

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

August 13, 2014

Carolyn Mary Lobo, M.D.  
300 E. H St. SPC 173  
Benicia, CA 94510-3328

RE: 14-CRF-046

Dear Dr. Lobo:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on August 13, 2014.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Any such appeal must be filed in accordance with all requirements specified in Section 119.12, Ohio Revised Code, and must be filed with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within (15) days after the date of mailing of this notice.

Very truly yours,



Mark A. Bechtel, M.D.  
Secretary

MAB:baj  
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7199 9991 7032 2897 9737  
RETURN RECEIPT REQUESTED

*Mailed 8/14/14*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on August 13, 2014, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Carolyn Mary Lobo, M.D., Case No. 14-CRF-046, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

*Mark A. Bechtel, M.D.*

\_\_\_\_\_  
Mark A. Bechtel, M.D.  
Secretary

August 13, 2014  
Date

(SEAL)

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

\*

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CASE NO. 14-CRF-046

CAROLYN MARY LOBO, M.D.

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FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated April 9, 2014, notice was given to Carolyn Mary Lobo, M.D., that the State Medical Board intended to consider disciplinary action regarding her license to practice medicine and surgery in the state of Ohio and that she was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of Dr. Lobo, that being 300 E. H Street, SPC 173, Benicia, California 94510-3328.

On May 15, 2014, she Board received a letter from Dr. Lobo; however, such letter did not contain a request for hearing. More than thirty (30) days have now elapsed since the mailing of that notice and no further correspondence has been received from Dr. Lobo. The matter is now properly before the Board for final disposition.

WHEREFORE, having reviewed the April 9, 2014, Notice of Opportunity for Hearing, the affidavit of Kimberly C. Anderson, Chief Legal Counsel, and the affidavit of Kay L. Rieve, Administrative Officer, the Board hereby finds that:

1. On or about December 4, 2013, the Medical Board of California revoked the medical license of Carolyn Mary Lobo, M.D. Further, such revocation was stayed and Dr. Lobo's license was placed on probation for three years.
2. The Medical Board of California found that Dr. Lobo used excessive force to remove a foreign body from a patient and performed a procedure without securing appropriate assistance from nursing staff, which constituted extreme departures from the standard of care.
3. The Medical Board of California further found that Dr. Lobo failed to document informed consent, was dishonest during the course of the Medical Board of California investigation, and failed to maintain adequate records.

4. On or about April 9, 2014, the Board issued a Notice of Opportunity for Hearing to Dr. Lobo. Such Notice was mailed via certified mail, return receipt requested, to Dr. Lobo's address of record on April 10, 2014.
5. Pursuant to Section 119.07, Ohio Revised Code, Dr. Lobo had thirty days from the date of mailing of the Notice of Opportunity for Hearing in which to submit a written hearing request to the Board.
6. The thirtieth and final day upon which Dr. Lobo could submit a hearing request to the Board was Monday, May 12, 2014.
7. On or about May 15, 2014, the Board received a letter from Dr. Lobo; however, such letter was received more than thirty days after the mailing of the Notice of Opportunity for Hearing and did not contain a hearing request.
8. No other correspondence has been received from Dr. Lobo and more than thirty days have elapsed since the mailing of the Notice of Opportunity for Hearing.

Further, the Board hereby concludes that:

1. Section 4731.22(B)(22), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee following an action taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in the state of Ohio or another jurisdiction, for any reason other than the nonpayment of fees, including the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand.
2. Dr. Lobo has been subject to a disciplinary action by the Medical Board of California, as described above.
3. Section 119.07, Ohio Revised Code, requires the State Medical Board of Ohio to grant an administrative hearing if such hearing is requested within thirty days of the mailing of the Notice of Opportunity for Hearing.
4. As stated above, Dr. Lobo failed to timely submit a request for hearing prior to the thirtieth day from the mailing of the Notice of Opportunity for Hearing on April 9, 2014.

Accordingly, the Board hereby ORDERS that the certificate of Carolyn Mary Lobo, M.D. to practice medicine and surgery in the state of Ohio be REVOKED.

This Order shall become effective IMMEDIATELY upon the mailing of the notification of approval by the Board.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of August 2014, and the original thereof shall be kept with said Journal.

  
(SEAL)

*Mark A. Bechtel, M.D.*

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Mark A. Bechtel, M.D.  
Secretary

August 13, 2014  
Date

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**AFFIDAVIT**

The State of Ohio  
Franklin County, SS

I, Kay L. Rieve, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) I serve the Board in the position of Administrative Officer.
- 3) In such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) I have this day carefully examined the records of the Board pertaining to Carolyn Mary Lobo, M.D.
- 5) Based on my examination, I have found the address of record of Dr. Lobo to be:

300 E. H Street, SPC 173  
Benicia, California 94510-3328

- 6) Further, Affiant Sayeth Naught.

  
\_\_\_\_\_  
Kay L. Rieve  
Administrative Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary  
Public, this 22nd day of July, 2014.

  
\_\_\_\_\_  
Notary Public

**BARBARA ANN JACOBS, ATTORNEY AT LAW**  
**NOTARY PUBLIC, STATE OF OHIO**  
My commission has no expiration date.  
Section 147.03 R.C.

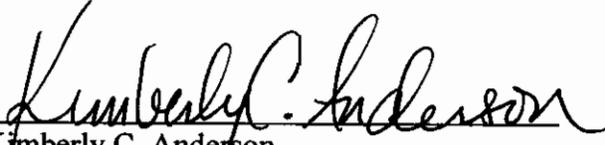
## **AFFIDAVIT**

The State of Ohio  
Franklin County, SS

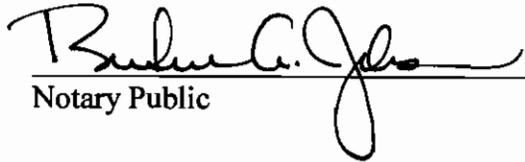
I, Kimberly C. Anderson, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").
- 2) I serve the Board in the position of Chief Legal Counsel.
- 3) In the course of my regular duties, I am responsible for seeing that all procedural requirements of Chapter 119., Ohio Revised Code, regarding service of any notice issued by the Board are met.
- 4) According to the Board's records, the Board issued a Notice of Opportunity for Hearing to Carolyn Mary Lobo, M.D., on April 9, 2014. Such notice was mailed by certified mail, return receipt requested, to Dr. Lobo's address of record, that being 300 E. H Street, SPC 173, Benicia, California 94510-3328. Attached hereto and incorporated herein is a true and accurate copy of the April 9, 2014, Notice of Opportunity for Hearing with the signed certified mail receipt.
- 5) Pursuant to Section 119.07, Ohio Revised Code, Dr. Lobo had thirty days in which to submit a written request for hearing. The thirtieth and final day upon which Dr. Lobo could submit a written hearing request was Monday, May 12, 2014.
- 6) On May 15, 2014, the Board received a letter from Dr. Lobo; however, such letter did not contain a request for hearing.
- 7) As of the date of this affidavit, the Board has received no further correspondence from Dr. Lobo.

8) Further, Affiant Sayeth Naught.

  
\_\_\_\_\_  
Kimberly C. Anderson  
Chief Legal Counsel

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this 17<sup>th</sup>  
day of July, 2014.

  
\_\_\_\_\_  
Notary Public

**BARBARA ANN JACOBS, ATTORNEY AT LAW**  
**NOTARY PUBLIC, STATE OF OHIO**  
My commission has no expiration date.  
Section 147.03 R.C.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

April 9, 2014

Case number: 14-CRF- *046*

Carolyn Mary Lobo, M.D.  
300 E. H St. SPC 173  
Benicia, CA 94510-3328

Dear Doctor Lobo:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about December 4, 2013, the Medical Board of California issued a Decision adopting a Stipulated Settlement and Disciplinary Order [California Disciplinary Order] in which your California Physician's and Surgeon's Certificate was revoked; however, the revocation was stayed and you were placed on probation for a period of three years. The California Disciplinary Order included findings that your use of excessive force to remove a foreign body from a patient and decision to perform a procedure without securing appropriate assistance from nursing staff constituted extreme departures from the standard of care, that your actions in failing to document informed consent constituted a simple violation of the standard of care, that you were dishonest during the course of the Medical Board of California investigation, and that you failed to maintain adequate records.

A copy of the California Disciplinary Order is attached hereto and incorporated herein.

The California Disciplinary Order as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or

*Mailed 4-10-14*

reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code. Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Acting Secretary

JCS/GAT/pev  
Enclosures

CERTIFIED MAIL #91 7199 9991 7033 2012 8835  
RETURN RECEIPT REQUESTED

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

**In the Matter of the Accusation )  
Against: )  
)  
)  
CAROLYN M. LOBO, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. A-63239 )  
)  
Respondent )  
\_\_\_\_\_ )**

**Case No. 12-2011-213857**

**DECISION**

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

**This Decision shall become effective at 5:00 p.m. on January 3, 2014.**

**IT IS SO ORDERED: December 4, 2013.**

**MEDICAL BOARD OF CALIFORNIA**

  
**Barbara Yaroslavy, Chair  
Panel A**

**MEDICAL BOARD OF CALIFORNIA**  
I do hereby certify that this document is a true  
and correct copy of the original on file in this  
office.  
Signature \_\_\_\_\_  
Title **FOR CUSTODIAN OF RECORDS**  
Date **2/27/14**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 MACHAELA M. MINGARDI  
Deputy Attorney General  
4 State Bar No. 194400  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5696  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 12-2011-213857

11 **CAROLYN M. LOBO, M.D.**  
12 P.O. Box 864  
13 Pinole, CA 94564

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate  
15 No. A 63239

16 Respondent.

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

20 PARTIES

21 1. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Director of the  
22 Medical Board of California. She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Machaela M. Mingardi, Deputy Attorney General.

25 2. Respondent Carolyn M. Lobo, M.D. ("Respondent") is represented in this proceeding  
26 by attorney Peter R. Osinoff of Bonne Bridges Mueller O'Keefe & Nichols, 3699 Wilshire  
27 Boulevard, 10<sup>th</sup> Floor, Los Angeles, CA 90010.

28

1 3. On or about August 8, 1997, the Medical Board of California issued Physician's and  
2 Surgeon's Certificate Number A 63239 to Carolyn M. Lobo, M.D. (Respondent). The certificate  
3 is renewed and current with an expiration date of May 31, 2015.

4 JURISDICTION

5 4. Accusation No. 12-2011-213857 was filed before the Medical Board of California  
6 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
7 Accusation and all other statutorily required documents were properly served on Respondent on  
8 July 11, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

9 5. A copy of Accusation No. 12-2011-213857 is attached as Exhibit A and incorporated  
10 herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 12-2011-213857. Respondent has also carefully read,  
14 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
15 Disciplinary Order.

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

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

25 CULPABILITY

26 9. For the purpose of resolving the charges and allegations in the Accusation, without  
27 the expense and uncertainty of further proceedings, Respondent agrees that the charges and  
28 allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon

1 her Physician's and Surgeon's certificate and she agrees to be bound by the Board's imposition of  
2 discipline as set forth in the Disciplinary Order below.

3 10. The admissions made by Respondent herein are only for the purposes of this  
4 proceeding or other proceedings in which the Medical Board of California or other professional  
5 licensing agency is involved, and shall not be admissible in any other criminal or civil  
6 proceeding.

7 11. Respondent agrees that her Physician's and Surgeon's Certificate Number A 63239 is  
8 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set  
9 forth in the Disciplinary Order below.

10 CONTINGENCY

11 12. This Stipulation shall be subject to approval by the Medical Board of California.  
12 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
13 Board of California may communicate directly with the Board regarding this Stipulation and  
14 settlement, without notice to or participation by Respondent or her counsel. By signing the  
15 Stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
16 to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails  
17 to adopt this Stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
18 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
19 action between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
22 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
23 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

24 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
25 the Board may, without further notice or formal proceeding, issue and enter the following  
26 Disciplinary Order:

27 //  
28 //

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate Number A 63239  
3 issued to Respondent Carolyn M. Lobo, M.D. (Respondent) is revoked. However, the revocation  
4 is stayed and Respondent is placed on probation for three (3) years on the following terms and  
5 conditions.

6 1. **Medical Record Keeping Course**

7 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
8 course in medical record keeping equivalent to the Medical Record Keeping Course offered by  
9 the Physician Assessment and Clinical Education Program, University of California, San Diego  
10 School of Medicine (Program), approved in advance by the Board or its designee. Respondent  
11 shall provide the Program with any information and documents that the Program may deem  
12 pertinent. Respondent shall participate in and successfully complete the classroom component of  
13 the course not later than six (6) months after respondent's initial enrollment. Respondent shall  
14 successfully complete any other component of the course within one (1) year of enrollment. The  
15 medical record keeping course shall be at Respondent's expense and shall be in addition to the  
16 Continuing Medical Education (CME) requirements for renewal of licensure. A medical record  
17 keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the  
18 effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted  
19 towards the fulfillment of this condition if the course would have been approved by the Board or  
20 its designee had the course been taken after the effective date of this Decision. Respondent shall  
21 submit a certification of successful completion to the Board or its designee not later than 15  
22 calendar days after successfully completing the course, or not later than 15 calendar days after the  
23 effective date of the Decision, whichever is later.

24 2. **Professionalism Program (Ethics Course)**

25 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
26 professionalism program, that meets the requirements of Title 16, California Code of Regulations  
27 (CCR) section 1358. Respondent shall participate in and successfully complete the  
28 professionalism program. Respondent shall provide any information and documents that the

1 professionalism program may deem pertinent. Respondent shall successfully complete the  
2 classroom component of the program not later than six (6) months after Respondent's initial  
3 enrollment, and the longitudinal component of the program not later than the time specified by  
4 the program, but no later than one (1) year after attending the classroom component. The  
5 professionalism program shall be at Respondent's expense and shall be in addition to the  
6 Continuing Medical Education (CME) requirements for renewal of licensure. A professionalism  
7 program taken after the acts that gave rise to the charges in the Accusation, but prior to the  
8 effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted  
9 towards the fulfillment of this condition if the program would have been approved by the Board  
10 or its designee had the program been taken after the effective date of this Decision. Respondent  
11 shall submit a certification of successful completion to the Board or its designee not later than 15  
12 calendar days after successfully completing the program or not later than 15 calendar days after  
13 the effective date of the Decision, whichever is later. If Respondent fails to complete the  
14 professionalism program within the designated time period, Respondent shall cease the practice  
15 of medicine within three (3) calendar days after being notified by the Board or its designee that  
16 Respondent failed to complete the professionalism program.

17 **3. Education Course**

18 Within 60 calendar days of the effective date of this Decision, and on an annual basis  
19 thereafter, Respondent shall submit to the Board or its designee for its prior approval educational  
20 program(s) or course(s) which shall not be less than 25 hours per year, for each year of probation.  
21 The educational program(s) or course(s) shall be aimed at correcting any areas of deficient  
22 practice or knowledge and shall be Category I certified. The educational program(s) or course(s)  
23 shall be at Respondent's expense and shall be in addition to the Continuing Medical Education  
24 (CME) requirements for renewal of licensure. Following the completion of each course, the  
25 Board or its designee may administer an examination to test Respondent's knowledge of the  
26 course. Respondent shall provide proof of attendance of courses taken in satisfaction of this  
27 condition.

28 //

1     **4.     Notification**

2             Within seven (7) days of the effective date of this Decision, Respondent shall provide a  
3 true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at  
4 every hospital where privileges or membership are extended to Respondent, at any other facility  
5 where Respondent engages in the practice of medicine, including all physician and locum tenens  
6 registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier  
7 which extends malpractice insurance coverage to respondent. Respondent shall submit proof of  
8 compliance to the Board or its designee within fifteen (15) calendar days. This condition shall  
9 apply to any change(s) in hospitals, other facilities or insurance carrier.

10    **5.     Obey all Laws**

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

14    **6.     Quarterly Declarations**

15             Respondent shall submit quarterly declarations under penalty of perjury on forms  
16 provided by the Board, stating whether there has been compliance with all the conditions of  
17 probation. Respondent shall submit quarterly declarations not later than ten (10) calendar days  
18 after the end of the preceding quarter.

19    **7.     General Probation Requirements**

20             Respondent shall comply with the Board's probation unit and all terms and conditions of  
21 this Decision. Respondent shall, at all times, keep the Board informed of respondent's business  
22 and residence addresses, email address (if available) and telephone number(s). Changes of such  
23 information shall be immediately communicated in writing to the Board or its designee. Under  
24 no circumstances shall a post office box serve as an address of record, except as allowed by  
25 Business and Professions Code section 2021(b). Respondent shall not engage in the practice of  
26 medicine in respondent's or patient's place of residence, unless the patient resides in a skilled  
27 nursing facility or other similar license facility. Respondent shall maintain a current and renewed  
28 California physician's and surgeon's license. Respondent shall immediately inform the Board, or

1 its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or  
2 is contemplated to last, more than 30 calendar days. In the event respondent should leave the  
3 State of California to reside or to practice respondent shall notify the Board or its designee in  
4 writing thirty (30) calendar days prior to the dates of departure and return.

5 **8. Interview With the Board, or its Designee**

6 Respondent shall be available in person upon request for interviews either at Respondent's  
7 place of business or at the probation unit office, with or without prior notice throughout the term  
8 of probation.

9 **9. Non-Practice While on Probation**

10 Respondent shall notify the Board or its designee in writing within fifteen (15) calendar  
11 days of any periods of non-practice lasting more than thirty (30) days and within fifteen (15)  
12 calendar days of Respondent's return to practice. Non-practice is defined as any period of time  
13 Respondent is not practicing medicine in California as defined in Business and Professions Code  
14 sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care,  
15 clinical activity or teaching, or other activity as approved by the Board or its designee. All time  
16 spent in an intensive training program which has been approved by the Board or its designee shall  
17 not be considered non-practice. Practicing medicine in another state of the United States or  
18 Federal jurisdiction while on probation with the medical licensing authority of that state or  
19 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
20 not be considered as a period of non-practice. In the event respondent's period of non-practice  
21 while on probation exceeds 18 calendar months, respondent shall successfully complete a clinical  
22 training program that meets the criteria of Condition 18 of the current version of the Board's  
23 "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the  
24 practice of medicine. Respondent's period of non-practice while on probation shall not exceed  
25 two (2) years. Periods of non-practice will not apply to the reduction of the probationary term.  
26 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
27 probationary terms and conditions with the exception of this condition and the following terms  
28 and conditions of probation: Notification; Obey All Laws; and General Probation Requirements.

1    **10.    Completion of Probation**

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

5    **11.    Violation of Probation**

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

12   **12.    License Surrender**

13           Following the effective date of this Decision, if Respondent ceases practicing due to  
14 retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation,  
15 Respondent may request to surrender of his or her license. The Board reserves the right to  
16 evaluate Respondent's request and to exercise its discretion in determining whether or not to  
17 grant the request, or to take any other action deemed appropriate and reasonable under the  
18 circumstances. Upon formal acceptance of the surrender, Respondent shall within fifteen (15)  
19 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and  
20 Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms  
21 and conditions of probation. If Respondent re-applies for a medical license, the application shall  
22 be treated as a petition for reinstatement of a revoked certificate.

23   **13.    Probation Monitoring Costs**

24           Respondent shall pay the costs associated with probation monitoring each and every year  
25 of probation, as designated by the Board, which are currently set at \$3,999, but may be adjusted  
26 on an annual basis. Such costs shall be payable to the Medical Board of California and delivered  
27 to the Board or its designee no later than January 31 of each calendar year.

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Peter R. Osinoff. I understand the Stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

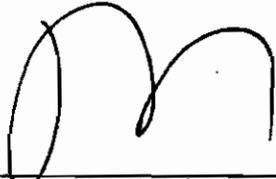
DATED: 10-7-13

Carolyn M. Lobo, M.D.  
CAROLYN M. LOBO, M.D.  
Respondent

**APPROVAL**

I have read and fully discussed with Respondent Carolyn M. Lobo, 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: 10/7/13

  
\_\_\_\_\_  
PETER R. OSINOFF  
Bonne Bridges Mueller O'Keefe & Nichols  
Attorney for Respondent

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**ENDORSEMENT**

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

Dated: 10/7/2013

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JOSE R. GUERRERO  
Supervising Deputy Attorney General

  
MACHAELA M. MINGARDI  
Deputy Attorney General  
*Attorneys for Complainant*

SF2012402781  
Lobo Settlement Agreement Draft.docx

**Exhibit A**

**Accusation No. 12-2011-213857**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 SUSAN K. MEADOWS  
Deputy Attorney General  
4 State Bar No. 115092  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5552  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:  
11  
12 **CAROLYN M. LOBO**  
13 **PO Box 864**  
14 **Pinole, CA 94564**  
**Physician's and Surgeon's Certificate No.**  
**No. A63239**  
15 Respondent.

