

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

In the Matter of the First Amended
Accusation Against:

Jessica Laine Peatross, M.D.

Physician's and Surgeon's
Certificate No. C 139872

Respondent.

Case No. 800-2019-051618

DECISION

The attached Stipulated Surrender of License 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 November 18, 2022.

IT IS SO ORDERED October 13, 2022.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the First Amended Accusation
14 Against:

15 **JESSICA LAINE PEATROSS, M.D.,**
16 **12 Old Charlotte Hwy, Ste. 75**
Asheville, NC 28803-9420

17 **Physician's and Surgeon's Certificate**
18 **No. C 139872**

19 Respondent.

Case No. 800-2019-051618

OAH No. 2022030519

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Rob Bonta, Attorney General of the State of California, by Tessa L. Heunis, Deputy
26 Attorney General.

27 2. Jessica Laine Peatross, M.D. (Respondent) is represented in this proceeding by
28 attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road, Irvine, CA 92620.

1 3. On or about December 21, 2015, the Board issued Physician's and Surgeon's
2 Certificate No. C 139872 to Respondent. The Physician's and Surgeon's Certificate was in full
3 force and effect at all times relevant to the charges brought in First Amended Accusation No.
4 800-2019-051618 and will expire on August 31, 2023, unless renewed.

5 **JURISDICTION**

6 4. On November 30, 2021, Accusation No. 800-2019-051618 was filed before the
7 Board. A true and correct copy of the Accusation and all other statutorily required documents
8 were properly served on Respondent on November 30, 2021. Respondent timely filed her Notice
9 of Defense contesting the Accusation. On January 11, 2022, First Amended Accusation No. 800-
10 2019-051618 was filed before the Board and is currently pending against Respondent. A true and
11 correct copy of First Amended Accusation No. 800-2019-051618 is attached as Exhibit A and
12 incorporated by reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, fully discussed with counsel, and fully understands the
15 charges and allegations in First Amended Accusation No. 800-2019-051618. Respondent also
16 has carefully read, fully discussed with counsel, and fully understands the effects of this
17 Stipulated Surrender of License and Disciplinary Order.

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

25 7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
26 waives and gives up each and every right set forth above.

27 /////

28 /////

1 CULPABILITY

2 8. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in First
4 Amended Accusation No. 800-2019-051618 and that her Physician's and Surgeon's Certificate
5 No. C 139872 is therefore subject to discipline. Respondent hereby surrenders her Physician's
6 and Surgeon's Certificate No. C 139872 for the Board's formal acceptance with an agreed upon
7 effective date of November 18, 2022.

8 10. Respondent agrees that if she ever petitions for reinstatement of her Physician's and
9 Surgeon's Certificate No. C 139872, or if an accusation is filed against her before the Board, all
10 of the charges and allegations contained in First Amended Accusation No. 800-2019-051618 shall
11 be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
12 any other licensing proceeding involving Respondent in the State of California or elsewhere.

13 9. Respondent understands that by signing this stipulation she enables the Board to issue
14 an order accepting the surrender of her Physician's and Surgeon's Certificate No. C 139872
15 without further process.

16 CONTINGENCY

17 10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
18 part, that the Board "shall delegate to its executive director the authority to adopt a ... stipulation
19 for surrender of a license."

20 11. Respondent understands that, by signing this stipulation, she enables the Executive
21 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of her
22 Physician's and Surgeon's Certificate No. C 139872 without further notice to, or opportunity to
23 be heard by, Respondent.

24 12. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
25 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
26 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
27 consideration in the above-entitled matter and, further, that the Executive Director shall have a
28 reasonable period of time in which to consider and act on this Stipulated Surrender of License and

1 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
2 and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the
3 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

4 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order
5 shall be null and void and not binding upon the parties unless approved and adopted by the
6 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
7 force and effect. Respondent fully understands and agrees that in deciding whether or not to
8 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
9 Director and/or the Board may receive oral and written communications from its staff and/or the
10 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
11 Executive Director, the Board, any member thereof, and/or any other person from future
12 participation in this or any other matter affecting or involving Respondent. In the event that the
13 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
14 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
15 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
16 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
17 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
18 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
19 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
20 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
21 of any matter or matters related hereto.

