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

In the Matter of the Accusation and Petition to Revoke Probation Against:

ALLAN ISRAEL FRANKEL, M.D. Case No. D2-2007-184365

Physician's and Surgeon's Certificate No. G 34474

Respondent.

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on April 8, 2016.

IT IS SO ORDERED March 10, 2016.

MEDICAL BOARD OF CALIFORNIA

By: /s/ Jamie Wright, J.D., Chair Panel A
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to
Revoke Probation Against:

ALLAN ISRAEL FRANKEL, M.D.
1304 15th Street, #405
Santa Monica, California 90404

Physician's and Surgeon's Certificate No. G 34474,

Respondent.

Case No. D2-2007-184365
OAH No. 2014100378

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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 ("Board"), 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 and Petition to
Revoke Probation.

PARTIES

1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Board. She
brought this action solely in her official capacity and is represented in this matter by Kamala D.
Harris, Attorney General of California, by Randall R. Murphy, Deputy Attorney General.
2. Respondent Allan Israel Frankel, M.D. ("Respondent") is represented in this proceeding by attorney John L. Fleer, whose office is located at 1850 Mt. Diablo Boulevard, Suite 120, Walnut Creek, California 94596.

3. On June 27, 1977, the Board issued Physician's and Surgeon's Certificate number G-34474 to Allan Israel Frankel, M.D. That Certificate was in full force and effect at all times relevant to the charges brought in Accusation and Petition to Revoke Probation No. D2-2007-184365 and will expire on January 31, 2017, unless renewed.

**JURISDICTION**

4. Accusation and Petition to Revoke Probation No. D2-2007-184365 was filed before the Board, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 30, 2014. Respondent filed a timely Notice of Defense contesting the Accusation and Petition to Revoke Probation.

5. A copy of Accusation and Petition to Revoke Probation No. D2-2007-184365 is attached as Exhibit A and is incorporated herein by reference.

**ADVISEMENT AND WAIVERS**

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation and Petition to Revoke Probation No. D2-2007-184365. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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 and Petition to Revoke Probation; 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.
8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent does not contest that, at an administrative hearing, complainant could establish a *prima facie* case with respect to the charges and allegations contained in Petition to Revoke Probation No. D2-2007-184365 and that he gives up his right to contest these charges.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11. Respondent agrees that if he ever petitions for early termination or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Petition to Revoke Probation No. D2-2007-184365 shall be deemed true, correct and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving respondent in the State of California.

CONTINGENCY

12. 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 counsel. 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.

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

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14. 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**

**IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. G 34474 issued to Respondent Allan Israel Frankel, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions. It is understood that the following terms and conditions and this disciplinary order supersedes any previous disciplinary order currently in force against Respondent’s license.

1. **CONTROLLED SUBSTANCES - PARTIAL RESTRICTION.** Respondent shall not issue an oral or written recommendation or approval to a patient or a patient’s primary caregiver for the possession or cultivation of marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5, except to patients referred to Respondent by a medical professional licensed by the Medical Board of California. Respondent shall not use TeleHealth or any other video service or other methodology to examine patients or to make any medical marijuana recommendations and Respondent shall only issue an oral or written recommendation or approval to a patient or a patient’s primary caregiver for the possession or cultivation of marijuana for the personal medical purposes of the patient after physically examining the patient in person. Respondent shall not make any recommendation or approval to a patient or a patient’s primary caregiver for the possession or cultivation of marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5, except as is allowed under Health and Safety Code section 11362.7.

2. **CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO RECORDS AND INVENTORIES.** Respondent shall maintain a record of all medical marijuana recommendations made or ordered, prescribed, dispensed, administered, or any medical marijuana actually possessed by Respondent, and any recommendation or approval which enables a patient or patient's primary caregiver to possess or cultivate marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5, during
probation, showing all the following: 1) the name and address of patient; 2) the
date; 3) the
class and quantity of controlled substances involved; and 4) the indications and diagnosis for
which the controlled substances were furnished. Respondent shall keep these records in a
separate file or ledger, in chronological order. All records and any inventories of controlled
substances shall be available for immediate inspection and copying on the premises by the Board
or its designee at all times during business hours and shall be retained for the entire term of
probation.