Case No. 12-2011-213857

**ACCUSATION**

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.  
21 2. On or about August 8, 1997, the Medical Board of California issued Physician's and  
22 Surgeon's Certificate No. A63239 to Carolyn M. Lobo (Respondent). This certificate is renewed  
23 and current with an expiration date of May 31, 2013, unless renewed.

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JURISDICTION

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3. This Accusation is brought before the Medical Board of California (Board)<sup>1</sup>, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

5. Section 2234 of the Code states:

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

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

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the

<sup>1</sup> Cal. Bus. & Prof. Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical practice Act (Cal. Bus. & Prof. Code, sections 2000 et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 applicable standard of care, each departure constitutes a separate and distinct breach of the  
2 standard of care.

3 "(d) Incompetence.

4 "(e) The commission of any act involving dishonesty or corruption which is substantially  
5 related to the qualifications, functions, or duties of a physician and surgeon.

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

7 6. Section 2266 of the Code states: AThe failure of a physician and surgeon to maintain  
8 adequate and accurate records relating to the provision of services to their patients constitutes  
9 unprofessional conduct.®

10 7. This case was initiated upon receipt of an 805 Report from John Muir Medical Center  
11 on March 10, 2011, which indicated that Respondent resigned from staff effective January 21,  
12 2011, after concern was identified in one case with respect to Respondent's patient care in the  
13 Emergency Room (ER).

14 FIRST CAUSE FOR DISCIPLINE

15 (Patient R-1)<sup>2</sup>

16 (Gross Negligence and/or Incompetence)

17 8. Respondent is subject to disciplinary action under sections 2234 (b) (gross  
18 negligence) and/or section 2234(d) (incompetence) in her care and treatment of patient, R-1 as  
19 follows.

20 9. On or about December 4, 2010, at approximately 1147, patient R-1 was admitted to  
21 the ER with a self-reported history of having inserted a bottle into his rectum approximately 2  
22 days prior. The patient complained of pain, pressure in the lower abdomen, anuria (absence of  
23 excretion of urine from the body), and inability to have a bowel movement since insertion of the  
24 bottle. The patient did not have a fever and he had mild tachycardia. Evaluation in the ER  
25 included an examination of the abdomen by the physician assistant (PA) that showed mild

26 \_\_\_\_\_  
27 <sup>2</sup> The patient is identified in this pleading as R-1 in order to protect the patient's right to  
28 privacy. The full name of the patient will be disclosed to respondent pursuant to a Request for  
Discovery.

1 distention and diffuse tenderness. A plain abdominal film showed a glass bottle in the mid-pelvis  
2 and no evidence of free air, although the patient was in a supine position. The PA placed an order  
3 of IV normal saline at 1351, but according to the nursing notes, an IV was not inserted until 1440.  
4 Surgical consultation was obtained and, according to Respondent's notes and the nursing notes,  
5 Respondent arrived at approximately 1411. Respondent ordered the nurse to give 25 mcg of  
6 Fentanyl for pain.

7 10. On or about October 18, 2011, during her interview with the Board's investigator and  
8 medical consultant, Respondent stated that she discussed the options with the patient including  
9 manual extraction in the ER and going to surgery. During this interview, she also stated that the  
10 patient wanted to avoid surgery for fear of losing a recently new job.

11 11. Respondent performed her first rectal exam at 1436. During her interview with the  
12 Board investigator, she stated that she was able to feel the bottom of the bottle, with one finger,  
13 but could not move it at all. However, in Respondent's preoperative History and Physical Report,  
14 she documents that she was "able to palpate the bottle and was able to manipulate the bottle and  
15 move the foreign body around but was unable to rectally extract it." During a portion of her  
16 interview with the Board investigator, she stated that she never put more than one finger in the  
17 patient's rectum. However, during the initial portion of the interview, she stated that she tried to  
18 put her hand into the rectum of the patient in an attempt to remove the bottle while the patient  
19 pushed. The nursing notes indicate that Respondent had inserted her arm in the patient's rectum  
20 up to her bicep and that the patient was screaming in pain. Nurse SS advised the Medical Board  
21 investigator that Respondent told her she did not want the patient to be further medicated because  
22 she needed the patient to help assist in pushing the bottle out. Nurse SS further stated that  
23 Respondent told those present in the room that she was able to rotate the bottle and that she  
24 continued to encourage the patient to push as she attempted to pull the bottle with her hand and  
25 arm inside the patient's rectum.

26 12. Respondent performed a rigid sigmoidoscopy which showed that the mucosa  
27 appeared dusky and swollen. Respondent ordered an abdominal series that included a lateral x-

28

1 ray at 1559 after insufflation with rigid sigmoidoscopy which showed evidence of perforation.  
2 Patient R-1 was then taken to the operating room for a laparotomy.

3 13. During the interview with the Board investigator on October 18, 2011, Respondent  
4 stated that during this encounter, she had a "very difficult nursing situation." Respondent stated  
5 that the patient's nurse was also the charge nurse and was unavailable to help with procedures and  
6 that when she checked for operating room availability, no room was immediately available for  
7 another hour or so.

8 14. Respondent's acts and/or omissions with respect to her care and treatment of patient  
9 R-1 constitute gross negligence and/or incompetence as follows:

10 a) Respondent's use of excessive force while attempting to remove the bottle  
11 demonstrates disregard for patient safety and constitutes an extreme departure from the standard  
12 of practice and/or incompetence; and/or,

13 b) Respondent's decision to proceed with a procedure in the ER without securing  
14 appropriate assistance from the nursing staff demonstrates disregard for patient safety and  
15 constitutes an extreme departure from the standard of care.

16 15. As set forth above, Respondent's acts and/or omissions, whether proven individually  
17 or jointly constitute gross negligence under section 2234(b) and/or incompetence under section  
18 2234(d). Therefore, cause for discipline exists.

#### 19 SECOND CAUSE FOR DISCIPLINE

##### 20 (Repeated Negligent Acts)

21 16. Respondent is subject to disciplinary action under section 2234(c) (repeated negligent  
22 acts) as follows.

23 17. The allegations of the First Cause for Discipline are incorporated herein as if fully set  
24 forth.

25 18. Respondent's failure to provide adequate sedation for patient R-1 during her attempts  
26 to manually extract the bottle constitutes a simple departure from the standard of practice; and/or,

27 19. For all procedures in the hospital, whether performed in the operating room or any  
28 other location, the surgeon should obtain and document an informed consent from the patient or

1 patient designee. In addition, prior to starting any procedure Universal Protocol should be  
2 observed including a "time out" with a nurse. This procedure checks for the correct patient,  
3 correct procedure and correct site, and ensures that the patient is ready and all necessary  
4 equipment is present. Upon completion of the procedure, a brief procedure note should be  
5 dictated, or at minimum, written into the patients records. The minimum note should contain the  
6 diagnosis, procedure, surgeon, anesthesia (if any), indications, findings, and complications.

7 a) Respondent's failure to document an informed consent from Patient R-1 or his  
8 designee for extraction of a foreign body/possible sigmoidoscopy constitutes a simple departure  
9 from the standard of care; and/or,

10 b) Respondent's failure to document observance of Universal Protocol constitutes  
11 a simple departure from the standard of practice; and/or,

12 c) Respondent's failure to document an appropriate procedure note after the  
13 attempted extraction and rigid sigmoidoscopy is a simple departure from the standard of care.

14 20. Respondent's acts and/or omissions as set forth in the First Cause for Discipline  
15 and/or Second Cause For Discipline, whether proven jointly or in any combination thereof,  
16 constitute repeated negligent acts under section 2234(c) of the Code. Therefore, cause for  
17 discipline exists.

### 18 THIRD CAUSE FOR DISCIPLINE

#### 19 (Dishonesty)

20 21. Respondent is subject to disciplinary action under section 2234 (e) (commission of  
21 any act involving dishonesty that is substantially related to the qualifications, functions or duties  
22 of a physician and surgeon as follows:

23 22. The allegations of the First and Second Causes for Discipline are incorporated herein  
24 as if fully set forth.

25 23. Respondent was not truthful during her interview with the Board investigator and  
26 medical consultant on October 18, 2011 as follows:

27 a) Respondent stated that she never put more than on finger in the patient's  
28 rectum. However, during the initial part of the interview, Respondent stated that she tried to put

1 her hand into the rectum to extract the bottle while the patient strained. The nursing notes  
2 confirm this statement in that the nurse documented that Respondent had her hand and arm in the  
3 patients' rectum during her many attempts to remove the bottle; and/or,

4 b) Respondent also told the medical board investigator that she could touch the bottle  
5 with one finger. Respondent reiterated in this interview that she could not move the bottle.  
6 However, in her own preoperative History and Physical Report prepared by Respondent regarding  
7 this incident she states the following: "I was able to palpate the bottle and was able to manipulate  
8 the bottle and move the foreign body around but was unable to rectally extract it."

9 24. Respondent's conduct as set forth above constitutes dishonesty in that she was not  
10 truthful in discussing her care and treatment of patient R-1 during the Medical Board  
11 investigation and her dishonesty is substantially related to the qualifications, functions or duties  
12 of a physician and surgeon under section 2234(e). Therefore, cause for discipline exists.

#### 13 FOURTH CAUSE FOR DISCIPLINE

#### 14 (Failure to Maintain Adequate Records)

15 25. Respondent is subject to disciplinary action under section 2266 of the Code (failure to  
16 maintain adequate records) as follows:

17 26. The allegations of the First and Second Causes for Disciplinary Action are  
18 incorporated herein as if fully set forth.

19 27. The allegations as set forth in paragraphs 19(a) and/or 19(b) and/or 19(c) constitute a  
20 failure to maintain adequate records under section 2266 of the Code. Therefore, cause for  
21 discipline exists.

#### 22 PRAYER

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

25 1. Revoking or suspending Physician's and Surgeon's Certificate No. A63239, issued to  
26 Carolyn M. Lobo; and/or,

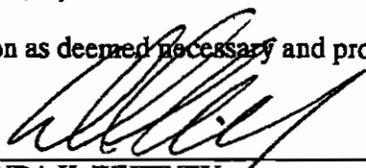
27 2. Revoking, suspending or denying approval of Carolyn M. Lobo's authority to  
28 supervise physician assistants, pursuant to section 3527 of the Code; and/or,

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3. Ordering Carolyn M. Lobo to pay the Medical Board of California, if placed on probation, the costs of probation monitoring; and/or,

4. Taking such other and further action as deemed necessary and proper.

DATED: July 11, 2012



LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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jackie moore:

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# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

April 9, 2014

Case number: 14-CRF- *046*

Carolyn Mary Lobo, M.D.  
300 E. H St. SPC 173  
Benicia, CA 94510-3328

Dear Doctor Lobo:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about December 4, 2013, the Medical Board of California issued a Decision adopting a Stipulated Settlement and Disciplinary Order [California Disciplinary Order] in which your California Physician's and Surgeon's Certificate was revoked; however, the revocation was stayed and you were placed on probation for a period of three years. The California Disciplinary Order included findings that your use of excessive force to remove a foreign body from a patient and decision to perform a procedure without securing appropriate assistance from nursing staff constituted extreme departures from the standard of care, that your actions in failing to document informed consent constituted a simple violation of the standard of care, that you were dishonest during the course of the Medical Board of California investigation, and that you failed to maintain adequate records.

A copy of the California Disciplinary Order is attached hereto and incorporated herein.

The California Disciplinary Order as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or

*Mailed 4-10-14*

reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code. Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Acting Secretary

JCS/GAT/pev  
Enclosures

CERTIFIED MAIL #91 7199 9991 7033 2012 8835  
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**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )  
)  
)  
CAROLYN M. LOBO, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. A-63239 )  
)  
Respondent )**

---

**Case No. 12-2011-213857**

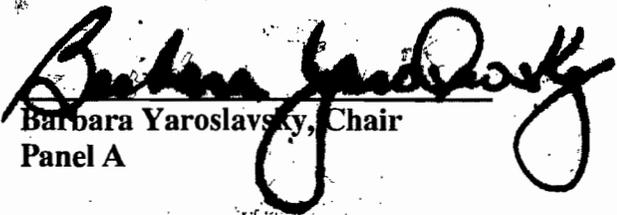
**DECISION**

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

**This Decision shall become effective at 5:00 p.m. on January 3, 2014.**

**IT IS SO ORDERED: December 4, 2013.**

**MEDICAL BOARD OF CALIFORNIA**

  
**Barbara Yaroslavsky, Chair  
Panel A**

**MEDICAL BOARD OF CALIFORNIA**  
I do hereby certify that this document is a true  
and correct copy of the original on file in this  
office.  
Signature [Handwritten Signature]  
Title FOR CUSTODIAN OF RECORDS  
Date 2/27/14

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 MACHAELA M. MINGARDI  
Deputy Attorney General  
4 State Bar No. 194400  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5696  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:  
11  
12 **CAROLYN M. LOBO, M.D.**  
P.O. Box 864  
13 Pinole, CA 94564  
14 Physician's and Surgeon's Certificate  
No. A 63239  
15  
16 Respondent.

Case No. 12-2011-213857

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Director of the  
22 Medical Board of California. She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Machaela M. Mingardi, Deputy Attorney General.

25 2. Respondent Carolyn M. Lobo, M.D. ("Respondent") is represented in this proceeding  
26 by attorney Peter R. Osinoff of Bonne Bridges Mueller O'Keefe & Nichols, 3699 Wilshire  
27 Boulevard, 10<sup>th</sup> Floor, Los Angeles, CA 90010.  
28



1 her Physician's and Surgeon's certificate and she agrees to be bound by the Board's imposition of  
2 discipline as set forth in the Disciplinary Order below.

3 10. The admissions made by Respondent herein are only for the purposes of this  
4 proceeding or other proceedings in which the Medical Board of California or other professional  
5 licensing agency is involved, and shall not be admissible in any other criminal or civil  
6 proceeding.

7 11. Respondent agrees that her Physician's and Surgeon's Certificate Number A 63239 is  
8 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set  
9 forth in the Disciplinary Order below.

10 CONTINGENCY

11 12. This Stipulation shall be subject to approval by the Medical Board of California.  
12 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
13 Board of California may communicate directly with the Board regarding this Stipulation and  
14 settlement, without notice to or participation by Respondent or her counsel. By signing the  
15 Stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
16 to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails  
17 to adopt this Stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
18 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
19 action between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
22 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
23 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

24 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
25 the Board may, without further notice or formal proceeding, issue and enter the following  
26 Disciplinary Order:

27 //

28 //

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate Number A 63239  
3 issued to Respondent Carolyn M. Lobo, M.D. (Respondent) is revoked. However, the revocation  
4 is stayed and Respondent is placed on probation for three (3) years on the following terms and  
5 conditions.

6 1. **Medical Record Keeping Course**

7 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
8 course in medical record keeping equivalent to the Medical Record Keeping Course offered by  
9 the Physician Assessment and Clinical Education Program, University of California, San Diego  
10 School of Medicine (Program), approved in advance by the Board or its designee. Respondent  
11 shall provide the Program with any information and documents that the Program may deem  
12 pertinent. Respondent shall participate in and successfully complete the classroom component of  
13 the course not later than six (6) months after respondent's initial enrollment. Respondent shall  
14 successfully complete any other component of the course within one (1) year of enrollment. The  
15 medical record keeping course shall be at Respondent's expense and shall be in addition to the  
16 Continuing Medical Education (CME) requirements for renewal of licensure. A medical record  
17 keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the  
18 effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted  
19 towards the fulfillment of this condition if the course would have been approved by the Board or  
20 its designee had the course been taken after the effective date of this Decision. Respondent shall  
21 submit a certification of successful completion to the Board or its designee not later than 15  
22 calendar days after successfully completing the course, or not later than 15 calendar days after the  
23 effective date of the Decision, whichever is later.

24 2. **Professionalism Program (Ethics Course)**

25 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
26 professionalism program, that meets the requirements of Title 16, California Code of Regulations  
27 (CCR) section 1358. Respondent shall participate in and successfully complete the  
28 professionalism program. Respondent shall provide any information and documents that the

1 professionalism program may deem pertinent. Respondent shall successfully complete the  
2 classroom component of the program not later than six (6) months after Respondent's initial  
3 enrollment, and the longitudinal component of the program not later than the time specified by  
4 the program, but no later than one (1) year after attending the classroom component. The  
5 professionalism program shall be at Respondent's expense and shall be in addition to the  
6 Continuing Medical Education (CME) requirements for renewal of licensure. A professionalism  
7 program taken after the acts that gave rise to the charges in the Accusation, but prior to the  
8 effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted  
9 towards the fulfillment of this condition if the program would have been approved by the Board  
10 or its designee had the program been taken after the effective date of this Decision. Respondent  
11 shall submit a certification of successful completion to the Board or its designee not later than 15  
12 calendar days after successfully completing the program or not later than 15 calendar days after  
13 the effective date of the Decision, whichever is later. If Respondent fails to complete the  
14 professionalism program within the designated time period, Respondent shall cease the practice  
15 of medicine within three (3) calendar days after being notified by the Board or its designee that  
16 Respondent failed to complete the professionalism program.

17 **3. Education Course**

18 Within 60 calendar days of the effective date of this Decision, and on an annual basis  
19 thereafter, Respondent shall submit to the Board or its designee for its prior approval educational  
20 program(s) or course(s) which shall not be less than 25 hours per year, for each year of probation.  
21 The educational program(s) or course(s) shall be aimed at correcting any areas of deficient  
22 practice or knowledge and shall be Category I certified. The educational program(s) or course(s)  
23 shall be at Respondent's expense and shall be in addition to the Continuing Medical Education  
24 (CME) requirements for renewal of licensure. Following the completion of each course, the  
25 Board or its designee may administer an examination to test Respondent's knowledge of the  
26 course. Respondent shall provide proof of attendance of courses taken in satisfaction of this  
27 condition.

28 //

1     **4. Notification**

2             Within seven (7) days of the effective date of this Decision, Respondent shall provide a  
3 true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at  
4 every hospital where privileges or membership are extended to Respondent, at any other facility  
5 where Respondent engages in the practice of medicine, including all physician and locum tenens  
6 registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier  
7 which extends malpractice insurance coverage to respondent. Respondent shall submit proof of  
8 compliance to the Board or its designee within fifteen (15) calendar days. This condition shall  
9 apply to any change(s) in hospitals, other facilities or insurance carrier.

10    **5. Obey all Laws**

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

14    **6. Quarterly Declarations**

15             Respondent shall submit quarterly declarations under penalty of perjury on forms  
16 provided by the Board, stating whether there has been compliance with all the conditions of  
17 probation. Respondent shall submit quarterly declarations not later than ten (10) calendar days  
18 after the end of the preceding quarter.

19    **7. General Probation Requirements**

20             Respondent shall comply with the Board's probation unit and all terms and conditions of  
21 this Decision. Respondent shall, at all times, keep the Board informed of respondent's business  
22 and residence addresses, email address (if available) and telephone number(s). Changes of such  
23 information shall be immediately communicated in writing to the Board or its designee. Under  
24 no circumstances shall a post office box serve as an address of record, except as allowed by  
25 Business and Professions Code section 2021(b). Respondent shall not engage in the practice of  
26 medicine in respondent's or patient's place of residence, unless the patient resides in a skilled  
27 nursing facility or other similar license facility. Respondent shall maintain a current and renewed  
28 California physician's and surgeon's license. Respondent shall immediately inform the Board, or

1 its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or  
2 is contemplated to last, more than 30 calendar days. In the event respondent should leave the  
3 State of California to reside or to practice respondent shall notify the Board or its designee in  
4 writing thirty (30) calendar days prior to the dates of departure and return.

5 8. **Interview With the Board, or its Designee**

6 Respondent shall be available in person upon request for interviews either at Respondent's  
7 place of business or at the probation unit office, with or without prior notice throughout the term  
8 of probation.

