

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *April 10 2007*
BY: *M. [Signature]* ANALYST

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 PAUL C. AMENT
Supervising Deputy Attorney General
3 RICHARD D. MARINO, State Bar No. 90471
Deputy Attorney General
4 California Department of Justice
300 S. Spring Street, Suite 1702
5 Los Angeles, California 90013
Telephone: (213) 897-8644
6 Facsimile: (213) 897-9395
E-mail: richard.marino@doj.ca.gov

7
8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 17-2006-175650

13 JAN ADAMS, M.D.
553 Emerald Way
14 Laguna Beach, California 92551

A C C U S A T I O N

15 Physician and Surgeon's Certificate No. A51004,
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. David T. Thornton (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Director of the Medical Board of California (Board).

22 2. On or about July 23, 1992, the Board issued Physician and Surgeon's
23 Certificate Number A51004 to Jan Adams, M.D. (Respondent.) Unless renewed, this license
24 will expire on April 30, 2008.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board's Division of Medical Quality
27 under the authority of the following laws. All section references are to the Business and
28 Professions Code unless otherwise indicated.

1 A. Section 2227 of the Code provides that a licensee who is
2 found guilty under the Medical Practice Act may have his or her license revoked,
3 suspended for a period not to exceed one year, placed on probation and required to
4 pay the costs of probation monitoring, or such other action taken in relation to
5 discipline as the Division deems proper.

6 B. Section 2234 of the Code, in pertinent part, provides:

7 "The Division of Medical Quality shall take action against any licensee
8 who is charged with unprofessional conduct. In addition to other provisions of this
9 article, unprofessional conduct includes, but is not limited to, the following:

10 "(a) Violating or attempting to violate, directly or indirectly, assisting in
11 or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter
12 5, the Medical Practice Act].

13 "...

14 "(f) Any action or conduct which would have warranted the denial of a
15 certificate."

16 C. Section 2239 of the Code provides:

17 “(a) The use or prescribing for or administering to himself or
18 herself, of any controlled substance; or the use of any of the dangerous drugs
19 specified in Section 4022, or of alcoholic beverages, to the extent, or in such a
20 manner as to be dangerous or injurious to the licensee, or to any other person or to
21 the public, or to the extent that such use impairs the ability of the licensee to
22 practice medicine safely or more than one misdemeanor or any felony involving
23 the use, consumption, or self-administration of any of the substances referred to in
24 this section, or any combination thereof, constitutes unprofessional conduct. The
25 record of the conviction is conclusive evidence of such unprofessional conduct.

26 “(b) A plea or verdict of guilty or a conviction following a plea
27 of nolo contendere is deemed to be a conviction within the meaning of this
28 section. The Division of Medical Quality may order discipline of the licensee in

1 accordance with Section 2227 or the Division of Licensing may order the denial
2 of the license when the time for appeal has elapsed or the judgment of conviction
3 has been affirmed on appeal or when an order granting probation is made
4 suspending imposition of sentence, irrespective of a subsequent order under the
5 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw
6 his or her plea of guilty and to enter a plea of not guilty, or setting aside the
7 verdict of guilty, or dismissing the accusation, complaint, information, or
8 indictment.”

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Multiple Criminal Convictions For Alcohol-Related Offenses)**

11 4. Respondent’s Physician and Surgeon’s Certificate is subject to disciplinary
12 action pursuant to Business and Professions Code section 2239 in that Respondent has sustained
13 multiple convictions for alcohol-related offenses, as follows:

14 **December 21, 2006**

15 A. On or about March 31, 2006, at approximately 2:32 a.m.,
16 members of the California Highway Patrol (CHP) observed Respondent driving
17 eastbound in excess of the posted speed limit along Interstate 10 (Santa Monica
18 Freeway), near the La Brea Avenue exit. The CHP officers made a traffic stop at
19 which time they found that Respondent was driving without a valid California
20 driver’s license and observed the strong odor of alcohol emanating from
21 Respondent and his vehicle. Respondent was administered a series of field
22 sobriety tests which he did not complete successfully. Respondent was
23 transported to the Central Los Angeles CHP office where he underwent two
24 breath analyzer tests. Each test showed a blood alcohol level of .10 percent.
25 Respondent was arrested for driving under the influence of alcohol, in violation of
26 Vehicle Code section 23152, subdivision (a), a misdemeanor.

27 B. On or about April 4, 2006, in the case entitled *People of the*
28 *State of California v. Jan Rudalgo Adams*, Los Angeles County Superior Court

1 Case No. 6MP03940, Respondent was charged with driving under the influence of
2 alcohol or drugs, in violation of Vehicle Code section 23152, subdivision (a), a
3 misdemeanor (Count 1); driving with a blood alcohol level of .08 percent or
4 greater, in violation of Vehicle Code section 23152, subdivision (b) (Count 2);
5 and, driving with a suspended license, in violation of Vehicle Code section
6 14601.1, subdivision (a), a misdemeanor.

7 C. On or about May 10, 2006, Respondent entered not guilty pleas
8 to each of the charged offenses. The matter was set for trial.

9 D. On or about October 25, 2006, Respondent withdrew his
10 previously entered not guilty plea to the charge alleged in Count 3—namely,
11 driving with a suspended license—and entered a plea of *nolo contendere*.
12 Adjudication of the remaining charges proceeded to jury trial.

13 E. On or about November 11, 2006, the jury found Respondent not
14 guilty of the charge alleged in Count 1—namely, driving under the influence of
15 alcohol or drugs and guilty of the charge alleged in Count 2—namely, driving with
16 a blood alcohol level of .08 percent or greater.

17 F. On or about December 21, 2006, proceedings were suspended.
18 Respondent was placed on probation for five years with the following terms and
19 conditions, among others: serve 96 hours in the Los Angeles County Jail; perform
20 45 days of Cal Trans service; participate in the 18 month alcohol treatment and
21 counseling program; enroll in the SB-38 program; and attend 60 Alcoholics
22 Anonymous meetings at the minimum rate of two meetings each week.

23 **May 9, 2003**

24 G. On or about January 16, 2003, in the matter entitled *People of*
25 *the State of California v. Jan Rudalgo Adams*, Los Angeles County Superior
26 Court Number 3WL00123, Respondent was charged with driving under the
27 influence of alcohol or drugs, in violation of Vehicle Code section 23152, a
28

1 misdemeanor.^{1/}

2 H. On or about February 27, 2003, Respondent entered a plea of
3 not guilty and the matter was set for trial.

4 I. On or about May 9, 2003, Respondent withdrew his pleas of not
5 guilty and entered a plea of *nolo contendere*. Proceedings were suspended and
6 Respondent was placed on probation for three years with the following terms and
7 conditions, among others: 1) that he complete the three month first offender
8 alcohol and drug education and counseling program; 2) that for 90 days he only
9 drive to and from work; and, 3) that he not drive without a valid California
10 driver's license.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Use of Alcohol)**

13 5. Respondent's Physician and Surgeon's Certificate is subject to disciplinary
14 action in that Respondent has used alcohol to the extent or in such a manner as to be dangerous
15 or injurious to himself and others within the meaning of Business and Professions Code section
16 2239, as follows:

17 A. Complainant refers to and, by this reference, incorporates
18 herein Paragraph 4, above, as though fully set forth.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct)**

21 6. Respondent's Physician and Surgeon's Certificate is subject to disciplinary
22 action in that Respondent has engaged in unprofessional conduct, in violation of Business and
23 Professions Code section 2234, generally, as follows:

24 A. Complainant refers to and, by this reference, incorporates

25 _____
26
27 1. Respondent was arrested for this offense on September 6, 2002. On that date,
28 Respondent lost control of his vehicle and struck a parked car. Respondent told law
enforcement officers and others that he lost control of his car when another vehicle failed to
stop for a traffic signal. Respondent did not provide a description of the vehicle.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

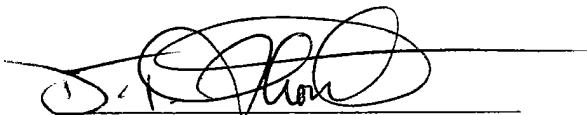
herein Paragraph 4, above, as though fully set forth.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician and Surgeon's Certificate Number A51004, issued to Jan Adams, M.D.
2. Revoking, suspending or denying approval of Jan Adams's authority to supervise physician's assistants, pursuant to section 3527 of the Code;
3. Ordering Jan Adams, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring; and,
- 4 Taking such other and further action as deemed necessary and proper.

DATED: April 10, 2007



DAVID T. THORNTON
Executive Director
Medical Board of California
State of California

Complainant

LA2006504285

50141198.wpd