil has significant impaired cognitive abilities and is
10 therefore unable to conduct the solo practice of medicine safely to the public.

11 "3. Does Dr. McNeil require psychotherapy at this time in order to conduct the
12 solo practice of medicine safely?

13 "No, Dr. McNeil does not require psychotherapy at this time to conduct the solo practice
14 of medicine safely. Dr. McNeil presents with neurological issues, not necessarily
15 psychiatric issues, although he possibly has some mild underlying depression that might
16 be unmasked if his neurological status is further evaluated."

17 G. In light of the above, Dr. Dupée opined that Respondent has
18 significant impaired cognitive abilities and is unable to conduct the solo practice medicine safely.

19 H. On September 12, 2012, Inv. Bennett sent an e-mail documenting a
20 phone call with Respondent. The e-mail stated as follows:

21 "On September 20, 2012, I received a phone call from Dr McNeil. He was inquiring
22 about a letter he received from the board. I explained it had to do with the examination he
23 submitted to with Dr. Suzanne Dupée. When I asked if he recalled being examined by
24 Dupée, he said no. As I explained more about the examination, he said he remembered
25 going to Kaiser in Inglewood to be examined. He was told that she was in Manhattan
26 Beach. McNeil did not remember going to her and again said that he was seen in
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1 Inglewood. I told him that he and his wife went to the examination. He could not
2 remember going.”

3 PRAYER

4 WHEREFORE, Complainant request that a hearing be held on the matters
5 herein 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 G34418 issued to Respondent John William McNeil, M.D;
- 8 2. Revoking, suspending or denying approval of his authority to supervise
9 physician assistants, pursuant to section 3527 of the Code;
- 10 3. Ordering him to pay the Medical Board of California, if placed on
11 probation, the cost of probation monitoring; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13
14 DATED: November 7, 2012


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

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