9 9. **Non-Practice While on Probation**

10 Respondent shall notify the Board or its designee in writing within fifteen (15) calendar  
11 days of any periods of non-practice lasting more than thirty (30) days and within fifteen (15)  
12 calendar days of Respondent's return to practice. Non-practice is defined as any period of time  
13 Respondent is not practicing medicine in California as defined in Business and Professions Code  
14 sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care,  
15 clinical activity or teaching, or other activity as approved by the Board or its designee. All time  
16 spent in an intensive training program which has been approved by the Board or its designee shall  
17 not be considered non-practice. Practicing medicine in another state of the United States or  
18 Federal jurisdiction while on probation with the medical licensing authority of that state or  
19 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
20 not be considered as a period of non-practice. In the event respondent's period of non-practice  
21 while on probation exceeds 18 calendar months, respondent shall successfully complete a clinical  
22 training program that meets the criteria of Condition 18 of the current version of the Board's  
23 "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the  
24 practice of medicine. Respondent's period of non-practice while on probation shall not exceed  
25 two (2) years. Periods of non-practice will not apply to the reduction of the probationary term.  
26 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
27 probationary terms and conditions with the exception of this condition and the following terms  
28 and conditions of probation: Notification; Obey All Laws; and General Probation Requirements.

1    **10. Completion of Probation**

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

5    **11. Violation of Probation**

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

12   **12. License Surrender**

13           Following the effective date of this Decision, if Respondent ceases practicing due to  
14 retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation,  
15 Respondent may request to surrender of his or her license. The Board reserves the right to  
16 evaluate Respondent's request and to exercise its discretion in determining whether or not to  
17 grant the request, or to take any other action deemed appropriate and reasonable under the  
18 circumstances. Upon formal acceptance of the surrender, Respondent shall within fifteen (15)  
19 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and  
20 Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms  
21 and conditions of probation. If Respondent re-applies for a medical license, the application shall  
22 be treated as a petition for reinstatement of a revoked certificate.

23   **13. Probation Monitoring Costs**

24           Respondent shall pay the costs associated with probation monitoring each and every year  
25 of probation, as designated by the Board, which are currently set at \$3,999, but may be adjusted  
26 on an annual basis. Such costs shall be payable to the Medical Board of California and delivered  
27 to the Board or its designee no later than January 31 of each calendar year.

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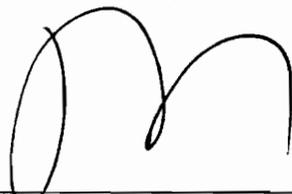
**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Peter R. Osinoff. I understand the Stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10-7-13 Carolyn M. Lobo, M.D.  
CAROLYN M. LOBO, M.D.  
Respondent

**APPROVAL**

I have read and fully discussed with Respondent Carolyn M. Lobo, 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: 10/7/13   
PETER R. OSINOFF  
Bonne Bridges Mueller O'Keefe & Nichols  
Attorney for Respondent

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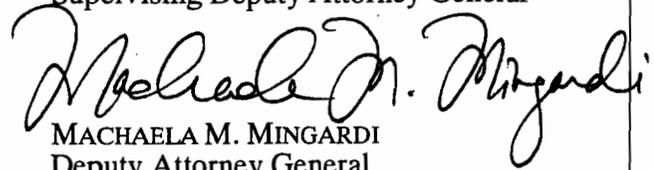
**ENDORSEMENT**

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

Dated: 10/7/2013

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JOSE R. GUERRERO  
Supervising Deputy Attorney General



MACHAELA M. MINGARDI  
Deputy Attorney General  
*Attorneys for Complainant*

SF2012402781  
Lobo Settlement Agreement Draft.docx

**Exhibit A**

**Accusation No. 12-2011-213857**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 SUSAN K. MEADOWS  
Deputy Attorney General  
4 State Bar No. 115092  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5552  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 12-2011-213857

11  
12 **CAROLYN M. LOBO**  
13 **PO Box 864**  
14 **Pinole, CA 94564**  
**Physician's and Surgeon's Certificate No.**  
**No. A63239**

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

21 2. On or about August 8, 1997, the Medical Board of California issued Physician's and  
22 Surgeon's Certificate No. A63239 to Carolyn M. Lobo (Respondent). This certificate is renewed  
23 and current with an expiration date of May 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board)<sup>1</sup>, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

5. Section 2234 of the Code states:

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

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

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the

<sup>1</sup> Cal. Bus. & Prof. Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical practice Act (Cal. Bus. & Prof. Code, sections 2000 et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 applicable standard of care, each departure constitutes a separate and distinct breach of the  
2 standard of care.

3 "(d) Incompetence.

4 "(e) The commission of any act involving dishonesty or corruption which is substantially  
5 related to the qualifications, functions, or duties of a physician and surgeon.

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

7 6. Section 2266 of the Code states: AThe failure of a physician and surgeon to maintain  
8 adequate and accurate records relating to the provision of services to their patients constitutes  
9 unprofessional conduct.@

10 7. This case was initiated upon receipt of an 805 Report from John Muir Medical Center  
11 on March 10, 2011, which indicated that Respondent resigned from staff effective January 21,  
12 2011, after concern was identified in one case with respect to Respondent's patient care in the  
13 Emergency Room (ER).

14 FIRST CAUSE FOR DISCIPLINE

15 (Patient R-1)<sup>2</sup>

16 (Gross Negligence and/or Incompetence)

17 8. Respondent is subject to disciplinary action under sections 2234 (b) (gross  
18 negligence) and/or section 2234(d) (incompetence) in her care and treatment of patient, R-1 as  
19 follows.

20 9. On or about December 4, 2010, at approximately 1147, patient R-1 was admitted to  
21 the ER with a self-reported history of having inserted a bottle into his rectum approximately 2  
22 days prior. The patient complained of pain, pressure in the lower abdomen, anuria (absence of  
23 excretion of urine from the body), and inability to have a bowel movement since insertion of the  
24 bottle. The patient did not have a fever and he had mild tachycardia. Evaluation in the ER  
25 included an examination of the abdomen by the physician assistant (PA) that showed mild

26 \_\_\_\_\_  
27 <sup>2</sup> The patient is identified in this pleading as R-1 in order to protect the patient's right to  
28 privacy. The full name of the patient will be disclosed to respondent pursuant to a Request for  
Discovery.

1 distention and diffuse tenderness. A plain abdominal film showed a glass bottle in the mid-pelvis  
2 and no evidence of free air, although the patient was in a supine position. The PA placed an order  
3 of IV normal saline at 1351, but according to the nursing notes, an IV was not inserted until 1440.  
4 Surgical consultation was obtained and, according to Respondent's notes and the nursing notes,  
5 Respondent arrived at approximately 1411. Respondent ordered the nurse to give 25 mcg of  
6 Fentanyl for pain.

7 10. On or about October 18, 2011, during her interview with the Board's investigator and  
8 medical consultant, Respondent stated that she discussed the options with the patient including  
9 manual extraction in the ER and going to surgery. During this interview, she also stated that the  
10 patient wanted to avoid surgery for fear of losing a recently new job.

11 11. Respondent performed her first rectal exam at 1436. During her interview with the  
12 Board investigator, she stated that she was able to feel the bottom of the bottle, with one finger,  
13 but could not move it at all. However, in Respondent's preoperative History and Physical Report,  
14 she documents that she was "able to palpate the bottle and was able to manipulate the bottle and  
15 move the foreign body around but was unable to rectally extract it." During a portion of her  
16 interview with the Board investigator, she stated that she never put more than one finger in the  
17 patient's rectum. However, during the initial portion of the interview, she stated that she tried to  
18 put her hand into the rectum of the patient in an attempt to remove the bottle while the patient  
19 pushed. The nursing notes indicate that Respondent had inserted her arm in the patient's rectum  
20 up to her bicep and that the patient was screaming in pain. Nurse SS advised the Medical Board  
21 investigator that Respondent told her she did not want the patient to be further medicated because  
22 she needed the patient to help assist in pushing the bottle out. Nurse SS further stated that  
23 Respondent told those present in the room that she was able to rotate the bottle and that she  
24 continued to encourage the patient to push as she attempted to pull the bottle with her hand and  
25 arm inside the patient's rectum.

26 12. Respondent performed a rigid sigmoidoscopy which showed that the mucosa  
27 appeared dusky and swollen. Respondent ordered an abdominal series that included a lateral x-  
28

1 ray at 1559 after insufflation with rigid sigmoidoscopy which showed evidence of perforation.  
2 Patient R-1 was then taken to the operating room for a laparotomy.

3 13. During the interview with the Board investigator on October 18, 2011, Respondent  
4 stated that during this encounter, she had a "very difficult nursing situation." Respondent stated  
5 that the patient's nurse was also the charge nurse and was unavailable to help with procedures and  
6 that when she checked for operating room availability, no room was immediately available for  
7 another hour or so.

8 14. Respondent's acts and/or omissions with respect to her care and treatment of patient  
9 R-1 constitute gross negligence and/or incompetence as follows:

10 a) Respondent's use of excessive force while attempting to remove the bottle  
11 demonstrates disregard for patient safety and constitutes an extreme departure from the standard  
12 of practice and/or incompetence; and/or,

13 b) Respondent's decision to proceed with a procedure in the ER without securing  
14 appropriate assistance from the nursing staff demonstrates disregard for patient safety and  
15 constitutes an extreme departure from the standard of care.

16 15. As set forth above, Respondent's acts and/or omissions, whether proven individually  
17 or jointly constitute gross negligence under section 2234(b) and/or incompetence under section  
18 2234(d). Therefore, cause for discipline exists.

#### 19 SECOND CAUSE FOR DISCIPLINE

##### 20 (Repeated Negligent Acts)

21 16. Respondent is subject to disciplinary action under section 2234(c) (repeated negligent  
22 acts) as follows.

23 17. The allegations of the First Cause for Discipline are incorporated herein as if fully set  
24 forth.

25 18. Respondent's failure to provide adequate sedation for patient R-1 during her attempts  
26 to manually extract the bottle constitutes a simple departure from the standard of practice; and/or,

27 19. For all procedures in the hospital, whether performed in the operating room or any  
28 other location, the surgeon should obtain and document an informed consent from the patient or

1 patient designee. In addition, prior to starting any procedure Universal Protocol should be  
2 observed including a "time out" with a nurse. This procedure checks for the correct patient,  
3 correct procedure and correct site, and ensures that the patient is ready and all necessary  
4 equipment is present. Upon completion of the procedure, a brief procedure note should be  
5 dictated, or at minimum, written into the patients records. The minimum note should contain the  
6 diagnosis, procedure, surgeon, anesthesia (if any), indications, findings, and complications.

7 a) Respondent's failure to document an informed consent from Patient R-1 or his  
8 designee for extraction of a foreign body/possible sigmoidoscopy constitutes a simple departure  
9 from the standard of care; and/or,

10 b) Respondent's failure to document observance of Universal Protocol constitutes  
11 a simple departure from the standard of practice; and/or,

12 c) Respondent's failure to document an appropriate procedure note after the  
13 attempted extraction and rigid sigmoidoscopy is a simple departure from the standard of care.

14 20. Respondent's acts and/or omissions as set forth in the First Cause for Discipline  
15 and/or Second Cause For Discipline, whether proven jointly or in any combination thereof,  
16 constitute repeated negligent acts under section 2234(c) of the Code. Therefore, cause for  
17 discipline exists.

### 18 THIRD CAUSE FOR DISCIPLINE

#### 19 (Dishonesty)

20 21. Respondent is subject to disciplinary action under section 2234 (e) (commission of  
21 any act involving dishonesty that is substantially related to the qualifications, functions or duties  
22 of a physician and surgeon as follows:

23 22. The allegations of the First and Second Causes for Discipline are incorporated herein  
24 as if fully set forth.

25 23. Respondent was not truthful during her interview with the Board investigator and  
26 medical consultant on October 18, 2011 as follows:

27 a) Respondent stated that she never put more than on finger in the patient's  
28 rectum. However, during the initial part of the interview, Respondent stated that she tried to put

1 her hand into the rectum to extract the bottle while the patient strained. The nursing notes  
2 confirm this statement in that the nurse documented that Respondent had her hand and arm in the  
3 patients' rectum during her many attempts to remove the bottle; and/or,

4 b) Respondent also told the medical board investigator that she could touch the bottle  
5 with one finger. Respondent reiterated in this interview that she could not move the bottle.  
6 However, in her own preoperative History and Physical Report prepared by Respondent regarding  
7 this incident she states the following: "I was able to palpate the bottle and was able to manipulate  
8 the bottle and move the foreign body around but was unable to rectally extract it."

9 24. Respondent's conduct as set forth above constitutes dishonesty in that she was not  
10 truthful in discussing her care and treatment of patient R-1 during the Medical Board  
11 investigation and her dishonesty is substantially related to the qualifications, functions or duties  
12 of a physician and surgeon under section 2234(e). Therefore, cause for discipline exists.

#### 13 FOURTH CAUSE FOR DISCIPLINE

#### 14 (Failure to Maintain Adequate Records)

15 25. Respondent is subject to disciplinary action under section 2266 of the Code (failure to  
16 maintain adequate records) as follows:

17 26. The allegations of the First and Second Causes for Disciplinary Action are  
18 incorporated herein as if fully set forth.

19 27. The allegations as set forth in paragraphs 19(a) and/or 19(b) and/or 19(c) constitute a  
20 failure to maintain adequate records under section 2266 of the Code. Therefore, cause for  
21 discipline exists.

#### 22 PRAYER

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

25 1. Revoking or suspending Physician's and Surgeon's Certificate No. A63239, issued to  
26 Carolyn M. Lobo; and/or,

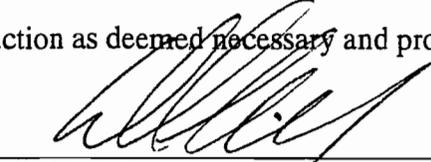
27 2. Revoking, suspending or denying approval of Carolyn M. Lobo's authority to  
28 supervise physician assistants, pursuant to section 3527 of the Code; and/or,

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3. Ordering Carolyn M. Lobo to pay the Medical Board of California, if placed on probation, the costs of probation monitoring; and/or,

4. Taking such other and further action as deemed necessary and proper.

DATED: July 11, 2012



LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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