22 **ADDITIONAL PROVISIONS**

23 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
24 herein to be an integrated writing representing the complete, final and exclusive embodiment of the
25 agreements of the parties in the above-entitled matter.

26 15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
27 Order, including copies of the signatures of the parties, may be used in lieu of original documents
28 and signatures and, further, that such copies shall have the same force and effect as originals.

1 16. In consideration of the foregoing admissions and stipulations, the parties agree the
2 Executive Director of the Board may, without further notice to or opportunity to be heard by
3 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

4 **ORDER**

5 IT IS HEREBY ORDERED that Physician’s and Surgeon’s Certificate No. C 139872,
6 issued to Respondent Jessica Laine Peatross, M.D., is surrendered and accepted by the Board.

7 1. The surrender of Respondent’s Physician’s and Surgeon’s Certificate No. C 139872
8 and the acceptance of the surrendered license by the Board shall constitute the imposition of
9 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
10 become a part of Respondent’s license history with the Board.

11 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
12 California as of the effective date of the Board’s Decision and Order, which shall be November
13 18, 2022.

14 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
15 issued, her wall certificate on or before the effective date of the Decision and Order.

16 4. If Respondent ever files an application for licensure or a petition for reinstatement in
17 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
18 comply with all the laws, regulations and procedures for reinstatement of a revoked or
19 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
20 contained in First Amended Accusation No. 800-2019-051618 shall be deemed to be true, correct
21 and admitted by Respondent when the Board determines whether to grant or deny the petition.

22 5. Respondent shall pay the agency its costs of investigation and enforcement in the
23 amount of \$6,702.50 (six thousand seven hundred and two and 50/100 dollars) prior to issuance
24 of a new or reinstated license.

25 6. If Respondent should ever apply or reapply for a new license or certification, or
26 petition for reinstatement of a license, by any other health care licensing agency in the State of
27 California, all of the charges and allegations contained in First Amended Accusation No. 800-

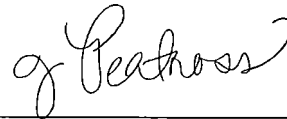
28 //

1 2019-051618 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
2 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
5 have fully discussed it with my attorney, Raymond J. McMahon, Esq. I fully understand the
6 stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. C 139872.
7 Having the benefit of counsel, I enter into this Stipulated Surrender of License and Disciplinary
8 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
9 of the Medical Board of California.

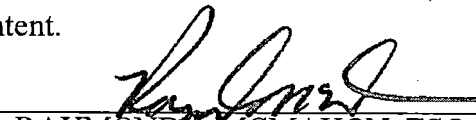
10 DATED: _____



11 JESSICA LAINE PEATROSS, M.D.
12 Respondent

13 I have read and fully discussed with Respondent Jessica Laine Peatross, M.D., the terms
14 and conditions and other matters contained in this Stipulated Surrender of License and
15 Disciplinary Order. I approve its form and content.

16 DATED: September 29, 2022



17 RAYMOND J. MCMAHON, ESQ.
18 Attorney for Respondent

19 **ENDORSEMENT**

20 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
21 respectfully submitted for consideration by the Medical Board of California of the Department of
22 Consumer Affairs.

23 DATED: October 6, 2022

24 Respectfully submitted,

25 ROB BONTA
26 Attorney General of California
27 MATTHEW M. DAVIS
28 Supervising Deputy Attorney General



TESSA L. HEUNIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2019-051618

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

12
13 In the Matter of the First Amended Accusation
Against:

Case No. 800-2019-051618

14 **JESSICA LAINE PEATROSS, M.D.**
15 **12 Old Charlotte Hwy, Ste. 75**
Asheville, NC 28803-9420

FIRST AMENDED ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. C 139872,**

18 Respondent.

19
20 **PARTIES**

21 1. William Prasifka (Complainant) brings this First Amended Accusation solely in his
22 official capacity as the Executive Director of the Medical Board of California, Department of
23 Consumer Affairs (Board).

24 2. On or about December 21, 2015, the Board issued Physician's and Surgeon's
25 Certificate Number C 139872 to Jessica Laine Peatross, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on August 31, 2023, unless renewed.

28 ////

1 JURISDICTION

2 3. This First Amended Accusation, which supersedes Accusation No. 800-2019-051618
3 filed on November 30, 2021, in the above entitled matter, is brought before the Board under the
4 authority of the following laws. All section references are to the Business and Professions Code
5 (Code) unless otherwise indicated.

6 4. Section 2004 of the Code states:

7 The board shall have the responsibility for the following:

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

10 (b) The administration and hearing of disciplinary actions.

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

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

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

17 ...

18 5. Section 2220 of the Code states:

19 Except as otherwise provided by law, the board may take action against all
20 persons guilty of violating this chapter. The board shall enforce and administer this
21 article as to physician and surgeon certificate holders, including those who hold
22 certificates that do not permit them to practice medicine, such as, but not limited to,
23 retired, inactive, or disabled status certificate holders, and the board shall have all the
24 powers granted in this chapter for these purposes ...

25 6. Section 2227 of the Code states:

26 (a) A licensee whose matter has been heard by an administrative law judge of
27 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
28 Code, or whose default has been entered, and who is found guilty, or who has entered
into a stipulation for disciplinary action with the board, may, in accordance with the
provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one
year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation
monitoring upon order of the board.

1 (4) Be publicly reprimanded by the board. The public reprimand may include a
2 requirement that the licensee complete relevant educational courses approved by the
board.

3 (5) Have any other action taken in relation to discipline as part of an order of
4 probation, as the board or an administrative law judge may deem proper.

5 ...

6 **STATUTORY PROVISIONS**

7 7. Section 2234 of the Code, states:

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

10 (a) Violating or attempting to violate, directly or indirectly, assisting in or
11 abetting the violation of, or conspiring to violate any provision of this chapter.

12 (b) Gross negligence.

13 (c) Repeated negligent acts. To be repeated, there must be two or more
14 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.

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

17 (2) When the standard of care requires a change in the diagnosis, act, or
18 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
19 licensee's conduct departs from the applicable standard of care, each departure
constitutes a separate and distinct breach of the standard of care.

20 ...

21 **OTHER RELEVANT STATUTORY PROVISIONS**

22
23 8. Section 120335 of the Health and Safety Code states:

24 (a) As used in this chapter, "governing authority" means the governing board of
25 each school district or the authority of each other private or public institution
responsible for the operation and control of the institution or the principal or
26 administrator of each school or institution.

27 (b) The governing authority shall not unconditionally admit any person as a
28 pupil of any private or public elementary or secondary school, child care center, day
nursery, nursery school, family day care home, or development center, unless, prior to

his or her first admission to that institution, he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) *Haemophilus influenzae* type b.
- (3) Measles.
- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(c) Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.

(d) The governing authority shall not unconditionally admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

(e) The department may specify the immunizing agents that may be utilized and the manner in which immunizations are administered.

...

(g) (1) A pupil who, prior to January 1, 2016, submitted a letter or affidavit on file at a private or public elementary or secondary school, child day care center, day nursery, nursery school, family day care home, or development center stating beliefs opposed to immunization shall be allowed enrollment to any private or public elementary or secondary school, child day care center, day nursery, nursery school, family day care home, or development center within the state until the pupil enrolls in the next grade span.

(2) For purposes of this subdivision, "grade span" means each of the following:

- (A) Birth to preschool.
- (B) Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten.
- (C) Grades 7 to 12, inclusive.

