

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

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**BRYAN CHARLES DOONAN M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. A78014** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**File No. 8002015019101**

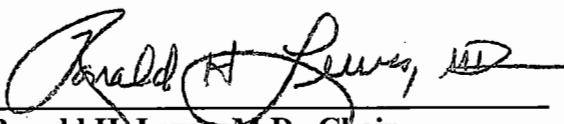
**DECISION**

**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 October 12, 2018.**

**IT IS SO ORDERED September 14, 2018.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Ronald H. Lewis, M.D., Chair**  
**Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 TAN N. TRAN  
Deputy Attorney General  
4 State Bar No. 197775  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6535  
Facsimile: (213) 897-9395  
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 First Amended Accusation  
Against:

13 **BRYAN CHARLES DOONAN, M.D.**  
360 San Miguel Drive, Suite 107  
Newport Beach, CA 92660

14 **Physician's and Surgeon's Certificate**  
15 **No. A 78014,**

16 *Respondent.*

Case No. 800-2015-019101

OAH No.: 2017101195

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

19 **PARTIES**

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

24 2. Respondent Bryan Charles Doonan, M.D. (Respondent) is represented in this  
25 proceeding by attorney Gary Wittenberg, whose address is: 1901 Avenue of the Stars, Suite  
26 1750, Los Angeles, CA 90067.

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1 CULPABILITY

2 9. Respondent does not contest that at an administrative hearing, complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in First  
4 Amended Accusation No. 800-2015-019101, and that he has thereby subjected his Physician's  
5 and Surgeon's Certificate No. A 78014 to disciplinary action.

6 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
7 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the  
8 Disciplinary Order below.

9 RESERVATION

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

14 CONTINGENCY

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

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

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

4 **DISCIPLINARY ORDER**

5 **A. PUBLIC REPRIMAND**

6 IT IS HEREBY ORDERED that Respondent Bryan Charles Doonan, M.D., Physician's and  
7 Surgeon's Certificate No. A 78014, shall be and is hereby Publicly Reprimanded, with terms and  
8 conditions below, pursuant to California Business and Professions Code section 2227,  
9 subdivision (a)(4). This Public Reprimand, is issued in connection with Respondent's violations  
10 of the Medical Practice Act, as set forth in First Amended Accusation No. 800-2015-019101, is as  
11 follows:

12 In or about 2012 through 2016, Dr. Doonan failed to adequately monitor the serum  
13 testosterone levels of a patient for whom he was prescribing testosterone therapy.

14 **B. EDUCATION COURSE.** Within 60 calendar days of the effective date of this  
15 Decision, Respondent shall submit to the Board or its designee for its prior approval educational  
16 program(s) or course(s) which shall not be less than 40 hours. The educational program(s) or  
17 course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be  
18 Category I certified. The educational program(s) or course(s) shall be at Respondent's expense  
19 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of  
20 licensure. Following the completion of each course, the Board or its designee may administer an  
21 examination to test Respondent's knowledge of the course.

22 Failure to attend and complete the course work shall constitute general unprofessional  
23 conduct and shall be grounds for further disciplinary action.

24 **C. PRESCRIBING PRACTICES COURSE.** Within 60 calendar days of the  
25 effective date of this Decision, Respondent shall enroll in a course in prescribing practices  
26 approved in advance by the Board or its designee. Respondent shall provide the approved course  
27 provider with any information and documents that the approved course provider may deem  
28 pertinent. Respondent shall participate in and successfully complete the classroom component of

1 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall  
2 successfully complete any other component of the course within one (1) year of enrollment. The  
3 prescribing practices course shall be at Respondent's expense and shall be in addition to the  
4 Continuing Medical Education (CME) requirements for renewal of licensure.

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

10 Respondent shall submit a certification of successful completion to the Board or its  
11 designee not later than 15 calendar days after successfully completing the course, or not later than  
12 15 calendar days after the effective date of the Decision, whichever is later.

13 Failure to attend and complete the prescribing practices course shall constitute general  
14 unprofessional conduct and shall be grounds for further disciplinary action.

15 **D. MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the  
16 effective date of this Decision, Respondent shall enroll in a course in medical record keeping  
17 approved in advance by the Board or its designee. Respondent shall provide the approved course  
18 provider with any information and documents that the approved course provider may deem  
19 pertinent. Respondent shall participate in and successfully complete the classroom component of  
20 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall  
21 successfully complete any other component of the course within one (1) year of enrollment. The  
22 medical record keeping course shall be at Respondent's expense and shall be in addition to the  
23 Continuing Medical Education (CME) requirements for renewal of licensure.

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

1 Respondent shall submit a certification of successful completion to the Board or its  
2 designee not later than 15 calendar days after successfully completing the course, or not later than  
3 15 calendar days after the effective date of the Decision, whichever is later.

4 Failure to attend and complete the medical record keeping course shall constitute general  
5 unprofessional conduct and shall be grounds for further disciplinary action.

