

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

In the Matter of the Accusation)
Against:)
JEFF HARRIS, M.D.)
Certificate #A-24797)
Respondent.)
_____)

File No: 05-94-36020

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on March 12, 1997.

DATED February 10, 1997.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



Ira Lubell, M.D.
Chair, Panel A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 KAREN B. CHAPPELLE,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1204
Telephone: (213) 897-8944
5 Attorneys for Complainant

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

11 In the Matter of the Accusation)	Case No. 05-94-36020
12 Against:)	
13 JEFF HARRIS, M.D.)	OAH No. L-9604195
14 6315 Gayton Place)	
15 Malibu, California 90265)	STIPULATED SETTLEMENT
16 Physician and Surgeon's)	AND
17 Certificate No. A24797,)	DISCIPLINARY ORDER
18 Respondent.)	

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

21 1. An Accusation in case number 05-94-36020 was filed
22 with the Division of Medical Quality of the Medical Board of
23 California Department of Consumer Affairs (the "Division") on
24 February 1, 1996, and is currently pending against Jeff Harris,
25 M.D. (the "respondent").

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

1 February 1, 1996, and respondent filed his Notice of Defense
2 contesting the Accusation on or about February 14, 1996.

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

9 4. The respondent is represented in this matter by
10 Ronald S. Marks, Esq., whose address is 400 South Beverly Drive,
11 Suite 101, Beverly Hills, California 90212.

12 5. The respondent and his attorney have fully
13 discussed the charges contained in Accusation number 05-94-36020,
14 and the respondent has been fully advised regarding his legal
15 rights and the effects of this stipulation.

16 6. At all times relevant herein, respondent has been
17 licensed by the Medical Board of California under Physician's and
18 Surgeon's Certificate No. A24797.

19 7. Respondent understands the nature of the charges
20 alleged in the Accusation and is fully aware of his right to a
21 hearing on the charges contained in the Accusation, his right to
22 confront and cross-examine witnesses against him, his right to
23 the use of subpoenas to compel the attendance of witnesses and
24 the production of documents in both defense and mitigation of the
25 charges, his right to reconsideration, appeal and any and all
26 other rights accorded by the California Administrative Procedure
27 Act and other applicable laws. Respondent knowingly, voluntarily

1 and irrevocably waives and give up each of these rights.

2 8. Respondent admits that he has subjected his
3 Physician's and Surgeon's Certificate No. A24797 to disciplinary
4 action, in that respondent, on numerous occasions between August
5 1989 and October 1993 prescribed, administered, dispensed, or
6 otherwise furnished a controlled substance, Halcion, without
7 medical indication or justification and without a prior good
8 faith examination of patient R.K., in violation of Business and
9 Professions Code section 2242. Accordingly, respondent agrees
10 to be bound by the Division's Disciplinary Order as set forth
11 below.

12 9. Based on the foregoing admissions and stipulated
13 matters, the parties agree that the Division shall, without
14 further notice or formal proceeding, issue and enter the
15 following order:

16 **DISCIPLINARY ORDER**

17 **IT IS HEREBY ORDERED** that Physician's and Surgeon's
18 Certificate number A24797 issued to Jeff Harris, M.D. is revoked.
19 However, the revocation is stayed and respondent is placed on
20 probation for three (3) years on the following terms and
21 conditions. Within 15 days after the effective date of this
22 decision, the respondent shall provide the Division, or its
23 designee, proof of service that respondent has served a true copy
24 of this decision on the Chief of Staff or the Chief Executive
25 Officer at every hospital where privileges or membership are
26 extended to respondent or where respondent is employed to
27 practice medicine, and on the Chief Executive Officer at every

1 insurance carrier where malpractice insurance coverage is
2 extended to respondent.

3 1. PRESCRIBING PRACTICES COURSE Within sixty (60) days
4 of the effective date of this decision, or as soon as
5 practicable, respondent shall enroll in a course in Prescribing
6 Practices in Pharmacology, approved in advance by the Division or
7 its designee, and shall successfully complete the course during
8 the first year of probation.

9 2. CONTROLLED DRUGS - MAINTAIN RECORD Respondent shall
10 maintain a record of all controlled substances prescribed,
11 dispensed or administered by respondent during probation,
12 including pharmaceutical samples, showing all the following: (1)
13 the name and address of the patient, (2) the date, (3) the
14 character and quantity of controlled substances involved, and (4)
15 the indications and diagnosis for which the controlled substances
16 were furnished.

17 Respondent shall maintain these records in a separate
18 file or ledger, in chronological order, and shall furnish these
19 records to his probation surveillance monitor for inspection and
20 copying.

21
22 3. ETHICS COURSE Within sixty (60) days of the
23 effective date of this decision, respondent shall enroll in a
24 course in Ethics approved in advance by the Division or its
25 designee, and shall successfully complete the course during the
26 first year of probation.

27 4. MONITORING Within thirty (30) days of the

1 effective date of this decision, respondent shall submit to the
2 Division or its designee for its prior approval a plan of
3 practice in which respondent's prescribing, dispensing or
4 administering of all scheduled drugs shall be monitored by
5 another physician in respondent's field of practice, who shall
6 provide periodic reports to the Division or its designee.

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

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

15 6. QUARTERLY REPORTS Respondent shall submit
16 quarterly declarations under penalty of perjury on forms provided
17 by the Division, stating whether there has been compliance with
18 all the conditions of probation.

19 7. PROBATION SURVEILLANCE PROGRAM COMPLIANCE Respondent
20 shall comply with the Division's probation surveillance program.
21 Respondent shall, at all times, keep the Division informed of his
22 addresses of business and residence which shall both serve as
23 addresses of record. Changes of such addresses shall be
24 immediately communicated in writing to the Division. Under no
25 circumstances shall a post office box serve as an address of
26 record.

27 Respondent shall also immediately inform the Division,

1 in writing, of any travel to any areas outside the jurisdiction
2 of California which lasts, or is contemplated to last, more than
3 thirty (30) days.

4 8. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS
5 DESIGNATED PHYSICIAN(S) Respondent shall appear in person for
6 interviews with the Division, its designee or its designated
7 physician(s) upon request at various intervals and with
8 reasonable notice.

9 9. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-
10 PRACTICE In the event respondent should leave California to
11 reside or to practice outside the State or for any reason should
12 respondent stop practicing medicine in California, respondent
13 shall notify the Division or its designee in writing within ten
14 (10) days of the dates of departure and return or the dates of
15 non-practice within California. Non-practice is defined as any
16 period of time exceeding thirty (30) days in which respondent is
17 not engaging in any activities defined in Sections 2051 and 2052
18 of the Business and Professions Code. All time spent in an
19 intensive training program approved by the Division or its
20 designee shall be considered as time spent in the practice of
21 medicine. Periods of temporary or permanent residence or
22 practice outside California or of non-practice within California,
23 as defined in this condition, will not apply to the reduction of
24 the probationary period.

25 10. COMPLETION OF PROBATION Upon successful completion
26 of probation, respondent's certificate shall be fully restored.

27 11. VIOLATION OF PROBATION If respondent violates

1 probation in any respect, the Division, after giving respondent
2 notice and the opportunity to be heard, may revoke probation and
3 carry out the disciplinary order that was stayed. If an
4 accusation or petition to revoke probation is filed against
5 respondent during probation, the Division shall have continuing
6 jurisdiction until the matter is final, and the period of
7 probation shall be extended until the matter is final.

8 12. COST RECOVERY The respondent is hereby ordered to
9 reimburse the Division the amount of \$5,000.00 for its
10 investigative and prosecution costs. Within thirty (30) days of
11 the effective date of the decision, respondent shall pay the
12 amount of \$2,000.00 to the Division. Thereafter, respondent
13 shall pay the amount of \$1,000.00 to the Division on January 1st
14 of each year until the total amount of \$5,000.00 is paid in full.
15 Failure to reimburse the Division's cost of investigation and
16 prosecution shall constitute a violation of the probation order,
17 unless the Division agrees in writing to payment by an
18 installment plan because of financial hardship. The filing of
19 bankruptcy by the respondent shall not relieve the respondent of
20 his responsibility to reimburse the Division for its
21 investigative and prosecution costs.

22 13. PROBATION COSTS Respondent shall pay the costs
23 associated with probation monitoring each and every year of
24 probation, which are currently set at \$2,304.00, but may be
25 adjusted on an annual basis. Such costs shall be payable to the
26 Division of Medical Quality and delivered to the designated
27 probation surveillance monitor at the beginning of each calendar

1 year. Failure to pay costs within thirty (30) days of the due
2 date shall constitute a violation of probation.

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

13 CONTINGENCY

14 This stipulation shall be subject to the approval of
15 the Division. Respondent understands and agrees that Board staff
16 and counsel for complainant may communicate directly with the
17 Division regarding this stipulation and settlement, without
18 notice to or participation by respondent or his counsel. If the
19 Division fails to adopt this stipulation as its Order, the
20 stipulation shall be of no force or effect, it shall be
21 inadmissible in any legal action between the parties, and the
22 Division shall not be disqualified from further action in this
23 matter by virtue of its consideration of this stipulation.

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9 ACCEPTANCE

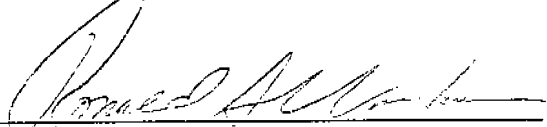
10 I have read the above Stipulated Settlement and
11 Disciplinary Order. I have fully discussed the terms and
12 conditions and other matters contained therein with my attorney,
13 Ronald S. Marks. I understand the effect this Stipulated
14 Settlement and Disciplinary Order will have on my Physician's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

18 DATED: 11/9/96

19
20 
21 JEFF HARRIS, M.D.
22 Respondent

23
24 I have read the above Stipulated Settlement and
25 Disciplinary Order and approve of it as to form and content. I
26 have fully discussed the terms and conditions and other matters
27 therein with respondent Jeff Harris, M.D.

DATED: 11/12/96



RONALD S. MARKS
Attorney for Respondent

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ENDORSEMENT

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

DATED: November 18, 1996

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



KAREN B. CHAPPELLE
Deputy Attorney General

Attorneys for Complainant

27

1 DANIEL E. LUNGREN, Attorney General
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5 Attorneys for Complainant

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

10

11 In the Matter of the Accusation) Case No. 05-94-36020
Against:)
12)
JEFF HARRIS, M.D.) ACCUSATION
13 6315 Gayton Place)
Malibu, California 90265)
14)
Physician and Surgeon's)
15 Certificate No. A24797,)
16 Respondent.)

17

18 The Complainant alleges:

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PARTIES

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

23

2. On or about July 3, 1972, Physician's and
24 Surgeon's Certificate No. A24797 was issued by the Medical Board
25 of California to Jeff Harris M.D. (hereinafter "respondent"), and
26 at all times relevant to the charges brought herein, this license

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1 has been in full force and effect. Unless renewed, it will
2 expire on June 30, 1997.

3 JURISDICTION

4 3. This accusation is brought before the Division of
5 Medical Quality of the Medical Board of California (hereinafter
6 the "Division"), under the authority of the following sections of
7 the California Business and Professions Code (hereinafter
8 "Code"):

9 A. Sections 2003 and 2004 which provide, in pertinent
10 part, that the Division is responsible for the enforcement
11 of the disciplinary provisions of the Medical Practice Act,
12 for the administration and hearing of disciplinary actions,
13 for carrying out disciplinary actions appropriate to
14 findings made by a medical quality review committee, and for
15 revoking or otherwise limiting certificates after the
16 conclusion of disciplinary actions.

17 B. Section 2220 which provides:

18 "Except as otherwise provided by law, the Division of
19 Medical Quality may take action against all persons guilty
20 of violating this chapter. The division shall enforce and
21 administer this article as to physician and surgeon
22 certificate holders, and the division shall have all the
23 powers granted in this chapter for these purposes including,
24 but not limited to:

25 "(a) Investigating complaints from the public,
26 from other licensees, from health care facilities, or

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1 from a division of the board that a physician and
2 surgeon may be guilty of unprofessional conduct.

