

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

In the Matter of the)
Accusation Against:)
)
Frank J. Mosler, M.D.) D-3217
Certificate # A-19694)
)
)
Respondent.)
_____)

DECISION

The attached Stipulation is hereby adopted by the
Division of Medical Quality of the Board of Medical Quality
Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on _____
September 5, 1989.

IT IS SO ORDERED August 4, 1989.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



THERESA CLAASSEN, Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 WILLIAM L. MARCUS
Deputy Attorney General
3 3580 Wilshire Boulevard
Los Angeles, California 90010
4 Telephone: (213) 736-2074

5 Attorneys for Complainant

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BEFORE THE
DIVISION OF MEDICAL QUALITY
8 BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA
9

10 In the Matter of the Accusation) No. D-3217
Against:)
11) STIPULATION FOR
FRANK J. MOSLER, M.D.) SETTLEMENT
12 14428 Gilmore Street)
Van Nuys, California)
13)
Physician's and Surgeon's)
14 Certificate No. A-19694)
15 Respondent.)
_____)

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17

18 IT IS HEREBY STIPULATED by and between respondent
19 Frank J. Mosler, M.D., who is represented by the law firm
20 of Lewin and Levin, by and through Henry Lewin, Esq., and
21 complainant Kenneth J. Wagstaff, who is represented by
22 Attorney General John K. Van De Kamp, by and through
23 William L. Marcus, Deputy Attorney General, as follows:

24

25 1. ALL admissions, stipulations and recitals
26 contained in this stipulation for settlement are made
27 solely for the purpose of settlement of Case No. D-3217 and
28 for no other purpose.

1 2. There are pending in Case No. D-3217 an
2 accusation and petition to revoke probation and a first
3 amended and supplemental accusation and petition to revoke
4 probation.

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6 3. The respondent in Case No. D-3217, Frank J.
7 Mosler, M.D. (hereinafter "respondent") has retained Henry
8 Lewin, Esq. of the law firm of Lewin and Levin to represent
9 him in this matter.

10
11 4. Respondent has read the accusation and petition
12 to revoke probation and first amended and supplemental
13 accusation and petition to revoke probation in Case No. D-
14 3217, has fully discussed them with Henry Lewin, Esq. and
15 has been fully apprised of his rights in regard to the
16 charges in Case No. D-3217 and the meaning and effect of
17 this Stipulation for Settlement.

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19 5. Respondent fully understands and freely,
20 intelligently, knowingly and voluntarily waives his right
21 to a hearing on the charges in Case No. D-3217, including
22 his right to confront and cross-examine witnesses against
23 him, to present evidence in his own behalf, to appeal any
24 adverse decision and any and all other rights under the
25 Administrative Procedure Act and Code of Civil Procedures.

26
27 6. Respondent admits for the purpose of this
28 stipulation only and for no other purpose, that the

1 following facts may be deemed to be true and correct:
2

- 3 A. Kenneth J. Wagstaff filed the charges in Case No.
4 D-3217, solely in his official capacity as
5 Executive Director of the Board of Medical
6 Quality Assurance.
7
- 8 B. On or about July 1, 1961, respondent was issued a
9 physician's and surgeon's certificate No. A-19694
10 by the Board. On or about April 12, 1982,
11 respondent was disciplined in Case No. D-2394; a
12 true and correct copy of the decision in Case D-
13 2394 is attached hereto as Annex "A" and
14 incorporated by reference herein.
15

16
17 Patient M.K.
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- 19 C. On or about November 19, 1982, respondent first
20 saw and treated patient M.K., a 56 year old
21 female, who came to respondent with an ulcerated
22 toe on her right foot, seeking an alternative to
23 recommend surgery.
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- 25 D. Respondent diagnosed M.K.'s foot as being in the
26 early stages of gangrene.
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- 28 E. Respondent treated M.K. until about January 4,

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1983, by repeatedly administering, or directing the administration of chelation therapy and DMSO by injection.

F. On or about January 5, 1983, M.K. was hospitalized by another physician for emergency amputation. While under the care of the other physician, M.K. suffered a preoperative cardiopulmonary arrest, but was revived. M.K.'s foot was amputated on January 7, 1983 but her condition deteriorated, and she died on January 14, 1983.

Patient E.L.

G. On or about May 24, 1982, respondent first saw and treated patient E.L., a 65 year old male, with a history of intermittent angina and a cardiac bypass in 1974. Respondent diagnosed atherosclerosis.

H. Between May 26, 1982, and July 16, 1982, respondent treated E.L. for atherosclerosis and angina by administering or directing the administration of chelation therapy and DMSO by injection on at least 21 occasions.

1 I. Between September 3, 1982 and October 28, 1982,
2 respondent further treated E.L. for
3 atherosclerosis and angina by administering or
4 directing the administration of chelation therapy
5 and DMSO by injection on at least 6 occasions.
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8 ORDER
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10 J. Between November 19, 1982, and January 4, 1983,
11 respondent administered chelation therapy to
12 M.K., by and through individuals who were not
13 licensed or otherwise authorized by law to
14 practice medicine, including the administration
15 of intravenous therapy.
16

17 K. Respondent repeatedly authorized said individuals
18 to administer chelation therapy while respondent
19 was on vacation and without any physician on the
20 premises.
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22 7. Respondent stipulates that, for purposes of this
23 proceeding only, the conduct set out at paragraphs 6C-F and
24 6G-I of this stipulation constitutes gross negligence, in
25 violation of Business and Professions Code section 2234(b),
26 and respondent stipulates that the conduct set out at
27 paragraph 6J and K of this stipulation constitutes a
28 violation of Business and Professions Code section 2264.

1 8. Based on the foregoing stipulations, admissions and
2 recitals, respondent stipulates for purposes of this proceeding
3 only, that there is a basis for discipline of respondent's
4 license for violation of Business and Professions Code sections
5 2234(b) and 2264.

6
7 9. Based on the foregoing stipulations, admissions and
8 recitals, the following discipline is imposed on respondent:

9
10 Physician's and surgeon's certificate No. A-19694,
11 heretofore issued to Frank J. Mosler, M.D., is revoked,
12 provided said revocation is stayed and respondent's
13 certificate is placed on probation for a period of three
14 years, from the effective date of this decision, on the
15 following terms and conditions:

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17 A. Respondent shall make no use of D.M.S.O. in his
18 medical practice.

19
20 B. Within 6 months of the effective date of this
21 decision, respondent shall take and pass an oral
22 clinical examination, in general medicine with an
23 emphasis on family practice cardiology, to be
24 administered by the Division or its designee. If
25 respondent fails this examination, respondent must
26 take and pass a re-examination consisting of a
27 written as well as an oral clinical examination.

1 The waiting period between repeat examinations shall
2 be at three month intervals until success is
3 achieved. The Division shall pay the cost of the
4 first examination and respondent shall pay the cost
5 of any subsequent re-examinations. If respondent
6 fails the first examination, respondent shall cease
7 the practice of medicine until the re-examination
8 has been successfully passed, and evidenced by written
9 notice to respondent from the Division.

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11 C. Within 90 days of the effective date of this
12 decision, and on an annual basis thereafter,
13 respondent shall submit to the Division for its
14 prior approval an educational program or course
15 related to general medicine, emphasizing medical
16 therapeutics, which shall not be less than 40
17 hours per year, for each year of probation. This
18 program shall be in addition to the Continuing
19 Medical Education requirements for re-licensure.
20 Following the completion of each course, the
21 Division or its designee may administer an
22 examination to test respondent's knowledge of the
23 course. Respondent shall provide proof of
24 attendance for 65 hours of continuing medical
25 education of which 40 hours were in satisfaction
26 of this condition and were approved in advance by
27 the Division.

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D. Respondent may engage in the solo practice of medicine, provided his charts are reviewed weekly by a physician and surgeon. Respondent shall notify the Board, in writing, within thirty days of the effective date of this decision of the names and license numbers of the reviewers. Respondent shall notify the Board of any change in reviewers at the time of each quarterly report.

E. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

F. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

G. Respondent shall comply with the Division's probation surveillance program.

H. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

I. In the event respondent should leave California to

1 Henry Lewin, Esq. I fully understand the effect the stipulation
2 will have on my license to practice medicine, and I enter unto
3 the stipulation freely, intelligently, knowingly and
4 voluntarily.

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6 DATED: 2/27/89

Frank J. Mosler
FRANK J. MOSLER, M.D.
Respondent

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LEWIN & LEVIN

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11 DATED: 2-27-89

By: Henry Lewin
HENRY LEWIN
Attorneys for Respondent

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JOHN K. VAN DE KAMP
Attorney General

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17 DATED: 5-19-89

By: William L. Marcus
WILLIAM L. MARCUS
Deputy Attorney General
Attorneys for Complainant

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