

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

In the Matter of the First Amended Accusation)
and Petition to Revoke Probation Against:)
MICHAEL EDWARD PLATT, M.D.)
Physician's and Surgeon's)
Certificate No. G 23729)
Respondent.)
_____)

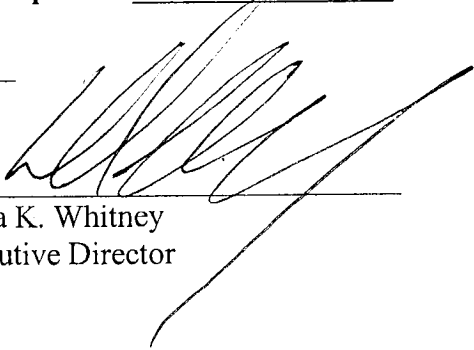
File No. D1-2006-175931

DECISION

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California as its Decision in the above entitled matter.

This Decision shall become effective at **5:00 p.m. on** May 19, 2011.

IT IS SO ORDERED May 12, 2011



Linda K. Whitney
Executive Director

1 KAMALA D. HARRIS
 Attorney General of California
 2 THOMAS S. LAZAR
 Supervising Deputy Attorney General
 3 BETH FABER JACOBS
 Deputy Attorney General
 4 State Bar No. 89145
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Attorneys for Complainant

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

11
 12 In the Matter of the First Amended Accusation
 and Petition to Revoke Probation Against:

Case Nos. D1-2006-175931
 19-2010-207355

13 **MICHAEL EDWARD PLATT, M.D.**
 14 **72-785 Frank Sinatra Drive, #100**
Rancho Mirage, CA 92270

OAH No. 2010070834

**STIPULATED SURRENDER OF
 LICENSE AND DISCIPLINARY ORDER**

15
 16 **Physician's and Surgeon's Certificate**
No. G 23729

17 Respondent.
 18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
 20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
 23 California. She brought this action solely in her official capacity and is represented in this matter
 24 by Kamala D. Harris, Attorney General of the State of California, by Beth Faber Jacobs, Deputy
 25 Attorney General.

26 2. Michael Edward Platt, M.D. (Respondent) is represented in this proceeding by
 27 attorney Guenther Richter, Esq., whose address is 70025 Hwy. 111, Suite 101 Rancho Mirage,
 28 CA 92270.

JURISDICTION

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3. On or about November 24, 1972, the Medical Board of California issued Physician's and Surgeon's Certificate No. G 23729 to Michael Edward Platt, M.D. (Respondent). The Physician's and Surgeon's Certificate has been in full force and effect until August 20, 2010, when the Office of Administrative Hearings issued an Interim Order of Suspension against respondent's medical license, temporarily suspending his license to practice medicine pending resolution of the above-entitled matter. Respondent's Physician's and Surgeon's Certificate Number G23729 will expire on November 30, 2011, unless renewed.

4. On or about May 2, 2008, the Executive Director of the Medical Board filed an Accusation against respondent in the matter entitled: "*In the Matter of the Accusation Against Michael Edward Platt, M.D.*," Medical Board Case No. 09-2006-175931.

5. On or about October 17, 2008, respondent signed a Stipulated Settlement and Disciplinary Order to resolve the Accusation. He did not contest the truth of the factual allegations in Accusation 09-2006-175931.

6. By Decision dated February 5, 2009, and effective March 9, 2009, regarding "*In the Matter of the Accusation Against Michael E. Platt*," Case No. 09-2006-175931, the Medical Board of California issued a Decision, revoking respondent's Physician's and Surgeon's certificate to practice medicine. The revocation was stayed and Respondent's certificate was placed on probation for a period of five (5) years with certain terms and conditions.

7. On or about July 19, 2010, Complainant filed a noticed Petition for Interim Suspension Order against respondent. The noticed hearing on the petition was held on August 6, 2010.

8. On or about August 19, 2010, Complainant filed an Accusation and Petition to Revoke Probation against respondent in Case Nos. D1-2006-175931 and 19-2010-207355; OAH Case No. 2010070834. A true and correct copy of the Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent at his address of record with the Board.

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1 9. On or about August 20, 2010, Administrative Law Judge Valera Johnson issued a
2 Decision and Order for Interim Suspension of Medical License against respondent Michael Platt,
3 M.D. The Interim Order of Suspension was personally served on respondent on August 25, 2010.

4 10. Respondent timely filed his Notice of Defense contesting the Accusation and Petition
5 to Revoke Probation in Case Nos. D1-2006-175931 and 19-2010-207355.

6 11. On or about April 18, 2011, Complainant filed a First Amended Accusation and
7 Petition to Revoke Probation against respondent in Case Nos. D1-2006-175931 and 19-2010-
8 207355; OAH Case No. 2010070834. First Amended Accusation and Petition to Revoke
9 Probation Nos. D1-2006-175931 and 19-2010-207355 was filed before the Medical Board of
10 California (Board), Department of Consumer Affairs, and is currently pending against
11 Respondent. A true and correct copy of First Amended Accusation and Petition to Revoke
12 Probation Nos. D1-2006-175931 and 19-2010-207355 is attached as Exhibit A and incorporated
13 by reference.

14 **ADVISEMENT AND WAIVERS**

15 12. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in First Amended Accusation and Petition to Revoke Probation Nos. D1-
17 2006-175931 and 19-2010-207355. Respondent also has carefully read, fully discussed with
18 counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary
19 Order.

20 13. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the First Amended Accusation and Petition to Revoke
22 Probation; the right to confront and cross-examine the witnesses against him; the right to present
23 evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the
24 attendance of witnesses and the production of documents; the right to reconsideration and court
25 review of an adverse decision; and all other rights accorded by the California Administrative
26 Procedure Act and other applicable laws. Respondent voluntarily, knowingly, and intelligently
27 waives and gives up each and every right set forth above.

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1 14. Respondent fully understands and agrees that his signature on this Stipulated
 2 Surrender and Disciplinary Order shall serve as a release and prevents him, his heirs, successors,
 3 and assigns, from making or pursuing any claim against the State of California, its agencies,
 4 representatives, attorneys, agents and/or employees in connection with its, their, his or her
 5 involvement in the investigation, prosecution, or any aspect of the First Amended Accusation and
 6 Petition to Revoke Probation in Case Nos. D1-2006-175931 or 19-2010-207355.

7 15. Respondent also fully understands and agrees that all rights under section 1542 of the
 8 Civil Code of California are hereby expressly waived. Section 1542 provides as follows:

9 "A general release does not extend to claims which the creditor does not know
 10 or suspect to exist in his or her favor at the time of executing the release, which if
 11 known by him or her must have materially affected his or her settlement with the
 12 debtor."

13 **CULPABILITY**

14 16. Respondent does not contest that, at an administrative hearing, Complainant could
 15 establish a *prima facie* case with respect to the charges and allegations contained in First
 16 Amended Accusation and Petition to Revoke Probation Nos. D1-2006-175931 and 19-2010-
 17 207355, and that he has thereby subjected his Physician's and Surgeon's Certificate No. G-23729
 18 to disciplinary action.

19 17. Respondent agrees that if he ever petitions for reinstatement of his Physician's and
 20 Surgeon's Certificate No. G-23729, all of the charges and allegations contained in First Amended
 21 Accusation and Petition to Revoke Probation Nos. D1-2006-175931 and 19-2010-207355 shall be
 22 deemed true, correct, and admitted by Respondent for purposes of that reinstatement proceeding
 23 and any other licensing proceeding involving Respondent in the State of California.

24 **RESERVATION**

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

CONTINGENCY

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19. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Executive Director on behalf of the Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

20. Respondent currently owes the sum of \$3,673.00 to the Medical Board of California for probation monitoring costs incurred in Accusation Case No. 09-2006-175931. In consideration of the foregoing admissions and stipulations, and upon the adoption of this Stipulated Settlement and Disciplinary Order by the Board, the Board agrees to defer respondent's payment of the probation monitoring costs due in Accusation Case No. 09-2006-175931 until such time as respondent files a petition for reinstatement of his medical license. Should respondent file a petition for reinstatement of his medical license, the full amount of the outstanding probation monitoring costs, \$3,673.00, shall be immediately due and payable, and

1 must be fully paid to the Board on or before the date respondent files his petition for
2 reinstatement with the Board.

3 21. This Stipulated Surrender of License and Disciplinary Order shall be subject to
4 approval of the Executive Director on behalf of the Medical Board. The parties agree that this
5 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive
6 Director for her consideration in the above-entitled matter and, further, that the Executive
7 Director shall have a reasonable period of time in which to consider and act on this stipulation
8 after receiving it.

9 22. By signing this stipulation, respondent fully understands and agrees that he may not
10 withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director
11 considers and acts upon it.

12 23. The parties understand and agree that facsimile copies of this Stipulated Surrender of
13 License and Disciplinary Order, including facsimile signatures thereto, shall have the same force
14 and effect as the originals.

15 24. In consideration of the foregoing admissions and stipulations, the parties agree that
16 the Executive Director of the Medical Board may, without further notice to or opportunity to be
17 heard by respondent, issue and enter the following Order on behalf of the Board:

18 **ORDER**

19 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 23729, issued
20 to Respondent Michael Edward Platt, M.D., is surrendered and accepted by the Medical Board of
21 California.

22 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 23729
23 and the acceptance of the surrendered license by the Board shall constitute the imposition of
24 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
25 become a part of Respondent's license history with the Board.

26 2. Respondent shall lose all rights and privileges as a physician and surgeon in
27 California as of the effective date of the Board's Decision and Order.

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1 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
2 issued, his wall certificate on or before the effective date of the Decision and Order.

3 4. If Respondent ever files an application for licensure or a petition for reinstatement in
4 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
5 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
6 effect at the time the petition is filed, and all of the charges and allegations contained in First
7 Amended Accusation and Petition to Revoke Probation Nos. D1-2006-175931 and 19-2010-
8 207355 shall be deemed to be true, correct and fully admitted by Respondent when the Board
9 determines whether to grant or deny the petition.

10 5. If Respondent should ever apply or reapply for a new license or certification, or
11 petition for reinstatement of a license, by any other health care licensing agency in the State of
12 California, all of the charges and allegations contained in First Amended Accusation and Petition
13 to Revoke Probation Nos. D1-2006-175931 and 19-2010-207355 shall be deemed to be true,
14 correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other
15 proceeding seeking to deny or restrict licensure.

16 ACCEPTANCE

17 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
18 have fully discussed it with my attorney, Guenther Richter, Esq. I understand the stipulation and
19 the effect it will have on my Physician's and Surgeon's Certificate No. G 23729. I enter into this
20 Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently,
21 and agree to be bound by the Decision and Disciplinary Order of the Medical Board of California.

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23 Dated: 5/4/2011 Michael E Platt
24 MICHAEL EDWARD PLATT, M.D.
Respondent

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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 this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

Dated: May 5, 2011 *Guenther Richter*
GUENTHER RICHTER, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: May 5, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
THOMAS S. LAZAR
Supervising Deputy Attorney General

Beth Faber Jacobs
BETH FABER JACOBS
Deputy Attorney General
Attorneys for Complainant

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