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

In the Matter of the Accusation
Against:

WILLIAM CHARLES HANES, M.D. Case No. 07-2013-234448

Physician's and Surgeon's
Certificate No. G 47702

Respondent

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 May 17, 2017.

IT IS SO ORDERED April 17, 2017.

MEDICAL BOARD OF CALIFORNIA

By: [Signature]

Jamie Wright, JD, Chair
Panel A
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: William Charles Hanes, M.D.
Valley Orthopedic Associates
1334 W. Covina Blvd., Ste. 105
San Dimas, CA 91743
Physician's and Surgeon's Certificate No.
G47702,

Respondent.

In the interest of a prompt and speedy settlement of this matter, consistent with the public
interest and the responsibility of the Medical Board of California of the Department of Consumer
Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
which will be submitted to the Board for approval and adoption as the final disposition of the
Accusation.

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
of California, Department of Consumer Affairs (Board). She brought this action solely in her
official capacity and is represented in this matter by Kathleen A. Kenealy, Acting Attorney
General of the State of California, by Richard D. Marino, Deputy Attorney General.

2. On or about June 28, 1982, the Board issued Physician's and Surgeon's Certificate

Case No. 07-2013-234448
OAH No. 2016080822
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

STIPULATED SETTLEMENT (07-2013-234448)
Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 07-2013-234448 and will expire on December 31, 2017, unless renewed.

3. Respondent is represented by himself, \textit{in propria persona}.

**JURISDICTION**

4. On July 28, 2016, Accusation No. 07-2013-234448 was filed with the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 28, 2016. Respondent timely filed his Notice of Defense contesting the Accusation.

  A true and correct copy of Accusation No. 07-2013-234448 is attached hereto, marked Exhibit A, and incorporated herein by reference as if fully set forth.

**ADVISEMENT AND WAIVERS**

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

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

**CULPABILITY**

7. Respondent understands and agrees that the charges and allegations in Accusation No. 07-2013-234448, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

8. Solely for the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.
9. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the terms of this Decision and Order.

RESERVATION

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

CONTINGENCY

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

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

A. **PUBLIC REPRIMAND**

**IT IS HEREBY ORDERED** that Physician’s and Surgeon’s Certificate Number G47702, issued to William Charles Hanes, M.D. is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a), subparagraph (4). This Public Reprimand, which is issued in connection with Accusation No. 07-2013-234448, is as follows:

On or about May 5, 2010, S.M., a female, then 43 years old, fell and sustained an injury to her left elbow. Portable x-rays of the elbow were obtained. You were consulted and made an erroneous comminuted left olecranon fracture, instead of the correct Monteggia fracture/dislocation, diagnosis. Because of your incorrect diagnosis, you performed a open reduction internal fixation (ORIF).

B. **EDUCATION COURSE** Within 60 calendar days of the effective date of this decision, Respondent shall enroll in an education course or courses, not less than 20 hours, in the areas of reading and interpreting x-rays regarding fractures, generally, and Monteggia fracture, specifically, at Respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course(s) within the first 6 months of the effective date of this Decision shall be deemed unprofessional conduct and grounds for further disciplinary action.
ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. 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: Feb 8, 2017

WILLIAM CHARLES HANES, M.D.
Respondent

I fully discussed with Respondent WILLIAM CHARLES HANES, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

DATED: Feb 12, 2017

RICHARD D. MARINO
Deputy Attorney General

Attorney for Complainant
ENDORSEMENT

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


Respectfully submitted,

Xavier Becerra
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

RICHARD D. MARINO
Deputy Attorney General

Attorneys for Complainant
Exhibit A
Accusation No. 07-2013-234448
KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
RICHARD D. MARINO
Deputy Attorney General
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California Department of Justice
300 So. Spring Street, Suite 1702
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Telephone: (213) 897-8644
Facsimile: (213) 897-9395
Attorneys for Complainant

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

In the Matter of the Accusation Against:  Case No. 07-2013-234448

William Charles Hanes, M.D.
Valley Orthopedic Associates
1334 W. Covina Blvd., Ste. 105
San Dimas, CA 91740

Physician's and Surgeon's Certificate
No. G 47702,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
capacity as the Executive Director of the Medical Board of California, Department of Consumer
Affairs (Board).