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

12 "(c) Investigating the nature and causes of
13 injuries from cases which shall be reported of a high
14 number of judgments, settlements, or arbitration awards
15 against a physician and surgeon."

16 C. Section 2227 which provides:

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

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

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

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

"(4) Be publicly reprimanded by the division.

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

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

D. Section 2234 which provides:

"The Division of Medical Quality 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:

- ". . .
- "(b) Gross negligence.
- "(c) Repeated negligent acts.
- "(d) Incompetence.
- ". . . ."

E. Section 726 which provides:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any

1 initiative act referred to in this division and under
2 Chapter 17 (commencing with Section 9000) of Division 3."

3 F. Section 729 which provides in pertinent part:

4 "(a) Any physician and surgeon, psychotherapist, or any
5 person holding himself or herself out to be a physician and
6 surgeon or psychotherapist, who engages in an act of sexual
7 intercourse, sodomy, oral copulation, or sexual contact with
8 a patient or client, . . . is guilty of sexual exploitation
9 by a physician and surgeon or psychotherapist.

10 "For purposes of subdivision (a), in no instance shall
11 consent of the patient or client be a defense. However,
12 physicians and surgeons shall not be guilty of sexual
13 exploitation for touching any intimate part of a patient or
14 client unless the touching is outside the scope of medical
15 examination and treatment, or the touching is done for
16 sexual gratification.

17 "Sexual contact" means sexual intercourse or the
18 touching of an intimate part of a patient for the purpose of
19 sexual arousal, gratification, or abuse."

20 G. Section 2238 which provides that violation of any
21 federal or state statute or regulation regulating dangerous
22 drugs or controlled substances constitutes unprofessional
23 conduct.

24 H. Section 2241 which provides in pertinent part,
25 that unless otherwise provided by this section, the
26 prescribing, selling, furnishing, giving away, or
27 administering or offering to prescribe, sell, furnish, give

1 away, or administer any of the drugs or compounds mentioned
2 in section 2239 (which includes all dangerous drugs,
3 controlled substances and alcohol) to an addict or habitue
4 constitutes unprofessional conduct.

5 I. Section 2242 subdivision (a) which provides that
6 prescribing, dispensing or furnishing dangerous drugs
7 without prior examination and medical indication constitutes
8 unprofessional conduct.

9 J. Health and Safety Code section 11152 provides that
10 no person shall write, issue, fill, compound or dispense a
11 prescription that does not conform to the Controlled
12 Substances Act (Health and Safety Code section 11000
13 et.seq.).

14 K. Health and Safety Code section 11153 provides, in
15 pertinent part, that a prescription for a controlled
16 substance shall only be issued for a legitimate medical
17 purpose by an individual practitioner acting in the usual
18 course of his or her professional practice. The following
19 are not legal prescriptions: (1) an order purporting to be a
20 prescription which is issued not in the usual course of
21 professional treatment or in legitimate and authorized
22 research and (2) an order for an addict or habitual user of
23 controlled substances, which is issued not in the course of
24 professional treatment or as part of an authorized methadone
25 maintenance program, for the purpose of providing the user
26 with controlled substances, sufficient to keep him or her
27 comfortable by maintaining customary use.

1 L. Health and Safety Code section 11190 provides that
2 every practitioner other than a pharmacist who issues a
3 prescription for Schedule II controlled substance, or
4 dispenses or administers a Schedule II controlled substance,
5 shall make a record which, as to each such transaction,
6 shows the name and address of the patient, the date of the
7 transaction, the character, including the name, strength,
8 and quantity of the controlled substance and the pathology
9 and purpose for which the prescription is issued or the
10 controlled substance is administered, prescribed or
11 dispensed. Health and Safety Code section 11191 requires
12 that such records be preserved for three years.

13 M. Health and Safety Code section 11164 subdivision
14 (a) provides, in pertinent part, that each prescription for
15 a Schedule II controlled substance shall be wholly written
16 in ink or indelible pencil in the handwriting of the
17 prescriber upon an official triplicate blank and that each
18 prescription shall be signed and dated by the prescriber and
19 contain the name and address of the patient, the name,
20 quantity, and strength of the controlled substance
21 prescribed, directions and the address, category of
22 professional licensure and the federal controlled substance
23 registration number of the prescriber.