3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
the effective date of this Decision, Respondent shall enroll in a professionalism program, that
meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
Respondent shall participate in and successfully complete that program. Respondent shall
provide any information and documents that the program may deem pertinent. Respondent shall
successfully complete the classroom component of the program not later than six (6) months after
Respondent’s initial enrollment, and the longitudinal component of the program not later than the
time specified by the program, but no later than one (1) year after attending the classroom
component. The professionalism program shall be at Respondent’s expense and shall be in
addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the
Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
or its designee, be accepted towards the fulfillment of this condition if the program would have
been approved by the Board or its designee had the program been taken after the effective date of
this Decision.

Respondent shall submit a certification of successful completion to the Board or its
designee not later than 15 calendar days after successfully completing the program or not later
than 15 calendar days after the effective date of the Decision, whichever is later.

4. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
Decision, Respondent shall submit to the Board or its designee for prior approval as a Practice
Monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose
licenses are valid and in good standing, and who are preferably American Board of Medical
Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
relationship with Respondent, or other relationship that could reasonably be expected to
compromise the ability of the monitor to render fair and unbiased reports to the Board, including
but not limited to any form of bartering, shall be in Respondent’s field of practice, and must agree
to serve as Respondent’s monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s)
and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout
probation, Respondent’s practice shall be monitored by the approved monitor. Respondent shall
make all records available for immediate inspection and copying on the premises by the monitor
at all times during business hours and shall retain the records for the entire term of probation.

If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
date of this Decision, Respondent shall receive a notification from the Board or its designee to
cease the practice of medicine within three (3) calendar days after being so notified. Respondent
shall cease the practice of medicine until a monitor is approved to provide monitoring
responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which
includes an evaluation of Respondent’s performance, indicating whether Respondent’s practices
are within the standards of practice of medicine, and whether Respondent is practicing medicine
safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the
quarterly written reports to the Board or its designee within 10 calendar days after the end of the
preceding quarter.
If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, Respondent may participate in a professional enhancement program equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine, that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at Respondent’s expense during the term of probation.

5. **NOTIFICATION.** Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

6. **SUPERVISION OF PHYSICIAN ASSISTANTS.** During probation, Respondent is prohibited from supervising physician assistants.

7. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.
8. **QUARTERLY DECLARATIONS.** Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

   Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

9. **GENERAL PROBATION REQUIREMENTS.**

   Compliance with Probation Unit

   Respondent shall comply with the Board’s probation unit and all terms and conditions of this Decision.

   **Address Changes**

   Respondent shall, at all times, keep the Board informed of Respondent’s business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

   **Place of Practice**

   Respondent shall not engage in the practice of medicine in Respondent’s or patient’s place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

   **License Renewal**

   Respondent shall maintain a current and renewed California physician’s and surgeon’s license.

   **Travel or Residence Outside California**

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

   In the event Respondent should leave the State of California to reside or to practice

   Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
departure and return.

10. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent’s place of business or at the probation unit office, with or without prior notice throughout the term of probation.

11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent’s return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent’s period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board’s “Manual of Model Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

Respondent’s period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

12. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent’s certificate shall be fully restored.
13. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

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

15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, John L. Fleer. 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: 1/22/16

ALLAN ISRAEL FRANKEL, M.D.
Respondent

I have read and fully discussed with Respondent Allan Israel Frankel, 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: 1/22/16

JOHN L. FLEIR
Attorney for Respondent

ENDORSEMENT

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

Dated: Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

RANDALL R. MURPHY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation and Petition to Revoke Probation No. D2-2007-184365
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to
Revoke Probation Against:

ALLAN FRANKEL, M.D.
1304 15th Street, #405
Santa Monica, CA 90404

Physician's and Surgeon's
Certificate Number G 34474

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (complainant) brings this Accusation and Petition to Revoke
Probation 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 27, 1977, the Board issued Physician's and Surgeon's Certificate
Number G 34474 to Allan Frankel, M.D. (respondent). The Physician's and Surgeon's Certificate
was in effect at all times relevant to the charges brought herein and will expire on January 31,
2015, unless renewed.

3. In a disciplinary action titled In the Matter of Accusation Against Allan Frankel,
M.D., Case No. 17-2007-184365, the Board issued a decision, effective April 22, 2010, in which respondent’s Physician’s and Surgeon’s Certificate was revoked. However, the revocation was stayed and respondent’s Physician’s and Surgeon’s Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION:

4. This Accusation and Petition to Revoke Probation 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.

5. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

..."

6. Section 2051 of the Code states:

The physicians and surgeons certificate authorizes the holder to use drugs or devices in or upon human beings and to sever or penetrate the tissue of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, and other physical and mental conditions.