2. On or about June 28, 1982, the Board issued Physician's and Surgeon's Certificate
Number G 47702 to William Charles Hanes, M.D. (Respondent). The Physician's and Surgeon's
Certificate was in full force and effect at all times relevant to the charges brought herein and will
expire on December 31, 2017, unless renewed.

(WILLIAM CHARLES HANES, M.D. ACCUSATION NO. 07-2013-234448)
JURISDICTION

3. This Accusation is brought before the Board, 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 Board deems proper.

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

"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.

"(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 applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

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(WILLIAM CHARLES HANES, M.D. ACCUSATION NO. 07-2013-234448)
STANDARD OF CARE

7. The standard of care applicable to physicians and surgeons treating orthopedic related injuries requires an accurate diagnosis of the injury. However, if the physician and surgeon is unable to determine the full extent of the injury, the standard of care requires that the physician and surgeon obtain further diagnostic studies or consultations with other physicians and surgeons or both to acquire the information necessary to make the proper diagnosis.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

8. Respondent Charles William Hanes, M.D., is subject to disciplinary action under Business and Professions Code section 2234, subdivision (b), in that Respondent committed gross negligence during his care, treatment and management of Patient S.M., as follows:

A. On or about July 29, 2013, the Medical Board of California-Central Complaint Unit (MBC-CCU) received a Report of Settlement, Judgment or Arbitration Award pursuant to Business and Professions Code section 801.01 regarding Respondent and his care, treatment of Patient S.M.

B. An investigation was opened during the course of which, Patient S.M.’s medical records, including x-rays, from Foothill Presbyterian Hospital and Valley Orthopedics were obtained and reviewed.

C. On or about May 5, 2010, Patient S.M., a female, then 43 years old, fell and sustained an injury to her left elbow. Portable x-rays of the elbow were obtained. They were read by a radiologist who found a “comminuted fracture of the proximal ulna.” In addition to the comminuted proximal ulna fracture, there was a complete dislocation of the proximal radius, making this a clear Monteggia fracture/dislocation. Patient S.M. was

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1 In order to protect his or her right of privacy, the patient is referred to by initials only.

2 The Monteggia fracture is a fracture of the proximal third of the ulna with dislocation of the radius (continued...)

(WILLIAM CHARLES HANES, M.D. ACCUSATION NO. 07-2013-234448)
admitted to Foothill Presbyterian Hospital and a consultation by Respondent was requested.

D. Respondent made the following diagnosis: comminuted left olecranon fracture.

E. Patient S.M. was taken to the operating room where Respondent performed an open reduction internal fixation (ORIF).³

F. Respondent found that Patient S.M. had a ulna fracture rather than a Monteggia fracture/dislocation.

G. The following act and omission constituted an extreme departure from the applicable standard of care:

1) Failing to diagnose and treat the patient’s radial head dislocation and, thereby, failing to discern that Patient S.M. sustained a Monteggia fracture/dislocation.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

9. Respondent William Charles Hanes, M.D. is subject to disciplinary action under Business and Professions Code section 2234 in that he committed unprofessional conduct generally, during his care, treatment and management of Patient S.M., as follows:

A. Complainant refers to and, by this reference, incorporates paragraph 8, above, as though fully set forth.

...(continued)

the head of the radius. It is named after Giovanni Battista Monteggia. It usually occurs during a fall on an outstretched hand.

³ An open reduction internal fixation (ORIF) refers to a surgical procedure to fix a severe bone fracture, or break. “Open reduction” means surgery is needed to realign the bone fracture into the normal position.
PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 47702, issued to William Charles Hanes, M.D.;

2. Revoking, suspending or denying approval of William Charles Hanes, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. Ordering William Charles Hanes, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: July 28, 2016

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant