

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY**

In the matter of the Public Letter
of Reprimand Issued to:

No. 03-1990-1728

PAUL LYNN, M.D.
License No. C-32097

Respondent.

ORDER ISSUING PUBLIC LETTER OF REPRIMAND

The above named respondent was issued a Public Letter of Reprimand on March 3, 1999, pursuant to Section 2233 of the Business and Professions Code.

WHEREFORE, THE ABOVE IS SO ORDERED by the Division of Medical Quality of the Medical Board of California.

So ordered May 7, 1999.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

By Carole Hurvitz, M.D.
Carole Hurvitz, M.D.
Chair, Panel B

MEDICAL BOARD OF CALIFORNIA

1426 Howe Avenue
Sacramento, CA 95825-3236
(916) 263-2389



March 3, 1999

Paul Lynn, M.D.
345 West Portal Avenue
San Francisco, CA 94127

Dear Dr. Lynn:

RE: Public Letter of Reprimand - Physician's and Surgeon's Certificate No. C-32097

The Medical Board of California has investigated the complaint of patient K.T. who was treated by your office in 1989 and 1999, initially directly by yourself and later through your Physician Assistant, Daniel Dunphy. Although we have concluded that there was cause for disciplinary action pursuant to Business and Professions Code section 2234, given the age of the case and your willingness to cooperate with the Board at this time, it has been determined that this Public Letter of Reprimand constitutes an appropriate resolution of this matter.

Among other diagnostic procedures, your Physician Assistant used an "Interro Hololinguistic Processor" in the course of diagnosis and treatment of this patient. In 1989 and 1990, this device had been granted an investigational exemption from FDA approval. Pursuant to such an exemption, the device could only be used in California on an investigational basis. One of the elements of investigational use of a device in this state is a detailed written informed consent signed by the patient. See Health and Safety Code sections 24170, *et seq.* You did not obtain any such consent from this patient, and it appeared to this office that the patient may have misinterpreted information given to him concerning the results of tests conducted using the Interro, even though your office provided an informational sheet to the patient which stated, "the Interro is not a diagnostic device, nor does it replace appropriate blood testing or other screening for organic diseases." Failure to comply with the provisions of California law with respect to informed consent to investigational use of a device constitutes unprofessional conduct within the meaning of Business and Professions Code section 2234.

RON JOSEPH
Executive Director
Medical Board of California