6 **E. PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60  
7 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism  
8 program, that meets the requirements of Title 16, California Code of Regulations (CCR) section  
9 1358.1. Respondent shall participate in and successfully complete that program. Respondent  
10 shall provide any information and documents that the program may deem pertinent. Respondent  
11 shall successfully complete the classroom component of the program not later than six (6) months  
12 after Respondent's initial enrollment, and the longitudinal component of the program not later  
13 than the time specified by the program, but no later than one (!) year after attending the  
14 classroom component. The professionalism program shall be at Respondent's expense and shall  
15 be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

24 Failure to attend and complete the professionalism program shall constitute general  
25 unprofessional conduct and shall be grounds for further disciplinary action.

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**Exhibit A**

**First Amended Accusation No. 800-2015-019101**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 TAN N. TRAN  
Deputy Attorney General  
4 State Bar No. 197775  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6535  
Facsimile: (213) 897-9395  
7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *Haylo* 20 18  
BY *[Signature]* ANALYST

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

11 In the Matter of the First Amended Accusation  
Against:  
12 Bryan Charles Doonan, M.D.  
13 360 San Miguel Drive, Suite 107  
14 Newport Beach, CA 92660  
15 Physician's and Surgeon's Certificate  
No. A 78014,  
16 Respondent.

Case No. 800-2015-019101  
FIRST AMENDED ACCUSATION

17  
18 Complainant alleges:

19 PARTIES

- 20 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in  
21 her official capacity as the Executive Director of the Medical Board of California, Department of  
22 Consumer Affairs (Board).  
23 2. On or about February 22, 2002, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A 78014 to Bryan Charles Doonan, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on November 30, 2019, unless renewed.

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1 JURISDICTION

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

5 4. Section 2004 of the Code states:

6 "The board shall have the responsibility for the following:

7 "(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice  
8 Act.

9 "(b) The administration and hearing of disciplinary actions.

10 "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
11 administrative law judge.

12 "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
13 disciplinary actions.

14 "(e) Reviewing the quality of medical practice carried out by physician and surgeon  
15 certificate holders under the jurisdiction of the board.

16 "(f) Approving undergraduate and graduate medical education programs.

17 "(g) Approving clinical clerkship and special programs and hospitals for the programs in  
18 subdivision (f).

19 "(h) Issuing licenses and certificates under the board's jurisdiction.

20 "(i) Administering the board's continuing medical education program."

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

25 6. Section 2234 of the Code, states:

26 "The board shall take action against any licensee who is charged with unprofessional  
27 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
28 limited to, the following:

1           "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
2 violation of, or conspiring to violate any provision of this chapter.

3           "(b) Gross negligence.

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

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

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

14           "(d) Incompetence.

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

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

18           "(g) The practice of medicine from this state into another state or country without meeting  
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
20 apply to this subdivision. This subdivision shall become operative upon the implementation of  
21 the proposed registration program described in Section 2052.5.

22           "(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
23 participate in an interview scheduled by Board. This subdivision shall only apply to a certificate  
24 holder who is the subject of an investigation by the board."

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1       7. Section 2242 of the Code states:

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

5       "(b) No licensee shall be found to have committed unprofessional conduct within the  
6 meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of  
7 the following applies:

8       "(1) The licensee was a designated physician and surgeon or podiatrist serving in the  
9 absence of the patient's physician and surgeon or podiatrist, as the case may be, and if the drugs  
10 were prescribed, dispensed, or furnished only as necessary to maintain the patient until the return  
11 of his or her practitioner, but in any case no longer than 72 hours.

12       "(2) The licensee transmitted the order for the drugs to a registered nurse or to a licensed  
13 vocational nurse in an inpatient facility, and if both of the following conditions exist:

14       "(A) The practitioner had consulted with the registered nurse or licensed vocational nurse  
15 who had reviewed the patient's records.

16       "(B) The practitioner was designated as the practitioner to serve in the absence of the  
17 patient's physician and surgeon or podiatrist, as the case may be.

18       "(3) The licensee was a designated practitioner serving in the absence of the patient's  
19 physician and surgeon or podiatrist, as the case may be, and was in possession of or had utilized  
20 the patient's records and ordered the renewal of a medically indicated prescription for an amount  
21 not exceeding the original prescription in strength or amount or for more than one refill.

22       "(4) The licensee was acting in accordance with Section 120582 of the Health and Safety  
23 Code."

24       8. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain  
25 adequate and accurate records relating to the provision of services to their patients constitutes  
26 unprofessional conduct."

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1 10 mg in the evening, and Testosterone injections of 200 mg intramuscularly every two weeks.<sup>3</sup>  
2 The patient's past medical history indicates a history of alcohol abuse, and his medical records  
3 show a single blood testosterone level of 1422 ng/dl performed on October 1, 2012, as well as  
4 prescriptions for simultaneous usage of Xanax and Valium, with continuing alcohol use.

5 12. Respondent prescribed testosterone to the patient without existing laboratory  
6 evidence of the presence of low testosterone blood levels, and respondent did not routinely check  
7 the blood testosterone levels for patients receiving testosterone injections.<sup>4</sup>

8 13. Respondent also prescribed Xanax and Valium at doses too high for a patient, who  
9 had a history of alcohol abuse, and without any documentation that respondent had first inquired  
10 about the patient's current alcohol use/abuse. Also, respondent did not have prior and current  
11 medical records which indicated medical justification for prescribing controlled substances.<sup>5</sup>  
12 These acts and omissions in the treatment of patient M.M. constituted a simple departure from the  
13 standard of care.

14 Patient T.F.

15 14. Patient T.F. (or "patient") is a male who treated with Respondent from about 2012 to  
16 2014.<sup>6</sup> Respondent treated the patient for depression, anxiety, and low testosterone levels.  
17 Respondent prescribed Androgel 1%, 4 pumps in the morning, Xanax, and Lexapro.  
18 Respondent's medical records for this patient do not contain blood testosterone levels or an  
19 evaluation of the patient's depression and anxiety. Respondent's nurse practitioner mentioned the  
20 need to order blood PSA and testosterone levels, but these were not ordered.

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23 <sup>3</sup> These prescriptions are all dangerous drugs/controlled substances with potentially  
24 addictive traits and side effects, if used improperly and/or overused.

25 <sup>4</sup> Respondent claimed that he had inherited patient M.M. from a previous physician who  
26 diagnosed the patient with low testosterone. However, records to support this claim have not  
27 been provided.

28 <sup>5</sup> Respondent did diagnose the patient with anxiety and insomnia on April 21, 2011.  
Respondent did not again refer to the diagnosis of anxiety in his records and only once again to  
insomnia, on September 22, 2016, although he continued to prescribe Xanax and Valium to the  
patient.

<sup>6</sup> Again, these are only approximate dates, based on the records available for review.

1 15. Respondent did not routinely check the blood testosterone levels for this patient, who  
2 was receiving testosterone injections. Respondent also prescribed Xanax and Lexapro  
3 (medications for anxiety) to T.F., without first performing a sufficient evaluation and history of  
4 the patient indicating that said prescriptions for controlled substances were indicated/warranted.  
5 These acts and omissions in the treatment of patient T.F. constituted a simple departure from the  
6 standard of care.

7 Patient D.P.

8 16. Patient D.P. (or "patient") is a male who treated with Respondent from about 2013 to  
9 2014<sup>7</sup> for anxiety. Respondent's records showed prescriptions to the patient for Xanax, that the  
10 patient had a history of alcohol abuse, that the patient suffered a seizure due to alcohol  
11 withdrawal, and hospitalization for Xanax detoxification and a diagnosis of drug dependency.

12 17. Respondent's records for the patient do not indicate a sufficient reason for ongoing  
13 Xanax usage, especially after the patient suffered a seizure on April 16, 2013 from alcohol, and  
14 possibly Xanax. Also, respondent did not refer the patient to a substance abuse program until  
15 April 27, 2014, more than a year after the seizure event, although records show that respondent  
16 continued to prescribe Xanax to the patient after this date. These acts and omissions in the  
17 treatment of patient D.P. constituted a simple departure from the standard of care.

18 SECOND CAUSE FOR DISCIPLINE

19 (Prescribing Without Exam/Indication)

20 18. By reason of the facts and allegations set forth in the First Cause for Discipline above,  
21 Respondent is subject to disciplinary action under section 2242 of the Code, in that Respondent  
22 prescribed dangerous drugs to patients M.M., T.F., and D.P. without an appropriate prior  
23 examination or medical indication therefor.

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28 <sup>7</sup> Again, these are only approximate dates, based on the records available for review.

1 THIRD CAUSE FOR DISCIPLINE

2 (Excessive Prescribing)

3 19. By reason of the facts and allegations set forth in the First Cause for Discipline above,  
4 Respondent is subject to disciplinary action under section 725 of the Code, in that Respondent  
5 excessively prescribed dangerous drugs to patients M.M., T.F., and D.P.

6 FOURTH CAUSE FOR DISCIPLINE

7 (Inadequate Records)

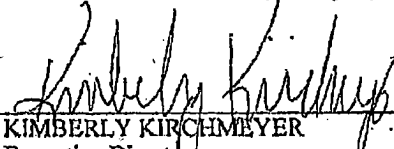
8 20. By reason of the facts and allegations set forth in the First Cause for Discipline above,  
9 Respondent is subject to disciplinary action under section 2266 of the Code, in that Respondent  
10 failed to maintain adequate and accurate records of his care and treatment of patients M.M., T.F.,  
11 and D.P.

12 PRAYER

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

- 15 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 78014,  
16 issued to Bryan Charles Doonan, M.D.;
- 17 2. Revoking, suspending or denying approval of Bryan Charles Doonan, M.D.'s  
18 authority to supervise physician assistants and advanced practice nurses;
- 19 3. Ordering Bryan Charles Doonan, M.D., if placed on probation, to pay the Board the  
20 costs of probation monitoring; and
- 21 4. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: May 10, 2018

  
24 KIMBERLY KIRCHMEYER  
25 Executive Director  
26 Medical Board of California  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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