24 N. Health and Safety Code section 1168 requires that
25 the prescriber keep the prescription containing his or her
26 copies of such prescriptions for a period of three years.

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1 21 years of age. Medical services were rendered at
2 respondent's office located at 23440 Civic Center Way,
3 Malibu, County of Los Angeles, California. R.K continued
4 receiving treatment from respondent in the course of office
5 visits until on or about October 1993. Respondent charged
6 professional fees for these services until they began
7 engaging in sexual relations in 1989.

8 B. As treatment progressed, respondent prescribed for
9 R.K. many controlled substances within the meaning of Health
10 and Safety Code sections 11057 and 11058 namely: Halcion,
11 Valium, Naprosyn, Doxycycline, Dalmane, Retin-A, Anaprox,
12 Augmentin, Darvocet, Voltaren, Cipro, Diazepam, Flurazepam,
13 and Doral, among others. As a result, R.K. became addicted
14 to Halcion.

15 C. In or about August 1989, while engaged in the
16 ongoing medical diagnoses and treatment of R.K. for
17 sinusitis, allergies, weight loss, rashes and insomnia,
18 respondent commenced a course of conduct calculated to
19 achieve the seduction of his patient in order to encourage
20 her to engage in inappropriately intimate and sexual
21 activity with him, as follows:

22 (1) In August of 1989 respondent invited R.K. out to
23 dinner with respondent and respondent's wife. When
24 respondent arrived to pick up R.K., his wife was not present
25 and respondent informed R.K. that his wife was in New York.
26 After dinner they had sexual intercourse. A relationship

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1 developed and they continued to have sexual intercourse
2 until October 1993.

3 (2) After respondent began having sexual intercourse
4 with R.K., he did not charge her for office visits. She did
5 not pay for her medications because respondent provided her
6 with pharmaceutical samples. Each time R.K. tried to sever
7 the sexual relationship with respondent, respondent refused
8 to provide her medications. When R.K. requested medication,
9 respondent personally delivered various medications,
10 including Halcion to R.K.'s house. While there, respondent
11 engaged in sexual intercourse with her. Respondent provided
12 R.K. with so many drug samples that her house was like a
13 "pharmacy."

14 (3) R.K. informed respondent that the Halcion was
15 making her head feel heavy and she felt tired. R.K. began
16 feeling depressed, started having problems with memory loss
17 and felt suicidal. Respondent laughed and minimized her
18 complaints.

19 (4) R.K. complained to respondent that she was
20 experiencing abdominal pains and was having irregular
21 periods. Eight months later, respondent performed a pelvic
22 examination. The pap smear returned abnormal, and
23 respondent referred R.K. to a gynecologist.

24 (5) The gynecologist performed a cervical freezing
25 procedure on R.K. and advised her against intercourse for a
26 period of several weeks. Two or three days later,
27 respondent personally delivered medication to R.K. at her

1 home. In addition, he brought her \$600.00 in cash.
2 Respondent began touching R.K. intimately despite her
3 protests. Respondent inserted his finger into her vagina,
4 whereupon R.K. began to hemorrhage.

5 (6) In or about mid-October 1993, R.K. was sick and
6 was suffering with a temperature of 104 degrees. Although
7 R.K. phoned respondent at least nine times, respondent did
8 not return her telephone calls.

9 (7) Numerous times throughout this period of time,
10 R.K. tried to break off the affair with respondent, in part,
11 because she felt guilty about his marriage. She continued
12 the relationship because she could not afford to see another
13 doctor and needed the various medications which respondent
14 provided her.

15 (8) Numerous times throughout this period of time,
16 respondent telephoned various prescriptions including
17 Halcion for R.K. without seeing her. Respondent did not
18 always differentiate in R.K.'s patient file between which
19 drugs he had prescribed over the phone from those had
20 prescribed in person. In many instances, no notation is
21 contained in the file for prescriptions which where written.

22 (9) Respondent continued medical treatment of R.K.
23 despite having lost clinical objectivity and despite
24 feelings of attraction.

25 (10) Treatment ended on or about November 5, 1993.

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1 time, respondent committed repeated acts of negligence in that he
2 repeatedly prescribed, administered, dispensed, or otherwise
3 furnished controlled substances or other drugs without medical
4 indication to patient R.K. The circumstances of this offense are
5 more particularly described in paragraph 4, subparagraphs A
6 through C, inclusive, above, and are incorporated herein by
7 reference as though set forth fully.

8 FIFTH CAUSE OF ACTION

9 (Repeated Negligent Acts)

10 8. Respondent Jeff Harris, M.D. is subject to
11 disciplinary action pursuant to Business and Professions Code
12 section 2234, subdivisions (d), in that respondent, between
13 August 1989 and October 1993, engaged in an ongoing sexual
14 relationship with a patient during the time the patient was under
15 respondent's care, treatment and management, and during this
16 time, respondent demonstrated incompetence in that he repeatedly
17 prescribed, administered, dispensed, or otherwise furnished
18 controlled substances or other drugs without medical indication
19 to patient R.K. The circumstances of this offense are more
20 particularly described in paragraph 4, subparagraphs A through C,
21 inclusive, above, and are incorporated herein by reference as
22 though set forth fully.

23 SIXTH CAUSE OF ACTION

24 (Furnishing Drugs to Addict)

25 9. Respondent Jeff Harris, M.D. is subject to
26 disciplinary action pursuant to Business and Professions Code
27 section 2241, in that respondent, between August 1989 and October

1 1993 repeatedly prescribed, administered, dispensed, or otherwise
2 furnished controlled substances and other drugs without medical
3 indication or justification and without a prior good faith
4 medical examination to patient R.K. The circumstances of this
5 offense are more particularly described in paragraph 4, above,
6 and are incorporated herein by reference as though set forth
7 fully.

8 SEVENTH CAUSE OF ACTION

9 (Furnishing Dangerous Drugs Without Prior Examination)

10 10. Respondent Jeff Harris, M.D. is subject to
11 disciplinary action pursuant to Business and Professions Code
12 section 2242 in that respondent, between August 1989 and October
13 1993, repeatedly prescribed, administered, dispensed, or
14 otherwise furnished controlled substances and other drugs without
15 medical indication or justification to R.K, with knowledge that
16 R.K was an addict and habitue. The circumstances of this offense
17 are more particularly described in paragraph 4, subparagraphs A
18 through C, inclusive, above, and are incorporated herein by
19 reference as though set forth fully.

20 EIGHTH CAUSE OF ACTION

21 (Dishonest Or Corrupt Acts)

22 11. Respondent Jeff Harris, M.D. is subject to
23 disciplinary action pursuant to Business and Professions Code
24 section 2234, subdivision (e) for dishonest or corrupt acts in
25 that respondent was, between August 1989 and October 1993,
26 prescribed, administered, dispensed, or otherwise furnished
27 controlled substances and other drugs without medical indication

1 or justification to R.K. in exchange for R.K.'s promise to engage
2 in sexual intercourse with respondent. The circumstances of this
3 offense are more particularly described in paragraph 4,
4 subparagraphs A through C inclusive, above, and are incorporated
5 herein by reference as though set forth fully.

6 PRAYER

7 WHEREFORE, the complainant requests that a hearing be
8 held on the matters herein alleged, and that following the
9 hearing, the Division issue a decision:

10 1. Revoking or suspending Physician's and Surgeon's
11 Certificate Number A24797, heretofore issued to respondent Jeff
12 Harris, M.D.;

13 2. Revoking, suspending, or denying Physician
14 Assistant License and approval of the respondent's authority to
15 supervise physician's assistants; pursuant to Business and
16 Professions Code section 3527;

17 3. Ordering respondent to pay the Division the actual
18 and reasonable costs of the investigation and enforcement of this
19 case; and

20 4. Taking such other and further action as the
21 Division deems proper.

22 DATED: February 1, 1996.

23 

24 RON JOSEPH
25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
State of California

Complainant