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

12 In the Matter of the Accusation Against:

Case No. 04-2006-173926

13 PAUL JOSEPH CIMOCH, M.D.

OAH No. L2009010687

14  
15 Respondent.

**STIPULATION FOR SETTLEMENT**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Barbara Johnston ("Complainant") is the Executive Director of the Medical  
21 Board of California and is represented herein by Edmund G. Brown Jr., Attorney General of the  
22 State of California, by Beth Faber Jacobs, Deputy Attorney General.

23 2. Respondent Paul J. Cimoch, M.D. ("respondent") is represented herein by  
24 Henry Lewin, of Lewin & Levin, 11377 West Olympic Boulevard, Los Angeles, CA 90064-1683,  
25 telephone: (310) 312-3737.

26 **JURISDICTION**

27 3. On May 15, 1989, the Medical Board of California ("Board") issued  
28 Physician's and Surgeon's Certificate No. A 46088 to respondent. The Certificate was in full

1 force and effect at all times relevant to the charges brought in Accusation No. 04-2006-173926  
2 and will expire on July 31, 2010, unless renewed.

3 4. On December 1, 2008, Complainant Barbara Johnston, in her official capacity  
4 as the Executive Director of the Board, filed Accusation No. 04-2006-173926 against respondent,  
5 a true and correct copy of which is attached as Attachment "A" and is incorporated herein by  
6 reference.

7 5. On or about December 1, 2008, respondent was served with a true and correct  
8 copy of Accusation No. 04-2006-173926, together with true and correct copies of all other  
9 statutorily required documents, at his address of record then on file with the Board: 11190  
10 Warner Avenue, Suite 411, Fountain Valley, CA 92708. Respondent filed a timely Notice of  
11 Defense.

#### 12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read and fully understands the charges and allegations  
14 contained in Accusation No. 04-2006-173926, and has fully reviewed and discussed same with  
15 his attorney, Henry Lewin, Esq.

16 7. Respondent has carefully read and fully understands the contents, force, and  
17 effect of this Stipulated Settlement and Disciplinary Order, and has fully reviewed and discussed  
18 same with his attorney, Henry Lewin, Esq.

19 8. Respondent is fully aware of his legal rights in this matter, including his right to  
20 a hearing on the charges and allegations contained in Accusation No. 04-2006-173926, his right  
21 to present witnesses and evidence and to testify on his own behalf, his right to confront and cross-  
22 examine all witnesses testifying against him, his right to the issuance of subpoenas to compel the  
23 attendance of witnesses and the production of documents, his right to reconsideration and court  
24 review of an adverse decision, and all other rights accorded him pursuant to the California  
25 Administrative Procedure Act, the California Code of Civil Procedure, and all other applicable  
26 laws, having been fully advised of same by his attorney of record, Henry Lewin, Esq.  
27 Respondent, having the benefit of counsel, hereby knowingly, intelligently, and voluntarily  
28 waives all the rights set forth above.

1 CULPABILITY

2 9. Respondent admits the allegations in Accusation No. 04-2006-173926 that he  
3 violated Business and Professions Code sections 2266 (failed to maintain adequate and accurate  
4 medical records) and 2234, subdivision (c) (engaged in repeated negligent acts), as follows:  
5 Respondent admits that between December, 2001 and June, 2004, when he owned and was  
6 President of the Center for Special Immunology (CSI), and had other physicians affiliated with  
7 CSI who provided care and treatment for patient D.H., he failed to ensure that his registered nurse  
8 who performed intravenous infusions on patient D.H. was being adequately supervised and  
9 thereby allowed the nurse to create and maintain inadequate medical records related to the  
10 patient's infusions; and that he failed to adequately monitor the overall care and treatment of  
11 patient D.H. in accordance with the standard of practice in the medical community.

12 Respondent admits he has thereby subjected his Physician's and Surgeon's Certificate No.  
13 A 46088 to disciplinary action and agrees to be bound by the Board's imposition of discipline as  
14 set forth in the Disciplinary Order below.

15 CONTINGENCY

16 10. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
17 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
18 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
19 Settlement and Disciplinary Order after receiving it.

20 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
21 null and void and not binding upon the parties unless approved and adopted by the Board, except  
22 for this paragraph, which shall remain in full force and effect. Respondent fully understands and  
23 agrees that in deciding whether to approve and adopt this Stipulated Settlement and Disciplinary  
24 Order, the Board may receive oral and written communications from its staff and/or the Attorney  
25 General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any  
26 member thereof, and/or any other person from future participation in this or any other matter  
27 affecting or involving respondent. In the event that the Board, in its discretion, does not approve  
28 and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph,

1 the Stipulated Settlement and Disciplinary Order shall not become effective, shall have no  
2 evidentiary value, and shall not be relied upon or introduced in any disciplinary action by either  
3 party hereto. Respondent further agrees that if the Board rejects this Stipulated Settlement and  
4 Disciplinary Order for any reason, respondent will assert no claim that the Board, or any member  
5 thereof, was prejudiced by its, his, or her review or consideration of this Stipulated Settlement  
6 and Disciplinary Order, or of any matter related to it.

### 7 ADDITIONAL PROVISIONS

8 12. This Stipulated Settlement and Disciplinary Order is intended by the parties  
9 herein to be an integrated writing representing the complete, final and exclusive embodiment of  
10 the agreements of the parties in the above-entitled matter.

11 13. The parties agree that facsimile copies of this Stipulated Settlement and  
12 Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original  
13 documents and signatures and, further, that facsimile copies and signatures shall have the same  
14 force and effect as originals.

15 14. In consideration of the foregoing admissions and stipulations, the parties agree  
16 the Board may, without further notice to or opportunity to be heard by respondent, issue and enter  
17 the following Disciplinary Order:

### 18 DISCIPLINARY ORDER

#### 19 **A. PUBLIC REPRIMAND**

20 IT IS HEREBY ORDERED that respondent Paul J. Cimoch, M.D., Physician's and  
21 Surgeon's Certificate No. A 46088, shall be and is hereby Publicly Reprimanded pursuant to  
22 California Business and Professions Code section 2227, subdivision (a)(4). This Public  
23 Reprimand is issued in connection with respondent's care and treatment of patient D.H., as set  
24 forth in Accusation No. 04-2006-173926, is as follows:

25 Between December, 2001 and June, 2004, while you owned and were President  
26 of the Center for Special Immunology (CSI) and had other physicians affiliated with  
27 CSI who provided care and treatment for patient D.H., you failed to ensure that your  
28 registered nurse who performed intravenous infusions on patient D.H. was being

1 adequately supervised, thereby allowing the nurse to create and maintain inadequate  
2 medical records related to the patient's infusions, and you failed to adequately  
3 monitor the overall care and treatment of patient D.H. in accordance with the standard  
4 of practice in the medical community, as described in Accusation No. 04-2006-  
5 173926.

#### 6 **B. MEDICAL RECORD KEEPING COURSE**

7 Within 60 calendar days of the effective date of this Decision, respondent shall enroll  
8 in a course in medical record keeping, at respondent's expense, approved in advance by the Board  
9 or its designee. Failure to successfully complete the course within 180 calendar days of the  
10 effective date of this Decision shall constitute unprofessional conduct and grounds for further  
11 disciplinary action.

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

17 Respondent shall submit a certification of successful completion to the Board or its  
18 designee not later than 15 calendar days after successfully completing the course, or not later than  
19 15 calendar days after the effective date of the Decision, whichever is later.

#### 20 **C. PRESCRIBING PRACTICES COURSE**

21 Within 60 calendar days of the effective date of this Decision, respondent shall enroll  
22 in a prescribing practices course, at respondent's expense, approved in advance by the Board or  
23 its designee. Failure to successfully complete the course within 180 calendar days of the effective  
24 date of this Decision shall constitute unprofessional conduct and grounds for further disciplinary  
25 action.

26 A prescribing practices course taken after the acts that gave rise to the charges in the  
27 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
28 or its designee, be accepted towards the fulfillment of this condition if the course would have

1 been approved by the Board or its designee had the course been taken after the effective date of  
2 this Decision.

3 Respondent shall submit a certification of successful completion to the Board or its  
4 designee not later than 15 calendar days after successfully completing the course, or not later than  
5 15 calendar days after the effective date of the Decision, whichever is later.

#### 6 **D. ETHICS COURSE**

7 Within 60 calendar days of the effective date of this Decision, respondent shall enroll  
8 in a course in ethics, at respondent's expense, approved in advance by the Board or its designee.  
9 Failure to successfully complete the course within one year of the effective date of this Decision  
10 shall constitute unprofessional conduct and grounds for further disciplinary action.

11 An ethics course taken after the acts that gave rise to the charges in the Accusation, but  
12 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,  
13 be accepted towards the fulfillment of this condition if the course would have been approved by  
14 the Board or its designee had the course been taken after the effective date of this Decision.

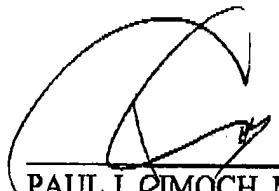
15 Respondent shall submit a certification of successful completion to the Board or its  
16 designee not later than 15 calendar days after successfully completing the course, or not later than  
17 15 calendar days after the effective date of the Decision, whichever is later.

#### 18 **ACCEPTANCE**

19 I, Paul J.Cimoch, M.D., have carefully read this Stipulated Settlement and  
20 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily,  
21 intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's  
22 Certificate No. A46088. I fully understand that after signing this stipulation, I may not withdraw  
23 from it, that it shall be submitted to the Board for its consideration, and that the Board shall have  
24 a reasonable period of time to consider and act on this stipulation after receiving it. By entering  
25 into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall be  
26 publically reprimanded by the Board and shall be required to comply with all of the terms and  
27 conditions of the Disciplinary Order set forth above. I also fully understand that any failure to  
28 comply with the terms and conditions of the Disciplinary Order set forth above constitute

1 unprofessional conduct and will subject my Physician's and Surgeon's Certificate No. A 46088 to  
2 disciplinary action.

3  
4 DATED: 10/16/09

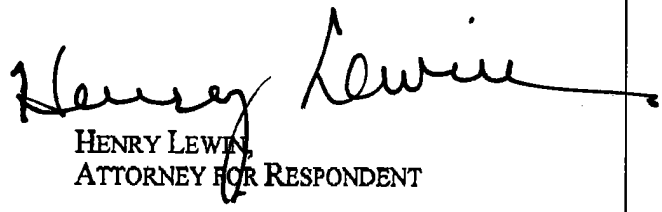


PAUL J. CIMOCH, M.D.  
Respondent

6 I have read and fully discussed with respondent Paul J.Cimoch, M.D., the terms and  
7 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
8 I approve its form and content.

9  
10 Dated: 10/16/09

LEWIN & LEVIN



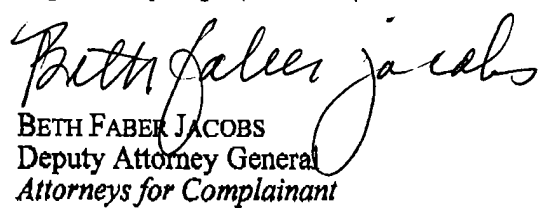
HENRY LEWIN  
ATTORNEY FOR RESPONDENT

**ENDORSEMENT**

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

19 Dated: October 19, 2009

EDMUND G. BROWN JR.  
Attorney General of California  
STEVEN V. ADLER  
Supervising Deputy Attorney General



BETH FABER JACOBS  
Deputy Attorney General  
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