7. Section 2052 of the Code states:

"(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who
advises or holds himself or herself out as practicing, any system or mode of treating the sick or
afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,
blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition
of any person, without having at the time of so doing a valid, unrevoked, or unsuspended
certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being
authorized to perform the act pursuant to a certificate obtained in accordance with some other
provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand
dollars ($10,000), by imprisonment in the state prison, by imprisonment in a county jail not
exceeding one year, or by both the fine and either imprisonment.

"(b) Any person who conspires with or aids or abets another to commit any act described in
subdivision (a) is guilty of a public offense, subject to the punishment described in that
subdivision.

"(c) The remedy provided in this section shall not preclude any other remedy provided by
law."

8. 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.

"..."

9. Section 2264 of the Code states:

The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person or
any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any
other mode of treating the sick or afflicted which requires a license to practice constitutes
unprofessional conduct.

10. Section 2285 of the Code states: "The use of any fictitious, false, or assumed name, or
any name other than his or her own by a licensee either alone, in conjunction with a partnership or
group, or as the name of a professional corporation, in any public communication, advertisement, sign, or announcement of his or her practice without a fictitious-name permit obtained pursuant to Section 2415 constitutes unprofessional conduct."

11. Section 2415 of the Code states: "Any physician and surgeon, who as a sole proprietor, or in a partnership, group, or professional corporation, desires to practice under any name that would otherwise be a violation of Section 2285 may practice under that name if the proprietor, partnership, group, or corporation obtains and maintains in current status a fictitious-name permit."

CAUSE FOR DISCIPLINE

(Aiding and Abetting the Unlicensed Practice of Medicine)

12. Respondent is subject to disciplinary action under sections 2234, subdivision (a), and 2264 in that he aided and abetted others to practice medicine without having Physician’s and Surgeon’s Certificates. The circumstances are as follows

13. Beginning in or about February, 2011 two individuals ("business owners"), at a business that they owned called "420 Wellness Today" at 722 N. Garey Avenue, Pomona, California, hired physicians including R.A., J.K. and E.S. to evaluate complaints of illness of persons who wished to obtain recommendations to use marijuana for medical purposes (patients). The business owners either themselves or through lay employees, took the patients’ medical histories and measured their vital signs. Thereafter, the business owners arranged for R.A., J.K. or E.S. to interview each patient via a real-time computerized audio-video link and issued a recommendation for medical marijuana if those physicians deemed the recommendation appropriate.

14. Neither the business owners nor their lay employees had a license or training to assist in the patients’ evaluations as they did. On or about September 4, 2012, respondent signed a Fictitious Name Permit Application to the Board. This application listed "420 Wellness Today" as its first choice for a fictitious name but respondent later changed the name to "Wellness Center Today." Eventually, the Board issued to respondent Fictitious Name Permit number 43472 for Wellness Center Today located at 722 N. Garey Avenue, Pomona, California. This permit made
it appear to anyone who examined public records that respondent owned the marijuana
recommendation operation. In fact, the business owners continued to own it.

15. Neither of the business owners had a Physician's and Surgeon's certificate. The
business owners provided office space, all the equipment and documentation used in the
evaluation process and hired the staff.

16. The facts alleged in the previous paragraph constitute the practice of medicine by the
business owners and lay employees, the unlawful aiding and abetting thereof by respondent in
violation of section 2052, subdivision (b), of the Code and unprofessional conduct under sections
2234, subdivision (a), and 2264 of the Code.

CAUSE TO REVOKE PROBATION
(Obey All Laws)

17. At all times after the effective date of respondent's probation, Condition 14 stated in
part: "Respondent shall obey all federal, state and local laws [and] all rules governing the practice
of medicine in California...."

18. Respondent's probation is subject to revocation because he failed to comply with
Probation Condition 14, referenced above. The facts and circumstances regarding this violation
are as follows:

19. The allegations of the Cause for Discipline are incorporated by reference as if set
forth in full.

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 the probation that was granted by the Medical Board of California in Case
No. 17-2007-184365 and imposing the disciplinary order that was stayed thereby revoking
Physician's and Surgeon's Certificate No. G 34474 issued to Allan Frankel, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. G 34474, issued to
Allan Frankel, M.D.;

3. Revoking, suspending or denying approval of Allan Frankel, M.D.'s authority to
supervise physician assistants, pursuant to section 3527 of the Code;

4. Ordering Allan Frankel, M.D., if placed on probation, to pay the Board the costs of probation monitoring;

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

DATED: June 30, 2014

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