



**New York State Board for Professional Medical Conduct**

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

December 31, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Murray Susser, M.D.  
13435 Bayliss Road  
Los Angeles, California 90049

RE: License No. 154143

Dear Dr. Susser:

Enclosed please find Order #BPMC 97-338 of the New York State Board for Professional Medical Conduct.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Sharon Barclay Kime, Esq.  
Nossaman, Guthner, Knox & Elliott, LLP  
34th Floor  
40 California Street  
San Francisco, CA 94111-4712

Marcia E. Kaplan, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MURRAY RICHARD SUSSER, M.D.

SURRENDER  
ORDER  
BPMC #97-338

Upon the proposed agreement of MURRAY RICHARD SUSSER, M.D.  
(Respondent) to Surrender his license as a physician in the State of New York,  
which proposed agreement is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby  
adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of  
physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of the personal  
service of this order upon Respondent, upon receipt by Respondent of this order via  
certified mail, or seven days after mailing of this order via certified mail, whichever is  
earliest.

SO ORDERED.

DATED: 12/30/1997

  
PATRICK F. CARONE, M.D., M.P.H.  
Chairperson  
State Board for Professional  
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MURRAY RICHARD SUSSER, M.D.

SURRENDER  
OF  
LICENSE

STATE OF CALIFORNIA )

COUNTY OF *Los Angeles*

ss.:

MURRAY RICHARD SUSSER, M.D., being duly sworn, deposes and says:

On or about May 20, 1983, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 154143 by the New York State Education Department.

My current address is 13435 Bayliss Road, Los Angeles, CA 90049 , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the First Specification in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

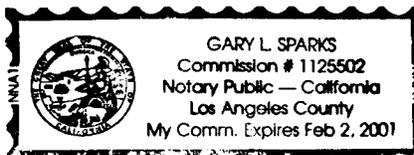
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

  
MURRAY RICHARD SUSSER, M.D.  
RESPONDENT

Sworn to before me this

24<sup>TH</sup> day of DECEMBER, 1997

  
\_\_\_\_\_  
NOTARY PUBLIC



The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 12-22-17

  
SHARON BARCLAY KIME, ESQ.  
Attorney for Respondent

Date: 12-28-17

  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: December 29, 1997

  
ANNE F. SAILE  
Director  
Office of Professional Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER**  
**OF**  
**MURRAY RICHARD SUSSER, M.D.**

**STATEMENT**  
**OF**  
**CHARGES**

MURRAY RICHARD SUSSER, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 20, 1983, by the issuance of license number 154143 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about April 11, 1997, the Division of Medical Quality, Medical Board of California (California Board) issued a Decision, effective May 12, 1997, upon a Stipulated Settlement and Disciplinary Order entered into by Respondent and the California Board, revoking Respondent's license to practice medicine in California, staying the revocation, and placing Respondent on probation for three years on terms and conditions including but not limited to Respondent's performing 25 hours of community service during each of the last two years of probation, successfully completing a Special Purpose Examination, as provided, having his practice monitored by an approved physician reporting periodically to the California Board, and reimbursing the California Board \$15,000 for investigative and prosecution costs. Respondent admitted that his license was subject to discipline for unprofessional conduct pursuant to California Business and Professions Code Section 2234, as set forth in the Stipulated Settlement and Disciplinary Order which is attached and incorporated as Exhibit "B."

The conduct resulting in the revocation and other disciplinary action involving Respondent's license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(3)(4)and (5).

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §(3)(4)(5)and (35)) as alleged in the facts of the following:

1. Paragraph A.

DATED: December , 1997  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

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

In the Matter of the Accusation )  
Against: )  
 )  
Murray Susser, M.D. )  
Certificate # G 22316 )  
 )  
 )  
 )  
Petitioner. )  
\_\_\_\_\_ )

File No: 07-92-16339

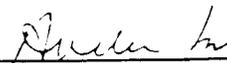
DECISION

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

This Decision shall become effective on May 12, 1997.

It is so ordered April 11, 1997.

