

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

In the Matter of the First Amended )  
Accusation Against: )  
)  
)  
PATRICK GOLDEN, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. G51665 )  
)  
Respondent. )  
\_\_\_\_\_ )

File No. 08-2006-175011

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 January 28, 2008.

IT IS SO ORDERED December 27, 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 GAIL M. HEPPELL  
Supervising Deputy Attorney General  
3 JENNEVEE H. DE GUZMAN, State Bar No. 197817  
Deputy Attorney General  
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7 Attorneys for Complainant  
8

9 **BEFORE THE**  
10 **DIVISION OF MEDICAL QUALITY**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

13 In the Matter of the First Amended Accusation  
14 Against:  
15 PATRICK GOLDEN, MD  
1275 E. Spruce Avenue #103  
16 Fresno, California 93720  
17 Physician and Surgeon's Certificate No. G51665  
18 Respondent.

Case No. 08 2006 175011  
OAH No. N-2007060582

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

21 **PARTIES**

- 22 1. Barbara Johnston (Complainant) is the Executive Director of the Medical  
23 Board of California. She brought this action solely in her official capacity and is represented in  
24 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Jennevee H.  
25 de Guzman, Deputy Attorney General.
- 26 2. Patrick Golden, MD (Respondent) is represented in this proceeding by  
27 attorney Lawrence E. Wayte, Esq., whose address is McCormick Barstow LLP, 5 River Park  
28 Place East, Fresno, California 93720.



1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in  
3 First Amended Accusation No. 08 2006 175011.

4 9. Respondent agrees that his Physician and Surgeon's Certificate is subject  
5 to discipline and he agrees to be bound by the Division of Medical Quality (Medical Board of  
6 California)'s imposition of discipline as set forth in the Disciplinary Order below.

7 **CONTINGENCY**

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

19 **OTHER MATTERS**

20 11. The parties understand and agree that facsimile copies of this Stipulated  
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
22 force and effect as the originals.

23 **DISCIPLINARY ORDER**

24 In consideration of the foregoing admissions and stipulations, the parties agree  
25 that the Medical Board of California may, without further notice or formal proceeding, issue and  
26 enter the following Disciplinary Order:

27 ///

28 ///

1                   IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. G51665  
2 issued to Respondent Patrick Golden, MD (Respondent) is revoked. However, the revocation is  
3 stayed and Respondent is placed on probation for five (5) years on the following terms and  
4 conditions.

5                   1.       PRESCRIBING PRACTICES COURSE Within 60 calendar days of the  
6 effective date of this Decision, respondent shall enroll in a course in prescribing practices, at his  
7 expense, approved in advance by the Division or its designee. Failure to successfully complete  
8 the course during the first 6 months of probation is a violation of probation.

9                   A prescribing practices course taken after the acts that gave rise to the charges in  
10 the First Amended Accusation, but prior to the effective date of the Decision may, in the sole  
11 discretion of the Division or its designee, be accepted towards the fulfillment of this condition if  
12 the course would have been approved by the Division or its designee had the course been taken  
13 after the effective date of this Decision.

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

17                   2.       CLINICAL TRAINING PROGRAM Within 60 calendar days of the  
18 effective date of this Decision, respondent shall enroll in a clinical training or educational  
19 program equivalent to the Physician Assessment and Clinical Education Program (PACE)  
20 offered at the University of California - San Diego School of Medicine ("Program").

21                   The Program shall consist of a Comprehensive Assessment program comprised of  
22 a two-day assessment of respondent's physical and mental health; basic clinical and  
23 communication skills common to all clinicians; and medical knowledge, skill and judgment  
24 pertaining to respondent's specialty or sub-specialty, and at minimum, a 40 hour program of  
25 clinical education in the area of practice in which respondent was alleged to be deficient and  
26 which takes into account data obtained from the assessment, Decision(s), Accusation(s), and any  
27 other information that the Division or its designee deems relevant. Respondent shall pay all  
28 expenses associated with the clinical training program.

1                   Based on respondent's performance and test results in the assessment and clinical  
2 education, the Program will advise the Division or its designee of its recommendation(s) for the  
3 scope and length of any additional educational or clinical training, treatment for any medical  
4 condition, treatment for any psychological condition, or anything else affecting respondent's  
5 practice of medicine. Respondent shall comply with Program recommendations.

6                   At the completion of any additional educational or clinical training, respondent  
7 shall submit to and pass an examination. The Program's determination whether or not  
8 respondent passed the examination or successfully completed the Program shall be binding.

9                   Respondent shall complete the Program not later than six months after  
10 respondent's initial enrollment unless the Division or its designee agrees in writing to a later time  
11 for completion.

12                   Failure to participate in and complete successfully all phases of the clinical  
13 training program outlined above is a violation of probation.

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

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

1 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan  
2 with the signed statement.

3           Within 60 calendar days of the effective date of this Decision, and continuing  
4 throughout probation, respondent's practice shall be monitored by the approved monitor.  
5 Respondent shall make all records available for immediate inspection and copying on the  
6 premises by the monitor at all times during business hours, and shall retain the records for the  
7 entire term of probation.

