

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

In the Matter of the Accusation)
Against:)
MICHAEL EDWARD PLATT, M.D.)
Physician's & Surgeon's)
Certificate No. G 23729)
Respondent.)
_____)

File No: 09-2006-175931

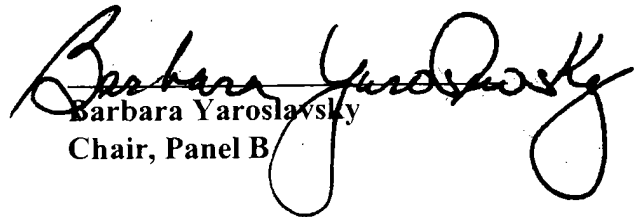
DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on March 9, 2009.

IT IS SO ORDERED February 5, 2009

MEDICAL BOARD OF CALIFORNIA


Barbara Yaroslavsky
Chair, Panel B

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 STEVEN V. ADLER
Supervising Deputy Attorney General
3 BETH FABER JACOBS, State Bar No. 89145
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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 09-2006-175931

13 MICHAEL EDWARD PLATT, M.D.
73-345 Highway 111, Suite 203
14 Palm Desert, CA 92260
Physician's and Surgeon's Certificate No.
15 G23729

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

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

20 **PARTIES**

21 1. Barbara Johnston (Complainant) is the current Executive Director of the
22 Medical Board of California. She is represented in this matter by Edmund G. Brown Jr.,
23 Attorney General of the State of California, by Beth Faber Jacobs, Deputy Attorney General.

24 2. Michael Edward Platt, M.D. (Respondent) is represented in this
25 proceeding by McGuire Woods, LLP, by Noah Jussim, Esq. and Herbert Weinberg, Esq., at 1800
26 Century Park East, 8th floor, Los Angeles, CA 90067.

27 3. On or about May 5, 2008, the Medical Board of California (Board) issued
28 Physician's and Surgeon's Certificate No. G23729 to Respondent Michael Edward Platt, M.D.

1 The Certificate was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 09-2006-175931 and will expire on November 30, 2009, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 09-2006-175931 was filed before the Board and is
5 currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent. Respondent timely filed his Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 09-2006-175931 is attached as exhibit A
8 and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 09-2006-175931. Respondent has
12 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against his; the
17 right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas
18 to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act, the California Code of Civil Procedure, and all other
21 applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent does not contest the factual allegations in Accusations No. 09-
26 2006-175931 and admits that at an administrative hearing, Complainant could establish a *prima*
27 *facie* case with respect to the charges and allegations contained in Accusation No. 09-2006-
28 175931, a true and correct copy of which is attached hereto as Exhibit "A."

1 2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of
2 the effective date of this decision, Respondent shall enroll in a course in medical record keeping,
3 at Respondent's expense, approved in advance by the Board or its designee. Failure to
4 successfully complete the course during the first 6 months of probation is a violation of
5 probation. A medical record keeping course taken after the acts that gave rise to the charges in
6 the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
7 Board or its designee, be accepted towards the fulfillment of this condition if the course
8 would have been approved by the Board or its designee had the course been taken after the
9 effective date of this Decision.

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

13 3. CLINICAL TRAINING PROGRAM. Within 60 calendar days of the
14 effective date of this Decision, Respondent shall enroll in a clinical training or educational
15 program equivalent to the Physician Assessment and Clinical Education Program (PACE)
16 offered at the University of California - San Diego School of Medicine ("Program").

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

25 Based on Respondent's performance and test results in the assessment and clinical
26 education, the Program will advise the Board or its designee of its recommendations for the
27 scope and length of any additional educational or clinical training, treatment for any medical

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1 condition, treatment for any psychological condition, or anything else affecting Respondent's
2 practice of medicine. Respondent shall comply with Program recommendations.

3 At the completion of any additional educational or clinical training, Respondent
4 shall submit to and pass an examination. The Program's determination as to whether Respondent
5 passed the examination or successfully completed the Program shall be binding.

6 Respondent shall complete the Program not later than six months after
7 Respondent's initial enrollment unless the Board or its designee agrees in writing to a later time
8 for completion.

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

11 If Respondent fails to complete the clinical training program within the designated
12 time period, Respondent shall cease the practice of medicine within 72 hours after being notified
13 by the Board or its designee that Respondent failed to complete the clinical training program.

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

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

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1 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring
2 plan 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. The monitor shall submit a quarterly written report to the Board or its
8 designee which includes an evaluation of Respondent's performance, indicating whether
9 Respondent's practices are within the standards of practice of medicine and whether Respondent
10 is practicing medicine safely.

11 It shall be the sole responsibility of Respondent to ensure that the monitor submits
12 the quarterly written reports to the Board or its designee within 10 calendar days after the end of
13 the preceding quarter. If the monitor resigns or is no longer available, Respondent shall, within 5
14 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
15 approval, the name and qualifications of a replacement monitor who will be assuming that
16 responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement
17 monitor within 60 days of the resignation or unavailability of the monitor, Respondent shall be
18 suspended from the practice of medicine until a replacement monitor is approved and prepared
19 to assume immediate monitoring responsibility. Respondent shall cease the practice of
20 medicine within 3 calendar days after being so notified by the Board or designee.

21 In lieu of a monitor, Respondent may participate in a professional enhancement
22 program equivalent to PEP, the one offered by the Physician Assessment and Clinical Education
23 Program at the University of California, San Diego School of Medicine, that includes, at
24 minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of
25 professional growth and education. Respondent shall participate in the professional
26 enhancement program at Respondent's expense during the term of probation. Failure to maintain
27 all records, or to make all appropriate records available for immediate inspection and copying on
28 the premises, or to comply with this condition as outlined above is a violation of probation.

1 5. NOTIFICATION. Prior to engaging in the practice of medicine, the
2 Respondent shall provide a true copy of the Decision and Accusation to the Chief of Staff or the
3 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,
5 including all physician and locum tenens registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
7 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
8 calendar days.

9 This condition shall apply to any changes in hospitals, other facilities or insurance
10 carrier.

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

13 7. 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 8. QUARTERLY DECLARATIONS Respondent shall submit quarterly
17 declarations under penalty of perjury on forms provided by the Board, stating whether there has
18 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 9. PROBATION UNIT COMPLIANCE Respondent shall comply with the
21 Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's
22 business and residence addresses. Changes of such addresses shall be immediately
23 communicated in writing to the Board or its designee. Under no circumstances shall a post office
24 box serve as an address of record, except as allowed by Business and Professions Code section
25 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 Board, 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 10. INTERVIEW WITH THE BOARD 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 Board or its designee, upon request at various intervals, and either
7 with or without prior notice throughout the term of probation.

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

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

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

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12. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

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

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

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

13. COMPLETION OF PROBATION

Respondent shall comply with all financial obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

14. VIOLATION OF PROBATION


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

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I have read and fully discussed with Respondent, Michael Edward Platt, 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: 10/17/08


MCGUIRE WOODS LLP
By Noah Jussim, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: _____

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

STEVEN V. ADLER
Supervising Deputy Attorney General

BETH FABER JACOBS
Deputy Attorney General
Attorneys for Complainant

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I have read and fully discussed with Respondent, Michael Edward Platt, 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: _____

MCGUIRE WOODS LLP
By Noah Jussim, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: October 20, 2008

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

STEVEN V. ADLER
Supervising Deputy Attorney General

Beth Faber Jacobs
BETH FABER JACOBS
Deputy Attorney General

Attorneys for Complainant