1 (3) Except as provided in this subdivision, on and after July 1, 2016, the
2 governing authority shall not unconditionally admit to any of those institutions
3 specified in this subdivision for the first time, or admit or advance any pupil to 7th
4 grade level, unless the pupil has been immunized for his or her age as required by this
5 section.

6 ...
7
8
9
10 9. Section 120370 of the Health and Safety Code states:¹

11 (a) (1) Prior to January 1, 2021, if the parent or guardian files with the
12 governing authority a written statement by a licensed physician and surgeon to the
13 effect that the physical condition of the child is such, or medical circumstances
14 relating to the child are such, that immunization is not considered safe, indicating the
15 specific nature and probable duration of the medical condition or circumstances,
16 including, but not limited to, family medical history, for which the physician and
17 surgeon does not recommend immunization, that child shall be exempt from the
18 requirements of this chapter, except for Section 120380, and exempt from Sections
19 120400, 120405, 120410, and 120415 to the extent indicated by the physician and
20 surgeon's statement.

21 (2) Commencing January 1, 2020, a child who has a medical exemption issued
22 before January 1, 2020, shall be allowed continued enrollment to any public or
23 private elementary or secondary school, child care center, day nursery, nursery
24 school, family day care home, or developmental center within the state until the child
25 enrolls in the next grade span.

26 For purposes of this subdivision, "grade span" means each of the following:

- 27 (A) Birth to preschool, inclusive.
28 (B) Kindergarten and grades 1 to 6, inclusive, including transitional
kindergarten.
(C) Grades 7 to 12, inclusive.

(3) Except as provided in this subdivision, on and after July 1, 2021, the
governing authority shall not unconditionally admit or readmit to any of those
institutions specified in this subdivision, or admit or advance any pupil to 7th grade
level, unless the pupil has been immunized pursuant to Section 120335 or the parent
or guardian files a medical exemption form that complies with Section 120372.

(b) If there is good cause to believe that a child has been exposed to a disease
listed in subdivision (b) of Section 120335 and the child's documentary proof of
immunization status does not show proof of immunization against that disease, that
child may be temporarily excluded from the school or institution until the local health
officer is satisfied that the child is no longer at risk of developing or transmitting the
disease.

¹ Effective January 1, 2016, through December 31, 2019, Health and Safety Code section 120370, subdivision (a), stated: "If the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization, that child shall be exempt from the requirements of Chapter 1 (commencing with Section 120325, but excluding Section 120380) and Sections 120400, 120405, 120410, and 120415 to the extent indicated by the physician's statement."

1 COSTS

2 10. Section 125.3 of the Code states:

3 (a) Except as otherwise provided by law, in any order issued in resolution of a
4 disciplinary proceeding before any board within the department or before the
5 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
6 administrative law judge may direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
8 investigation and enforcement of the case.

9 ...

10 (c) A certified copy of the actual costs, or a good faith estimate of costs where
11 actual costs are not available, signed by the entity bringing the proceeding or its
12 designated representative shall be *prima facie* evidence of reasonable costs of
13 investigation and prosecution of the case. The costs shall include the amount of
14 investigative and enforcement costs up to the date of the hearing, including, but not
15 limited to, charges imposed by the Attorney General.

16 (d) The administrative law judge shall make a proposed finding of the amount
17 of reasonable costs of investigation and prosecution of the case when requested
18 pursuant to subdivision (a). The finding of the administrative law judge with regard
19 to costs shall not be reviewable by the board to increase the cost award. The board
20 may reduce or eliminate the cost award, or remand to the administrative law judge if
21 the proposed decision fails to make a finding on costs requested pursuant to
22 subdivision (a).

23 ...

24 (i) Nothing in this section shall preclude a board from including the recovery of
25 the costs of investigation and enforcement of a case in any stipulated settlement.

26 DEFINITIONS

27 11. Unprofessional conduct under Business and Professions Code section 2234 is conduct
28 which breaches the rules or ethical code of the medical profession, or conduct which is
unbecoming of a member of good standing of the medical profession, and which demonstrates an
unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
575.)

12. Primary care providers and specialists follow national standards for pediatric
vaccination practices and immunization recommendations from the Centers for Disease Control
and Prevention ("CDC") issued through the Advisory Committee on Immunization Practices
("ACIP") in concert with several professional medical organizations. In addition, the American
Academy of Pediatrics ("AAP") summarizes immunization recommendations in The Red Book.

1 13. Contraindications are conditions in a recipient that increase the risk for a serious
2 adverse reaction.

3 14. Contraindications and precautions (which may be relative) are conditions under
4 which medical exemptions are appropriate.

5 15. Polio, or poliomyelitis, is a disabling and life-threatening disease caused by the
6 poliovirus. The virus spreads from person to person and can infect a person's spinal cord,
7 causing paralysis. Paralysis, in turn, can lead to permanent disability and death.

8 16. The MMR vaccine protects against measles, mumps, and rubella. Measles is highly
9 contagious and especially dangerous for babies and young children. It can lead to pneumonia,
10 lifelong brain damage, deafness, and death.

11 17. The DTaP vaccine protects against diphtheria, tetanus, and pertussis (whooping
12 cough). Diphtheria is a serious infection of the throat that can block the airway and cause severe
13 breathing problems. Pertussis is a respiratory illness with cold-like symptoms that lead to severe
14 coughing (the "whooping" sound happens when a child breathes in deeply after a severe coughing
15 fit). Serious complications can affect children under 1 year old, and those younger than 6 months
16 old are especially at risk. Teens and adults with a lasting cough might have pertussis and not
17 realize it, and could pass it to vulnerable infants.

18 18. The Tdap vaccine is a booster immunization given at age 11 that offers continued
19 protection from diphtheria, tetanus, and pertussis for adolescents and adults.

20 19. Meningitis is an inflammation (swelling) of the protective membranes covering the
21 brain and spinal cord. Bacterial meningitis can be deadly and requires immediate medical
22 attention.

23 20. Hepatitis A is a serious liver disease. In rare cases, hepatitis A can cause liver failure
24 and death. Hepatitis B is a liver disease that can cause mild illness lasting a few weeks, or it can
25 lead to a serious, lifelong illness.

26 21. The Hib vaccine protects against *haemophilus influenzae* type b, a disease that can
27 cause serious illness and death in babies and children younger than 5 years old. Hib can cause
28 severe infections of both the lining of the brain and spinal cord (meningitis) and the bloodstream.

1 22. Varicella, also known as chickenpox, is a very contagious disease caused by the
2 varicella-zoster virus (VZV). It causes a blister-like rash, itching, tiredness, and fever.
3 Chickenpox used to be very common in the United States. Serious complications of chickenpox
4 can lead to hospitalization and death.

5 23. Influenza (flu) is a contagious respiratory illness caused by influenza viruses that can
6 cause mild to severe illness. Serious outcomes of flu infection can result in hospitalization or
7 death, particularly in older people, young children, and people with certain health conditions.

8 24. The pneumococcal vaccine (“PCV”) helps prevent pneumococcal disease, which is
9 any type of illness caused by *Streptococcus pneumoniae* bacteria. Pneumococcal disease is
10 contagious and can lead to various health problems, including serious infections in the lungs,
11 lining of the brain and spinal cord, and blood. Pneumococcal disease is especially dangerous for
12 babies, older adults, and people with certain health conditions.

13 25. The HPV vaccine protects against the human papillomavirus, a very common virus
14 that can lead to cancer.

15 FACTUAL ALLEGATIONS

16 26. A history of eczema, asthma and/or allergies is not considered a contraindication or
17 precaution for routine immunizations by the CDC or the AAP.

18 27. A family history of allergies, immune cancer, and/or a sibling with possible adverse
19 effects following immunization are not considered contraindications or precautions for routine
20 immunizations by the CDC or the AAP.