8           The monitor shall submit a quarterly written report to the Division or its designee  
9 which includes an evaluation of respondent's performance, indicating whether respondent's  
10 practices are within the standards of practice of medicine or billing, or both, and whether  
11 respondent is practicing medicine safely, billing appropriately or both.

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

15           If the monitor resigns or is no longer available, respondent shall, within 5 calendar  
16 days of such resignation or unavailability, submit to the Division or its designee, for prior  
17 approval, the name and qualifications of a replacement monitor who will be assuming that  
18 responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement  
19 monitor within 60 days of the resignation or unavailability of the monitor, respondent shall be  
20 suspended from the practice of medicine until a replacement monitor is approved and prepared to  
21 assume immediate monitoring responsibility. Respondent shall cease the practice of medicine  
22 within 3 calendar days after being so notified by the Division or designee.

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

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

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

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

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

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

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

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

27 8. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent  
28 should leave the State of California to reside or to practice, he shall notify the Division or its

1 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
2 defined as any period of time exceeding 30 calendar days in which respondent is not engaging in  
3 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

4 All time spent in an intensive training program outside the State of California  
5 which has been approved by the Division or its designee shall be considered as time spent in the  
6 practice of medicine within the State. A Board-ordered suspension of practice shall not be  
7 considered as a period of non-practice. Periods of temporary or permanent residence or practice  
8 outside California will not apply to the reduction of the probationary term. Periods of temporary  
9 or permanent residence or practice outside California will relieve respondent of the responsibility  
10 to comply with the probationary terms and conditions with the exception of this condition and  
11 the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance;  
12 and Cost Recovery.

13 Respondent's license shall be automatically canceled if respondent's periods of  
14 temporary or permanent residence or practice outside California total two years. However,  
15 respondent's license shall not be canceled as long as respondent is residing and practicing  
16 medicine in another state of the United States and is on active probation with the medical  
17 licensing authority of that state, in which case the two year period shall begin on the date  
18 probation is completed or terminated in that state.

19 9. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

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

28 All time spent in an intensive training program which has been approved by the

1 Division or its designee shall be considered time spent in the practice of medicine. For purposes  
2 of this condition, non-practice due to a Board-ordered suspension or in compliance with any  
3 other condition of probation, shall not be considered a period of non-practice.

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

7 10. COMPLETION OF PROBATION Respondent shall comply with all  
8 financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar  
9 days prior to the completion of probation. Upon successful completion of probation,  
10 respondent's certificate shall be fully restored.

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

18 12. LICENSE SURRENDER Following the effective date of this Decision, if  
19 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
20 the terms and conditions of probation, respondent may request the voluntary surrender of  
21 respondent's license. The Division reserves the right to evaluate respondent's request and to  
22 exercise its discretion whether or not to grant the request, or to take any other action deemed  
23 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
24 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the  
25 Division or its designee and respondent shall no longer practice medicine. Respondent will no  
26 longer be subject to the terms and conditions of probation and the surrender of respondent's  
27 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the  
28 application shall be treated as a petition for reinstatement of a revoked certificate.

10/03/2007 13:28 FAX 9163272247

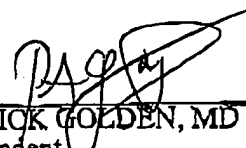
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1                    13.    PROBATION MONITORING COSTS    Respondent shall pay the costs  
 2 associated with probation monitoring each and every year of probation as designated by the  
 3 Division, which are currently set at \$3,173.00, but may be adjusted on an annual basis. Such  
 4 costs shall be payable to the Medical Board of California and delivered to the Division or its  
 5 designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar  
 6 days of the due date is a violation of probation.

ACCEPTANCE

7  
 8                    I have carefully read the above Stipulated Settlement and Disciplinary Order and  
 9 have fully discussed it with my attorney, Lawrence E. Wayte, Esq. I understand the stipulation  
 10 and the effect it will have on my Physician and Surgeon's Certificate. I enter into this Stipulated  
 11 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
 12 bound by the Decision and Order of the Division of Medical Quality, Medical Board of  
 13 California.

14 DATED: 10/8/07

15  
 16   
 17 PATRICK GOLDEN, MD (Respondent)  
 Respondent

18  
 19                    I have read and fully discussed with Respondent Patrick Golden, M.D. the terms  
 20 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
 21 Order. I approve its form and content.

22 DATED: 10/8/07

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 25 LAWRENCE E. WAYTE, ESQ.  
 Attorney for Respondent

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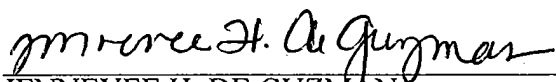
**ENDORSEMENT**

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: 10-9-07

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

GAIL M. HEPPELL  
Supervising Deputy Attorney General

  
JENNEVEE H. DE GUZMAN  
Deputy Attorney General

Attorneys for Complainant

**Exhibit A**

**First Amended Accusation No. 08 2006 175011**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GAIL M. HEPPELL  
Supervising Deputy Attorney General  
3 JENNEVEE H. DE GUZMAN, State Bar No. 197817  
Deputy Attorney General  
4 California Department of Justice  
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5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 327-1145  
Facsimile: (916) 327-2247

7 Attorneys for Complainant  
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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 19 20 07  
BY Walter M. Oa. ANALYST

10 **BEFORE THE**  
11 **DIVISION OF MEDICAL QUALITY**  
**MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the First Amended Accusation  
14 Against:

Case No. 08-2006-175011

15 PATRICK GOLDEN, M.D.  
1275 E. Spruce Avenue #103  
16 Fresno, California 93720

**FIRST AMENDED  
ACCUSATION**

17 Physician and Surgeon's Certificate No. G51665

18 Respondent.  
19

20 Complainant alleges:

21 **PARTIES**

22 1. Barbara Johnston (Complainant) brings this First Amended Accusation  
23 solely in her official capacity as the Executive Director of the Medical Board of California,  
24 Department of Consumer Affairs.

25 2. On or about November 21, 1983, the Medical Board of California issued  
26 Physician and Surgeon's Certificate No. G51665 to Patrick Golden, M.D. (Respondent). The  
27 Physician and Surgeon's Certificate was in full force and effect at all times relevant to the charges  
28 brought herein and will expire on March 31, 2009, unless renewed.



**CAUSE FOR DISCIPLINE**  
**(Gross Negligence)**  
**[Bus. & Prof. Code, § 2234(b)]**

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2  
3           7.     Respondent is subject to disciplinary action under section 2234,  
4 subdivision (b), of the Code in that he was grossly negligent in his care of patient A.B.<sup>1</sup> The  
5 circumstances are as follows:

6           8.     A.B. was under respondent's care from approximately April 28, 1992,  
7 through April 21, 2005. In 1995, A.B. was diagnosed with atrial fibrillation.

8           9.     In August 2004, A.B. was first noted to have trouble finishing her  
9 sentences.

10          10.    On October 26, 2004, a CT scan demonstrated a 2.8 cm hematoma in the  
11 right occipitoparietal lobe. Interventricular hemorrhage was also noted and some small lacunar  
12 infarcts were present in the right cerebellar lobe. Small cerebral infarcts were also evident. A.B.  
13 took aspirin for her neurologic condition.

14          11.    On December 31, 2004, A.B. was re-admitted to the hospital by Alan  
15 Birnbaum, M.D. due to her complaints of confusion. A repeat CT scan of her head revealed the  
16 presence of lacunar infarcts. Encephalomalacia of the right parietooccipital lobe at the site of the  
17 previous hemorrhage were also present.

18          12.    In January 2005, respondent prescribed aspirin and Plavix, both blood  
19 thinning medications, to A.B. In April 2005, respondent added Coumadin, another blood  
20 thinning medication, to her regimen of medication.

21          13.    On April 11, 2005, A.B. saw respondent at an office visit with complaints  
22 of disorientation and confusion. Respondent ordered A.B. to be admitted to the hospital, but did  
23 not order a neurological examination. A.B. was instructed to have her prothrombin time checked  
24 in two weeks. At this time, A.B. continued with her regimen of medication, including aspirin,  
25 Plavix, and Coumadin.

26 \_\_\_\_\_  
27 1. The patient's name is abbreviated herein to protect patient confidentiality. The patient's  
28 full name and medical records will be provided upon receipt of a properly executed and served  
Request for Discovery.

1           14.    A.B. had also been taking Gingko, an herbal remedy, and respondent was  
2 aware of this.

3           15.    A.B. again saw respondent following her hospital discharge on April 21,  
4 2005. He advised her to continue on her current regimen of medication, including the  
5 combination of Coumadin, Plavix, and aspirin when her prothrombin result was 20.5 with an  
6 INR of 2.1. Respondent did not perform a neurologic re-evaluation of A.B, i.e., no follow up on  
7 prothrombin time, no follow up treatment, no consultation with a neurologist.

8           16.    On April 27, 2005, A.B. was taken to the hospital where she complained  
9 of weakness, collapsed, and lost consciousness. A.B. was then taken to the emergency room,  
10 where she was found to have a large intracranial hemorrhage with a small left subdural  
11 hematoma. A.B. fell into a coma and expired on this same date.

12           17.    Respondent's placement of A.B. on anticoagulant therapy when there were  
13 contraindications to such therapy, i.e., evidence of interventricular hemorrhage as well as  
14 hemorrhage into the occipitoparietal lobe, and without adequate consultation with a neurologist  
15 constitutes gross negligence.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Division of Medical Quality issue a decision:

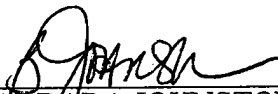
4 1. Revoking or suspending Physician and Surgeon's Certificate No. G51665,  
5 issued to Patrick Golden, M.D.;

6 2. Revoking, suspending or denying approval of Patrick Golden, M.D.'s  
7 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3 Ordering Patrick Golden, M.D. to pay the Division of Medical Quality, if  
9 placed on probation, the costs of probation monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11 DATED: October 10, 2007

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15 BARBARA JOHNSTON  
16 Executive Director  
17 Medical Board of California  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant  
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