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

  
\_\_\_\_\_

Anabel Anderson Imbert, M.D.  
Chair  
Panel B

*Lyndee King 7-4-97*  
*Christina Contreras*  
FILE

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street  
4 Los Angeles, California 90013  
Telephone: (213) 897-8944  
5 Attorneys for Complainant

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

10  
11 In the Matter of the Accusation )  
Against: )  
12 MURRAY SUSSER, M.D. )  
13 13435 Bayliss Rd. )  
Los Angeles, California 90049 )  
14 Physician's and Surgeons No. G22316, )  
15 Respondent. )  
16 \_\_\_\_\_ )

Case No. 07-92-16339  
CAH No. L-9601259

**STIPULATED SETTLEMENT  
AND  
DISCIPLINARY ORDER**

17  
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to  
19 the above-entitled proceedings that the following matters are  
20 true:

21 1. An Accusation in case number 07-92-16339 was filed  
22 with the Division of Medical Quality, of the Medical Board of  
23 California Department of Consumer Affairs (the "Division") on  
24 February 15, 1995, and is currently pending against Murray  
25 Susser, M.D. (the "respondent").

26 2. The Accusation, together with all statutorily  
27 required documents, was duly served on the respondent on or about

1 February 15, 1995, and respondent filed his Notice of Defense  
2 contesting the Accusation on or about March 8, 1995. A copy of  
3 Accusation No. 07-92-16339 is attached as Exhibit "A" and hereby  
4 incorporated by reference as if fully set forth.

5           3. The Complainant, Ron Joseph, is the Executive  
6 Director of the Medical Board of California and brought this  
7 action solely in his official capacity. The Complainant is  
8 represented by the Attorney General of California, Daniel E.  
9 Lungren, by and through Deputy Attorney General Karen B.  
10 Chappelle.

11           4. The respondent is represented in this matter by  
12 Sharon Barclay Kime, Esq., whose address is 50 California Street,  
13 34th Floor, San Francisco, California 94111-4712.

14           5. The respondent and his attorney have fully  
15 discussed the charges contained in Accusation Number 07-92-16339,  
16 and the respondent has been fully advised regarding his legal  
17 rights and the effects of this stipulation.

18           6. At all times relevant herein, respondent has been  
19 licensed by the Medical Board of California under Physicians and  
20 Surgeons Certificate No. G22316.

21           7. Respondent understands the nature of the charges  
22 alleged in the Accusation and that, if proven at hearing, the  
23 charges and allegations would constitute cause for imposing  
24 discipline upon his Physician's and Surgeons. Respondent is  
25 fully aware of his right to a hearing on the charges contained in  
26 the Accusation, his right to confront and cross-examine witnesses  
27 against him, his right to the use of subpoenas to compel the

1 attendance of witnesses and the production of documents in both  
2 defense and mitigation of the charges, his right to  
3 reconsideration, appeal and any and all other rights accorded by  
4 the California Administrative Procedure Act and other applicable  
5 laws. Respondent knowingly, voluntarily and irrevocably waives  
6 and give up each of these rights.

7           8. It is understood and agreed that this settlement  
8 involves a compromise of disputed allegations. Respondent has  
9 voluntarily entered into this agreement to avoid the costs and  
10 hardships of further litigation. Respondent therefore admits his  
11 license is subject to discipline for unprofessional conduct  
12 pursuant to Business and Professions Code section 2234.  
13 Respondent agrees to be bound by the Division's Disciplinary  
14 Order as set forth below.

15           9. The admissions made by Respondent herein are only  
16 for the purposes of this proceeding, or any other proceedings  
17 before the Division of Medical Quality, Medical Board of  
18 California and shall not be admissible in any other criminal or  
19 civil proceedings.

20           10. Based on the foregoing admissions and stipulated  
21 matters, the parties agree that the Division shall, without  
22 further notice or formal proceeding, issue and enter the  
23 following order:

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1 **DISCIPLINARY ORDER**

2           IT IS HEREBY ORDERED that Physicians and Surgeons  
3 Certificate Number G22316 issued to Murray Susser, M.D. is  
4 revoked. However, the revocation is stayed and respondent is  
5 placed on probation for 3 years on the following terms and  
6 conditions. Within 15 days after the effective date of this  
7 decision the respondent shall provide the Division, or its  
8 designee, proof of service that respondent has served a true copy  
9 of this decision on the Chief of Staff or the Chief Executive  
10 Officer at every hospital where privileges or membership are  
11 extended to respondent or where respondent is employed to  
12 practice medicine and on the Chief Executive Officer at every  
13 insurance carrier where malpractice insurance coverage is  
14 extended to respondent.

15           1.     **COMMUNITY SERVICES - FREE SERVICES**

16     Within 60 days from the effective date of this decision,  
17     respondent shall submit to the Division or its designee for its  
18     prior approval a community service program in which respondent  
19     shall provide free medical services on a regular basis to a  
20     community or charitable facility or agency for at least 25 hours  
21     a year for the last two years of probation. Community service may  
22     not to be performed prior to successful completion of Special  
23     Purpose Examination.

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2. SPEX EXAM

Respondent shall take and pass a Spex exam to be administered by the Federation of State Medical Boards, or its designee. This examination shall be taken within 90 days after the effective date of this decision. If respondent fails the first examination, respondent shall be allowed to take an pass a second examination. The waiting period between the first and second examinations shall be at least three months. If respondent fails to pass the first and second examinations, respondent may take a third and final examination after waiting a period of one year. Failure to pass the Spex exam within 18 months after the effective date of this decision shall constitute a violation of probation. The respondent shall pay the costs of all examinations.

3. MONITORING

Within 30 days of the effective date of this decision, respondent shall submit to the Division or its designee for its approval a plan of practice in which respondent's practice shall be monitored by another physician in respondent's field of practice, who shall provide periodic reports to the Division or its designee for a period of one year.

If the monitor resigns or is no longer available, respondent shall, within 15 days, move to have a new monitor appointed, through nomination by respondent and approval by the Division or its designee.

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4. OBEY ALL LAWS

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

5. QUARTERLY REPORTS

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.

6. PROBATION SURVEILLANCE PROGRAM COMPLIANCE

Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his or her addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record.

Respondent shall also immediately inform the Division, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

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1                   7.     **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**  
2                             **DESIGNATED PHYSICIAN(S)**

3                   Respondent shall appear in person for interviews with  
4 the Division, its designee or its designated physician(s) upon  
5 request at various intervals and with reasonable notice.

6                   8.     **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**  
7                             **IN-STATE NON-PRACTICE**

8                   In the event respondent should leave California to  
9 reside or to practice outside the State or for any reason should  
10 respondent stop practicing medicine in California, respondent  
11 shall notify the Division or its designee in writing within ten  
12 days of the dates of departure and return or the dates of non-  
13 practice within California. Non-practice is defined as any  
14 period of time exceeding thirty days in which respondent is not  
15 engaging in any activities defined in Sections 2051 and 2052 of  
16 the Business and Professions Code. All time spent in an  
17 intensive training program approved by the Division or its  
18 designee shall be considered as time spent in the practice of  
19 medicine. Periods of temporary or permanent residence or  
20 practice outside California or of non-practice within California,  
21 as defined in this condition, will not apply to the reduction of  
22 the probationary period.

23                   9.     **COMPLETION OF PROBATION**

24                   Upon successful completion of probation, respondent's  
25 certificate shall be fully restored.

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10. VIOLATION OF PROBATION

If respondent violates probation in any respect, the Division, 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 or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. COST RECOVERY

The respondent is hereby ordered to reimburse the Division the total amount of \$15,000 payable as follows: \$5,000 within 90 days from the effective date of this decision for its investigative and prosecution costs, and \$5,000 on the first and second anniversary dates of the effective date of the decision. Failure to reimburse the Division's cost of its investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.

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**12. LICENSE SURRENDER**

Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his/her certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to terms and conditions of probation.

**13. PROBATION COSTS**

Respondent shall pay the costs associated with probation monitoring each and every year of probation, which are currently set at \$2,304, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor at the beginning of each calendar year. Failure to pay costs within 30 days of the due date shall constitute a violation of probation.

**CONTINGENCY**

This stipulation shall be subject to the approval of

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1 the Division. Respondent understands and agrees that Board staff  
2 and counsel for complainant may communicate directly with the  
3 Division regarding this stipulation and settlement, without  
4 notice to or participation by respondent or his counsel. If the  
5 Division fails to adopt this stipulation as its Order, the  
6 stipulation shall be of no force or effect, it shall be  
7 inadmissible in any legal action between the parties, and the  
8 Division shall not be disqualified from further action in this  
9 matter by virtue of its consideration of this stipulation.

10 ACCEPTANCE

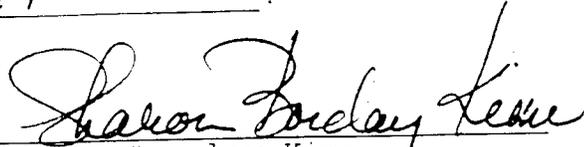
11 I have read the above Stipulated Settlement and  
12 Disciplinary Order. I have fully discussed the terms and  
13 conditions and other matters contained therein with my attorney,  
14 Sharon Barclay Kime. I understand the effect this Stipulated  
15 Settlement and Disciplinary Order will have on my Physician's and  
16 Surgeons, and agree to be bound thereby. I enter this  
17 stipulation freely, knowingly, intelligently and voluntarily.

18 DATED: 2-18-97

19   
20 MURRAY SUSSER, M.D.  
21 Respondent  
22  
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1 I have read the above Stipulated Settlement and  
2 Disciplinary Order and approve of it as to form and content. I  
3 have fully discussed the terms and conditions and other matters  
4 therein with respondent Murray Sussler, M.D..

5 DATED: 2.3.97

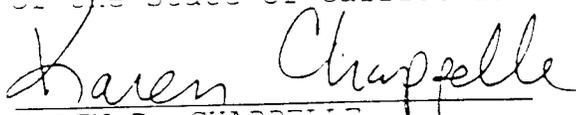
6  
7   
8 Sharon Barclay Kime  
9 Attorney for Respondent

10 **ENDORSEMENT**

11 The foregoing Stipulated Settlement and Disciplinary  
12 Order is hereby respectfully submitted for the consideration of  
13 the Division of Medical Quality, Medical Board of California  
14 Department of Consumer Affairs.

15 DATED: 2-18-97

16 DANIEL E. LUNGREN, Attorney General  
17 of the State of California

18   
19 KAREN B. CHAPPELLE  
20 Deputy Attorney General

21 Attorneys for Complainant  
22  
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27

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 5212  
4 Los Angeles, California 90013-1204  
Telephone: (213) 897-2578  
5 Attorneys for Complainant

*Legalese page 497*  
*Assist. - L. J. ...*

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

11 In the Matter of the Accusation ) Case No. 07-92-16339  
Against: )  
12 )  
13 MURRAY SUSSER, M.D. ) FIRST AMENDED  
13435 Bayliss Rd. ) AND SUPPLEMENTAL  
Los Angeles, California 90049 ) ACCUSATION  
14 )  
15 Physician's and Surgeon's )  
Certificate No. G22316; and )  
16 Physician Assistant Supervisor )  
Certificate No. SA12749 )  
17 )  
18 Respondent. )

19 The Complainant alleges:

20 PARTIES

21 1. Complainant, Ron Joseph, is the Executive Director  
22 of the Medical Board of California (hereinafter the "Board") and  
23 brings this First Amended and Supplemental Accusation solely in  
24 his official capacity.

25 2. On or about May 2, 1972, Physician's and Surgeon's  
26 Certificate No. G22316 was issued by the Board to Murray Susser,  
27 M.D. (hereinafter "respondent"), and at all times relevant to the

1 charges brought herein, this license has been in full force and  
2 effect. Unless renewed, it will expire on September 30, 1996.

3 3. Physician Assistant Supervisor Certificate No.  
4 SA12749 was issued by the Board to respondent on September 18,  
5 1981. Said certificate expired on May 31, 1992.

6 4. On February 15, 1995, an Accusation was filed  
7 against respondent in Case No. 07-92-16339. The Accusation is  
8 superseded by this First Amended and Supplemental Accusation.

9 JURISDICTION

10 5. This First Amended and Supplemental Accusation is  
11 brought before the Division of Medical Quality of the Medical  
12 Board of California, Department of Consumer Affairs (hereinafter  
13 the "Division"), under the authority of the following sections of  
14 the California Business and Professions Code (hereinafter  
15 "Code"):

16 A. Sections 2003 and 2004 which provide, in pertinent  
17 part, that the Division is responsible for the enforcement of the  
18 disciplinary provisions of the Medical Practice Act, for the  
19 administration and hearing of disciplinary actions, for carrying  
20 out disciplinary actions appropriate to findings made by a  
21 medical quality review committee, and for revoking or otherwise  
22 limiting certificates after the conclusion of disciplinary  
23 actions.

24 B. Section 2220 which provides:

25 "Except as otherwise provided by law, the Division of  
26 Medical Quality may take action against all persons guilty  
27 of violating this chapter. The division shall enforce and

1 administer this article as to physician and surgeon  
2 certificate holders, and the division shall have all the  
3 powers granted in this chapter for these purposes including,  
4 but not limited to:

5 "(a) Investigating complaints from the public, from  
6 other licensees, from health care facilities, or from a  
7 division of the board that a physician and surgeon may be  
8 guilty of unprofessional conduct.

9 "(b) Investigating the circumstances of practice of any  
10 physician and surgeon where there have been any judgments,  
11 settlements, or arbitration awards requiring the physician  
12 and surgeon or his or her professional liability insurer to  
13 pay an amount in damages in excess of a cumulative total of  
14 thirty thousand dollars (\$30,000) with respect to any claim  
15 that injury or damage was proximately caused by the  
16 physician's and surgeon's error, negligence, or omission.

17 "(c) Investigating the nature and causes of injuries  
18 from cases which shall be reported of a high number of  
19 judgments, settlements, or arbitration awards against a  
20 physician and surgeon."

21 C. Section 2227 which provides:

22 "(a) A licensee whose matter has been heard by an  
23 administrative law judge of the Medical Quality Hearing  
24 Panel as designated in section 11371 of the Government Code,  
25 or whose default has been entered, and who is found guilty  
26 may, in accordance with the provisions of this chapter:

27 ///

1                   "(1) Have his or her license revoked upon  
2 order of the division.

3                   "(2) Have his or her right to practice  
4 suspended for a period not to exceed one year upon  
5 order of the division.

6                   "(3) Be placed on probation upon order of the  
7 division.

8                   "(4) Be publicly reprimanded by the division.

9                   "(5) Have any other action taken in relation  
10 to discipline as the division or an administrative  
11 law judge may deem proper.

12                   "(b) Any matter heard pursuant to subdivision (a),  
13 except for warning letters, medical review or advisory  
14 conferences, or other matters made confidential or  
15 privileged by existing law, is deemed public, and shall be  
16 made available to the public by the board."

17                   D. Section 2234 which provides:

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

23                   ". . .

24                   "(b) Gross negligence.

25                   "(c) Repeated negligent acts.

26                   "(d) Incompetence.

27                   ". . . ."

1 E. Section 725 which provides:

2 "Repeated acts of clearly excessive prescribing or  
3 administering of drugs or treatment, repeated acts of  
4 clearly excessive use of diagnostic procedures, or repeated  
5 acts of clearly excessive use of diagnostic or treatment  
6 facilities as determined by the standard of the community of  
7 licensees is unprofessional conduct for a physician and  
8 surgeon, dentist, podiatrist, psychologist, physical  
9 therapist, chiropractor, or optometrist."

10 F. Section 125.3 provides, in part, that the Board  
11 may request the administrative law judge to direct any licentiate  
12 found to have committed a violation or violations of the  
13 licensing act, to pay the Board a sum not to exceed the  
14 reasonable costs of the investigation and enforcement of the  
15 case.

16 FIRST CAUSE OF ACTION

17 (Gross Negligence - M.S.)

18 6. Respondent is subject to disciplinary action under  
19 section 2234, subdivision (b) of the Code in that respondent was  
20 grossly negligent in the care, treatment and management of  
21 patient M.S.<sup>1/</sup>, as follows:

22 A. FACTS - PATIENT M.S.

23 (1) On or about January 25, 1988, M.S., a patient,  
24 presented with reported intestinal bleeding.

25  
26 1. All patient references in this pleading are by  
27 initials only. The true names of the patients shall be revealed  
to respondent upon his request for discovery pursuant to  
Government Code section 11507.6.

1 (2) Respondent diagnosed "chronic candida infection."

2 (3) Respondent treated M.S. with vitamin drips,  
3 hydrogen peroxide, garlic, paradidion [a homeopathic  
4 treatment for parasites] and chloroquine.

5 (4) From January 26, 1988 to October 31, 1989,  
6 respondent treated patient M.S. for conditions related to  
7 her initial complaint of intestinal bleeding using the same  
8 anti-parasitic remedies which had been initially applied to  
9 M.S. by him.

10 B. ACTS OF GROSS NEGLIGENCE - PATIENT M.S.

11 (1) Respondent did not perform a vaginal examination  
12 of patient M.S.

13 (2) Respondent did not perform a rectal examination.

14 (3) Respondent did not perform a blood stool  
15 examination of patient M.S.

16 (4) Respondent did not perform an anoscope examination  
17 of patient M.S.

18 (5) Respondent did not perform an sigmoidoscopy  
19 examination of patient M.S.

20 (6) Respondent did not perform a colonoscopy  
21 examination of patient M.S.

22 (7) On or about October 31, 1989, respondent released  
23 M.S. from his care without referring her to another  
24 physician, even though her symptoms, including rectal  
25 bleeding, continued.

26 (8) On or about November 24, 1989, surgery was  
27 performed on M.S. (i.e., low anterior resection and

1 appendectomy with the result that a near obstructing colonic  
2 lesion with chronic amebic dysentery and adenocarcinoma was  
3 found.

4 SECOND CAUSE OF ACTION

5 (Gross Negligence - R.W.)

6 7. Respondent Murray Susser, M.D. is subject to  
7 disciplinary action under section 2234, subdivision (b), of the  
8 Business and Professions Code in that he committed acts of gross  
9 negligence in the care, treatment and management of patient  
10 "R.W." Such acts of gross negligence contributed to the delay in  
11 treatment of the patient. The circumstances are as follows:

12 A. FACTS - PATIENT R.W.

13 (1) On March 10, 1988, patient R.W. saw respondent at  
14 his office located at 2730 Wilshire Blvd., Suite 110, Santa  
15 Monica, California, for various conditions including sinus  
16 infection, respiratory problems, frequent urination and fatigue.

17 (2) There is no record of a physical examination being  
18 done on patient R.W. during this initial visit, other than the  
19 notation of the patient's vital signs.

20 (3) At the conclusion of the examination, respondent  
21 did not record any initial diagnostic impression of patient R.W.

22 (4) Respondent had the patient undergo tests for the  
23 Epstein-Barr virus. Respondent diagnosed a condition of Epstein-  
24 Barr syndrome and provided a treatment of approximately 10  
25 vitamin supplements.

26 (5) Patient R.W. could not tolerate the combination of  
27 all the supplements and stopped taking them. One supplement

1 contained a tannic acid which is carcinogenic. Another  
2 supplement contained adrenaline which caused the patient's blood  
3 pressure to rise.

4 (6) A purged stool specimen was obtained from the  
5 patient. The laboratory report indicated the presence of Giardia  
6 Lamblia (cysts), an intestinal parasitic infection.

7 (7) The laboratory report also indicated the finding  
8 of "occult blood 4+" in Patient R.W.'s stool specimen.

9 (8) Respondent did not do any follow-up of the  
10 positive occult blood report.

11 (9) On April 7, 1988, patient R.W. had a follow-up  
12 visit with respondent. The patient told respondent he had rectal  
13 bleeding. Respondent conducted a digital rectal examination with  
14 negative results. Respondent told the patient the bleeding could  
15 have been from the rectal purge.

16 (10) Respondent discussed a sigmoidoscopy with Patient  
17 R.W., said the test was not standard procedure at that stage, and  
18 they should wait to see if further bleeding occurred.

19 (11) There are no notations regarding any discussions  
20 of a sigmoidoscopy in respondent's records.

21 (12) Patient R.W. had two additional visits with  
22 respondent and then discontinued seeing him.

23 (13) In 1989, Patient R.W. was subsequently diagnosed  
24 and treated for colon cancer by another physician.

25 (14) In January 1993, Patient R.W. had additional  
26 surgery because the cancer spread to his liver.

27 ///

1 (15) Patient R.W. is unable to return to work and is  
2 unable to continue his life as he knew it prior to the cancer  
3 diagnosis.

4 B. ACTS OF GROSS NEGLIGENCE - PATIENT R.W.

5 (1) Respondent fell below the standard of community  
6 practice in his failure to properly recognize and investigate  
7 signs of colon cancer. Specifically, respondent failed to do the  
8 following acts which singularly and collectively represent an  
9 extreme departure from the standard of care:

10 (a) He failed to recognize the significance of and to  
11 further investigate the finding of a strongly positive stool  
12 occult blood test done in March 1988;

13 (b) He failed to recognize the significance of and to  
14 further investigate the patient's complaint of rectal  
15 bleeding in April 1988;

16 (c) He failed to perform further tests on the patient  
17 including a repeat stool occult blood test, barium enema  
18 x-ray, and sigmoidoscopy or colonoscopy;

19 (d) He failed to document in his records any  
20 discussions with the patient regarding a sigmoidoscopy;

21 (e) He failed to properly treat the patient, using  
22 only vitamin therapy and homeopathic remedies;

23 (f) He failed to properly recognize and diagnose colon  
24 cancer;

25 (g) His failure to diagnose colon cancer contributed  
26 to the cancer being undiagnosed and untreated for over a  
27 year;

1 (h) His failure to diagnose colon cancer contributed  
2 to the cancer spreading to the patient's liver and altered  
3 the prognosis of the disease; and

4 (i) His failure to diagnose colon cancer contributed  
5 to the patient's inability to work and to continue life as  
6 he knew it prior to the cancer diagnosis.

7 THIRD CAUSE OF ACTION

8 (Gross Negligence - A.L.)

9 8. Respondent Murray Susser, M.D. is subject to  
10 disciplinary action under section 2234, subdivision (b), of the  
11 Business and Professions Code in that he committed acts of gross  
12 negligence in the care, treatment and management of patient  
13 "A.L." Such acts of gross negligence contributed to the liver  
14 and pancreatic damage of patient A.L. The circumstances are as  
15 follows:

16 A. FACTS - PATIENT A.L.

17 (1) On November 26, 1991, Patient A.L. went to see  
18 respondent for symptoms resulting from toxic exposure to  
19 chemicals in 1987. She had been referred to respondent for  
20 intra-venous vitamin C treatments by her regular physician.

21 (2) Respondent told Patient A.L. that she was toxic  
22 and he would detox her with a series of vitamin C drips.

23 (3) On December 4, 1991, a complete chemical panel was  
24 drawn.

25 (4) On January 28, 1992, Patient A.L. saw respondent  
26 again. The therapy recommended was the intra-venous vitamin C

27 ///

1 drip, 1 or 2 times per week. The patient had one treatment on  
2 that date.

3 (5) Patient A.L. purchased vitamins and supplements  
4 manufactured and distributed by respondent per his instructions.

5 (6) On February 7, 1992, Patient A.L. called  
6 respondent complaining of gastrointestinal symptoms. Respondent  
7 recommended she try okra pepsin, then pancreatic enzymes. No  
8 evaluation of the patient and no diagnosis was made to explain  
9 this treatment.

10 (7) On February 14, 1992, Patient A.L. telephoned  
11 respondent's office complaining of nausea. Laboratory studies  
12 were ordered.

13 (8) On February 17, 1992, the results of the  
14 laboratory studies were markedly abnormal and significantly  
15 changed from the studies of December 4, 1991. The results  
16 indicated that her liver function tests were abnormal and the  
17 values for the hepatic enzymes were abnormal.

18 (9) On February 18, 1992, Patient A.L. telephoned  
19 respondent's office and reported that she was nauseous and was  
20 turning yellow. Respondent told her to force fluids and he  
21 referred her to a gastroenterologist.

22 (10) On February 22, 1992 Patient A.L. experienced  
23 persistent and worsening gastrointestinal symptoms and jaundice.  
24 Paramedics were summoned to her home. Respondent advised her not  
25 to go to the hospital, but to wait until Monday to see a  
26 specialist. The paramedics insisted she go to the hospital and  
27 took her to St. John's Hospital emergency room.

1           (11) Patient A.L.'s symptoms included abdominal pain,  
2 nausea, vomiting, fever, overt jaundice, markedly abnormal liver  
3 function tests and elevated serum amylase. She was diagnosed as  
4 having acute pancreatitis with severe abdominal pain and severe  
5 liver disease.

6           (12) On March 9, 1992, Patient A.L. had an abdominal  
7 ultrasound done by another physician. The results revealed  
8 multiple gallstones and mild dilatation of the common bile duct.

9           (13) On May 20, 1992, Patient A.L. saw another  
10 physician for a gastrointestinal consultation. He advised her to  
11 undergo a cholecystectomy.

12           B.    ACTS OF GROSS NEGLIGENCE - PATIENT A.L.

13           (1) Respondent fell below the standard of community  
14 practice in his use of unconventional treatment which caused  
15 Patient A.L.'s medical problems to intensify. Specifically,  
16 respondent did the following acts which singularly and  
17 collectively represent an extreme departure from the standard of  
18 care:

19           (a) He provided the patient with unorthodox treatment  
20 by prescribing vitamins, pancreatic enzymes and okra pepsin  
21 products which led to liver and pancreatic damage;

22           (b) He failed to examine the patient prior to changing  
23 his treatment plan and based the treatment solely on the  
24 patient's telephone call;

25           (c) He failed to diagnose the patient's liver  
26 problems;

27    ///

1 (d) He inappropriately referred the patient to a  
2 specialist based upon a telephone call, abnormal laboratory  
3 results and without a proper evaluation;

4 (e) He ignored the patient's welfare when she became  
5 ill, advising her not to go to the emergency room;

6 (f) His treatment and behavior placed the patient in a  
7 life threatening situation.

8 FOURTH CAUSE OF ACTION

9 (Repeated Negligent Acts)

10 9. Respondent is subject to disciplinary action  
11 pursuant to section 2234, subdivision (c), of the Business and  
12 Professions Code in that he committed repeated negligent acts in  
13 the care, treatment and management of patients M.S., R.W. and  
14 A.L. The circumstances of this offense are more particularly  
15 alleged in paragraphs 6, 7 and 8, above, and are incorporated  
16 herein by reference as though set forth fully.

17 FIFTH CAUSE OF ACTION

18 (Incompetence)

19 10. Respondent is subject to disciplinary action  
20 pursuant to section 2234, subdivision (d), of the Business and  
21 Professions Code in that he was incompetent in his care,  
22 treatment and management of patients M.S., R.W and A.L. The  
23 circumstances of this offense are set forth fully in paragraphs  
24 6, 7 and 8, inclusive, above, and are incorporated herein by  
25 reference as though set forth fully.

26 ///

27 ///



1 included on the chemistry panel done on Patient R.W. If the  
2 blood urea nitrogen or creatinine values are abnormal, urine  
3 creatinine determination is warranted. With Patient R.W., both  
4 BUN and creatinine were within normal limits.

5 (6) Respondent also had the patient undergo the  
6 candida antibody panel. Two of the three tests showed  
7 undetectable levels, while the third was slightly positive.  
8 There is no documented justification for these laboratory  
9 studies.

10 B. ACTS OF EXCESSIVE DIAGNOSTIC PROCEDURES -  
11 PATIENT R. W.

12 (1) He failed to properly use diagnostic procedures  
13 and laboratory facilities, but rather had a "one of  
14 everything" approach;

15 (2) He failed to use a simple, cost effective test to  
16 detect diabetes;

17 (3) He failed to use more specific, up-to-date liver  
18 function tests;

19 (4) He failed to show the need for urine creatinine  
20 determination tests when routine kidney function tests were  
21 normal;

22 (5) He failed to document justification for candida  
23 antibody panel studies.

24 PRAYER

25 WHEREFORE, the complainant requests that a hearing be  
26 held on the matters herein alleged, and that following the  
27 hearing, the Division issue a decision:

1           1.     Revoking or suspending Physician's and Surgeon's  
2 Certificate Number G22316, heretofore issued to respondent Murray  
3 Susser, M.D.;

4           2.     Revoking or suspending Physician Assistant  
5 Supervisor Certificate No. SA12749 heretofore issued to  
6 respondent Murray Susser, M.D.;

7           3.     Ordering respondent to pay the Division the actual  
8 and reasonable costs of the investigation and enforcement of this  
9 case; and

10          4.     Taking such other and further action as the  
11 Division deems proper.

12                     DATED: January 18, 1996

14                             DANIEL E. LUNGREN, Attorney General  
15                             of the State of California

16                                     *Karen Chappelle*  
17                                     \_\_\_\_\_  
18                             KAREN B. CHAPPELLE  
19                             Deputy Attorney General

20                             Attorneys for Complainant

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