21 28. Temporary vaccine exemptions may be appropriate when the underlying
22 contraindication or precaution is impermanent.

23 29. There is no ingredient common to all vaccines that would serve as a contraindication
24 to all vaccines.

25 30. Skin testing prior to the administration of routine vaccines is not recommended by the
26 CDC or the AAP for patients without a history of allergy to specific vaccines or components.

27 ////

28 ////

1 Patient A:²

2 31. At all relevant times during her care and treatment of Patient A, Respondent shared a
3 practice with a naturopathic doctor (“the Practice”).

4 32. Patient A, a male child, was born in March 2018. His first consultation at the Practice
5 was with the naturopathic doctor (“the ND”) on or about October 19, 2018 (aged approximately
6 six months), by which time Patient A had not yet received any vaccinations.

7 33. According to a consultation note in Patient A’s chart dated October 19, 2018,
8 Patient A had a sibling who was approximately three years older than Patient A. Patient A’s
9 older brother had reportedly experienced adverse reactions to vaccines, including “[r]egression,
10 lost his language, eye contact, and had loud noise sensitivity/anxiety at 15 months (after
11 MMR/Chicken Pox/Dtap). Also has an egg allergy and seasonal allergies and eczema.”
12 Patient A’s grandfather “had cancer, auto immune diseases, etc.”

13 34. The consultation note also documents a family medical history of “food allergies,
14 seasonal allergies, asthma, ... Autism, Learning Disabilities, speech impairment, seizures, cancers
15 (lymphoma/leukemia), immune disorders.”

16 35. Patient A was diagnosed with eczema and gastro-esophageal reflux disease without
17 esophagitis.

18 36. Patient A’s parent wanted a medical exemption from vaccinations for both boys.

19 37. On or about November 27, 2018, the ND sent an email to Respondent with the
20 subject heading, “Medical Exemption Letter,” containing the following message:

21 Hi there, (just sent a message regarding the other sibling)

22 I am talking to a mom with 2 kids - with clear vaccine injury from the older
23 boy. Talking normally and total loss of speech after MMR and Dtap combo.:(

24 Older boy, [] 3 yo, only needs one more booster of MMR.

25 Younger boy, [Patient A] 6 months, has zero vaccines.

26 Mom wants an exemption for both. She is in NO rush. I think she absolutely
27 warrants it.

28 Here is the proof she would gather for us:

² Patient names are known to all parties but are not disclosed to protect patient privacy.

- 1 1. For [older brother] get documentation from the audiologist about speech
2 regression
- 3 2. For [older brother] get documentation from allergist of egg allergy (ask for
4 both IGE and IGG if possible) - will have photo of epic [*sic*] pen
- 5 3. Proof of grandfathers lymphoma died young at 58 from immune cancer
- 6 4. [Patient A] has eczema documentation.
- 7 5. Mom gets hives randomly and history of severe eczema

8 Letter attached

9 38. On or about December 19, 2018, Respondent provided the following vaccine
10 exemption for Patient A:

11 [Patient A, DOB 3 /XX/18] has a personal history of eczema and a strong
12 family history of allergies, immune cancer and a sibling who had a negative reaction
13 to vaccines. Symptoms post vaccine included symptoms of speech regression,
14 stimming, head banging, tics, and loss of eye contact. Given his personal history as
15 well as the family history, I feel he is at high risk of an adverse reaction to vaccines.
16 If there is an imminent medical threat in the community, we can consider a single
17 vaccine in a controlled medical environment. However, the benefits to him and the
18 community would have to greatly outweigh his very real personal risk. I would
19 recommend skin testing to those vaccines and all of their additives prior to even
20 considering this. This medical exemption for vaccines is permanent. It includes, but
21 is not limited to, DtaP, TdaP, Polio, MMR, Varicella, Hepatitis B and A, Influenza,
22 HIB, PCV, HPV, and Meningitis and includes all vaccines currently on the CDC
23 recommended vaccine list and all vaccines added to the list in the future.

24 **Patient B:**

25 39. On or about August 30, 2017, Respondent provided the following vaccination
26 exemption certificate to Patient B:

27 [Patient B], birthdate 5/XX/2005, is here being seen for a vaccine exemption. He has
28 medical issues such as severe asthma and allergies that do exempt him from the
TDAP and other vaccinations at this time. This can be re-evaluated when he enters
high school. Please excuse him from the vaccines at this time. If there are any
questions, I can be reached at ... Thank you for your understanding.

40. The exemption does not mention anaphylaxis or a severe allergy to a previous dose of
any vaccine or to any vaccine component, nor is any such consideration supported by
Respondent's medical records for Patient B.

41. Respondent's medical records for Patient B do not disclose any indication of an
impermanant contraindication or precaution.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 42. Respondent Jessica Laine Peatross, M.D., is subject to disciplinary action under
4 sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that she
5 committed gross negligence in her care and treatment of Patient A and Patient B, as more
6 particularly alleged hereinafter:

7 **Patient A:**

8 (a) Respondent provided Patient A a medical vaccination exemption for reasons which do
9 not support such an exemption.

10 (b) Respondent provided Patient A a medical vaccination exemption to all vaccines when
11 there is no ingredient common to all vaccines that would serve as a contraindication to all
12 vaccines.

13 (c) Respondent provided Patient A a medical vaccination exemption that was permanent,
14 based on reasons which do not support such an exemption.

15 (d) Respondent provided Patient A a medical vaccination exemption to all future vaccines
16 without knowing the risk of infection and consequences from future pathogens and/or the
17 composition of future vaccines and/or the potential side effects and benefits of future vaccines.

18 (e) Respondent recommended skin testing for Patient A for reactions to vaccines and
19 additives in the absence of any documented allergy concerns to specific vaccines or vaccine
20 components.

21 **Patient B:**

22 (f) Respondent provided a medical vaccination exemption to Patient B for reasons which do
23 not support such an exemption.

24 (g) Respondent provided Patient B a medical vaccination exemption to all vaccines when
25 there is no ingredient common to all vaccines that would serve as a contraindication to all
26 vaccines.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 43. Respondent Jessica Laine Peatross, M.D., is further subject to disciplinary action
4 under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that
5 she committed repeated negligent acts in her care and treatment of Patient A and Patient B, as
6 more particularly alleged in, as more particularly alleged hereinafter:

7 (a) Paragraphs 26 through 42, above, are hereby realleged and incorporated by this
8 reference as if fully set forth herein.

9 (b) Respondent provided Patient B a temporary medical vaccine exemption in the absence
10 of any temporary or impermanent underlying contraindication or precaution.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(General Unprofessional Conduct)**

13 44. Respondent Jessica Laine Peatross, M.D., is further subject to disciplinary action
14 under section 2234 of the Code in that she has engaged in conduct which breaches the rules or
15 ethical code of the medical profession, or conduct that is unbecoming to a member in good
16 standing of the medical profession, and which demonstrates an unfitness to practice medicine, as
17 more particularly alleged in paragraphs 26 through 43, above, which are hereby realleged and
18 incorporated by this reference as if fully set forth herein.

19 **PRAYER**

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

22 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 139872,
23 issued to Respondent Jessica Laine Peatross, M.D.;

24 2. Revoking, suspending or denying approval of Respondent Jessica Laine Peatross,
25 M.D.'s authority to supervise physician assistants and advanced practice nurses;

26 3. Ordering Respondent Jessica Laine Peatross, M.D., if placed on probation, to pay the
27 Board the costs of probation monitoring;

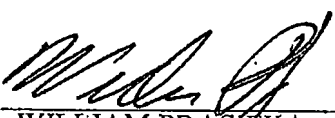
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4. Ordering Respondent Jessica Laine Peatross, M.D., to pay the Medical Board of California the reasonable costs of the enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: JAN 11 2022



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant