

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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September 10, 2007

Denise Bertone, Investigator  
Los Angeles County Coroner  
1104 N. Mission Road  
Los Angeles, CA 90033

RE: HEARING COMPLETED  
In the Matter of the Accusation Against:  
PAUL FLEISS, M.D., Respondent  
OAH No. L2006100478  
Medical Board of California Case No. 17-2005-169843

Dear Investigator Bertone:

This office and the Medical Board of California would like to thank you for the important public service you performed in this case. Our system of consumer protection through professional discipline and accountability could not function without the participation of people like you.

Enclosed please find a copy of the Division's decision which will be effective on October 8, 2007. Your cooperation helped us to achieve this worthwhile outcome.

Sincerely,

A handwritten signature in black ink, appearing to read "E. A. Jones III".

E. A. JONES III  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

EAJ:clg

Enclosure: Copy of Medical Board of California's decision  
50185539.wpd

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

In the Matter of the Accusation Against: )

PAUL FLEISS, M.D. )

File No. 17-2005-169843

Physician's and Surgeon's )  
Certificate No. A28858 )

Respondent. )

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 8, 2007.

IT IS SO ORDERED September 7, 2007.

MEDICAL BOARD OF CALIFORNIA

By: Cesar A. Aristeiguieta, M.D.  
Cesar A. Aristeiguieta, M.D., F.A.C.E.P.  
Chair  
Panel A  
Division of Medical Quality

1 EDMUND G. BROWN JR., Attorney General  
 of the State of California  
 2 PAUL C. AMENT  
 Supervising Deputy Attorney General  
 3 E. A. JONES III, State Bar No. 71375  
 Deputy Attorney General  
 4 California Department of Justice  
 300 So. Spring Street, Suite 1702  
 5 Los Angeles, CA 90013  
 Telephone: (213) 897-2543  
 6 Facsimile: (213) 897-9395

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 17-2005-169843

12 PAUL FLEISS, M.D.  
 13 1824 Hillhurst Avenue  
 Los Angeles, CA 90027

OAH No. L2006100478

14 Physician's and Surgeon's Certificate No.  
 15 A28858

**STIPULATED SETTLEMENT AND  
 DISCIPLINARY ORDER**

16 Respondent.

17  
 18  
 19 In the interest of a prompt and speedy settlement of this matter, consistent with the  
 20 public interest and the responsibility of the Division of Medical Quality, Medical Board of  
 21 California of the Department of Consumer Affairs (Division), the parties hereby agree to the  
 22 following Stipulated Settlement and Disciplinary Order which will be submitted to the Division  
 23 for approval and adoption as the final disposition of the Accusation

24 PARTIES

25 1. David T. Thornton (Complainant) is the Executive Director of the Medical  
 26 Board of California. He brought this action solely in his official capacity and is represented in  
 27 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by E. A. Jones  
 28 III, Deputy Attorney General.





1 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
2 and the Division shall not be disqualified from further action by having considered this matter.

3 OTHER MATTERS

4 13. The parties understand and agree that facsimile copies of this Stipulated  
5 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
6 force and effect as the originals.

7 14. In consideration of the foregoing admissions and stipulations, the parties  
8 agree that the Division may, without further notice or opportunity to be heard by respondent,  
9 issue and enter the following Disciplinary Order:

10 DISCIPLINARY ORDER

11 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No.  
12 A28858 issued to Paul Fleiss, M.D. is revoked. However, the revocation is stayed and  
13 respondent is placed on probation for thirty-five (35) months on the following terms and  
14 conditions.

15 1. EDUCATION COURSE Within 60 calendar days of the effective date of  
16 this Decision, and on an annual basis thereafter, respondent shall submit to the Division or its  
17 designee for its prior approval educational program(s) or course(s) which shall not be less than  
18 15 hours per year, for each year of probation. The educational program(s) or course(s) shall be  
19 aimed at correcting any areas of deficient practice or knowledge as noted in the accusation and  
20 shall be Category I certified, limited to classroom, conference, or seminar settings. The  
21 educational program(s) or course(s) shall be at respondent's expense and shall be in addition to  
22 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the  
23 completion of each course, the Division or its designee may administer an examination to test  
24 respondent's knowledge of the course. Respondent shall provide proof of attendance for 40 hours  
25 of continuing medical education for each year of probation of which 15 hours were in satisfaction  
26 of this condition.

27 2. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of  
28 the effective date of this decision, respondent shall enroll in a course in medical record keeping,

1 at respondent's expense, approved in advance by the Division or its designee. Failure to  
2 successfully complete the course during the first 6 months of probation is a violation of  
3 probation.

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

9 Respondent shall submit a certification of successful completion to the Division  
10 or its designee not later than 15 calendar days after successfully completing the course, or not  
11 later than 15 calendar days after the effective date of the Decision, whichever is later.

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

21 The Division or its designee shall provide the approved monitor with copies of the  
22 Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of  
23 receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit  
24 a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands  
25 the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor  
26 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan  
27 with the signed statement.

28 Within 60 calendar days of the effective date of this Decision, and continuing

1 throughout probation, respondent's practice shall be monitored on a quarterly basis by the  
2 approved monitor. Respondent shall make all records available for immediate inspection and  
3 copying on the premises by the monitor at all times during business hours, and shall retain the  
4 records for the entire term of probation.

5 The monitor(s) shall submit a quarterly written report to the Division or its  
6 designee which includes an evaluation of respondent's performance, indicating whether  
7 respondent's practices are within the standards of practice of medicine and whether respondent is  
8 practicing medicine safely.

9 It shall be the sole responsibility of respondent to ensure that the monitor submits  
10 the quarterly written reports to the Division or its designee within 10 calendar days after the end  
11 of the preceding quarter.

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

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

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



1           4.     NOTIFICATION Prior to engaging in the practice of medicine, the  
2 respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or  
3 the Chief Executive Officer at every hospital where privileges or membership are extended to  
4 respondent, at any other facility where respondent engages in the practice of medicine, including  
5 all physician and locum tenens registries or other similar agencies, and to the Chief Executive  
6 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.  
7 Respondent shall submit proof of compliance to the Division or its designee within 15 calendar  
8 days.

9           This condition shall apply to any change(s) in hospitals, other facilities or  
10 insurance carrier.

11           5.     SUPERVISION OF PHYSICIAN ASSISTANTS During probation,  
12 respondent is prohibited from supervising physician assistants.

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

16           7.     QUARTERLY DECLARATIONS Respondent shall submit quarterly  
17 declarations under penalty of perjury on forms provided by the Division, stating whether there  
18 has been compliance with all the conditions of probation. Respondent shall submit quarterly  
19 declarations not later than 10 calendar days after the end of the preceding quarter.

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

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

1 Respondent shall immediately inform the Division, or its designee, in writing, of  
2 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,  
3 more than 30 calendar days.

4 9. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent  
5 shall be available in person for interviews either at respondent's place of business or at the  
6 probation unit office, with the Division or its designee, upon request at various intervals, and  
7 either with or without prior notice throughout the term of probation.

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

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

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

11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

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

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

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

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

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

28 14. LICENSE SURRENDER Following the effective date of this Decision, if


1 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
 2 the terms and conditions of probation, respondent may request the voluntary surrender of  
 3 respondent's license. The Division reserves the right to evaluate respondent's request and to  
 4 exercise its discretion whether or not to grant the request, or to take any other action deemed  
 5 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
 6 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the  
 7 Division or its designee and respondent shall no longer practice medicine. Respondent will no  
 8 longer be subject to the terms and conditions of probation and the surrender of respondent's  
 9 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the  
 10 application shall be treated as a petition for reinstatement of a revoked certificate.

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

17  
 18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
 20 have fully discussed it with my attorney, Gary Wittenberg. I understand the stipulation and the  
 21 effect it will have on my Physician and Surgeon's Certificate. I enter into this Stipulated  
 22 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
 23 bound by the Decision and Order of the Division of Medical Quality, Medical Board of  
 24 California.

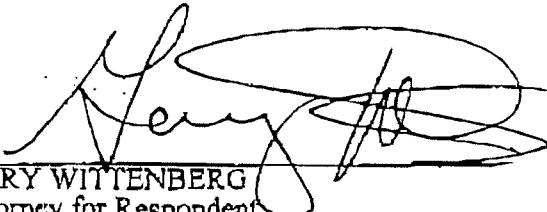
25 DATED: 07/12/2007

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 28 PAUL FLEISS, M.D.  
 Respondent

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I have read and fully discussed with Paul Fleiss, 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: 7-18-07

  
GARY WITTENBERG  
Attorney for Respondent

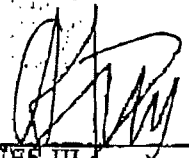
ENDORSEMENT

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

DATED: 7/16/07

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

PAUL C. AMENT  
Supervising Deputy Attorney General

  
E. A. JONES III  
Deputy Attorney General  
Attorneys for Complainant

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I have read and fully discussed with Paul Fleiss, 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: \_\_\_\_\_

\_\_\_\_\_  
GARY WITTENBERG  
Attorney for Respondent

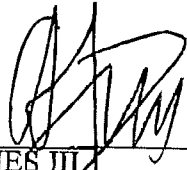
ENDORSEMENT

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

DATED: 7/16/07

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

PAUL C. AMENT  
Supervising Deputy Attorney General

  
\_\_\_\_\_  
E. A. JONES III  
Deputy Attorney General  
Attorneys for Complainant