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

In the Matter of the Accusation
Against:

MICHAEL EDWARD PLATT, M.D.

Physician's & Surgeon's
Certificate No. G 23729

Respondent.

File No: 09-2006-175931

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on March 9, 2009.

IT IS SO ORDERED February 5, 2009

MEDICAL BOARD OF CALIFORNIA

Barbara Yaroslavsky
Chair, Panel B
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: MICHAEL EDWARD PLATT, M.D.
73-345 Highway 111, Suite 203
Palm Desert, CA 92260
Physician’s and Surgeon’s Certificate No.
G23729

Respondent.

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

PARTIES

1. Barbara Johnston (Complainant) is the current Executive Director of the
Medical Board of California. She is represented in this matter by Edmund G. Brown Jr.,
Attorney General of the State of California, by Beth Faber Jacobs, Deputy Attorney General.

2. Michael Edward Platt, M.D. (Respondent) is represented in this
proceeding by McGuire Woods, LLP, by Noah Jussim, Esq. and Herbert Weinberg, Esq., at 1800
Century Park East, 8th floor, Los Angeles, CA 90067.

3. On or about May 5, 2008, the Medical Board of California (Board) issued
Physician’s and Surgeon’s Certificate No. G23729 to Respondent Michael Edward Platt, M.D.
The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 09-2006-175931 and will expire on November 30, 2009, unless renewed.

JURISDICTION

4. Accusation No. 09-2006-175931 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 09-2006-175931 is attached as exhibit A and incorporated herein by reference.

ADVICE AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 09-2006-175931. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against his; 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, the California Code of Civil Procedure, and all other applicable laws.

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

CULPABILITY

8. Respondent does not contest the factual allegations in Accusations No. 09-2006-175931 and admits that at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations contained in Accusation No. 09-2006-175931, a true and correct copy of which is attached hereto as Exhibit “A.”
9. Respondent understands and agrees that if he ever petitions for modification or termination of probation, all charges and allegations in Accusation No. 09-2006-175931 shall be deemed true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

10. Respondent agrees that his Physician’s and Surgeon’s Certificate No. G23729 is subject to discipline and he agrees to be bound by the Board’s imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it.

12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General’s office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Board, in its discretion, does not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph, it shall not become effective, it shall have no evidentiary value, and it shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for any reason, respondent will assert no claim that the Board, or any member thereof, was prejudiced by its, his, or his review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order, or of any matter or matters related hereto.
ADDITIONAL PROVISIONS

13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

14. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original documents and signatures and, further, that facsimile copies and signatures shall have the same force and effect as originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician’s and Surgeon’s Certificate No. G23729, issued to Respondent Michael Edward Platt, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for five years on the following terms and conditions:

1. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices, at Respondent’s expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation. A prescribing practices course 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 course would have been approved by the Board or its designee had the course 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 course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

///
2. **MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the effective date of this decision, Respondent shall enroll in a course in medical record keeping, at Respondent’s expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation. A medical record keeping course 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 course would have been approved by the Board or its designee had the course 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 course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. **CLINICAL TRAINING PROGRAM.** Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine (“Program”).

   The Program shall consist of a Comprehensive Assessment program comprised of a two-day assessment of Respondent’s physical and mental health; basic clinical and communication skills common to all clinicians; and medical knowledge, skill and judgment pertaining to Respondent’s specialty or sub-specialty, and at minimum, a 40 hour program of clinical education in the area of practice in which Respondent was alleged to be deficient and which takes into account data obtained from the assessment, Accusation, and any other information that the Board or its designee deems relevant. Respondent shall pay all expenses associated with the clinical training program.

   Based on Respondent’s performance and test results in the assessment and clinical education, the Program will advise the Board or its designee of its recommendations for the scope and length of any additional educational or clinical training, treatment for any medical

///
condition, treatment for any psychological condition, or anything else affecting Respondent’s
practice of medicine. Respondent shall comply with Program recommendations.

At the completion of any additional educational or clinical training, Respondent
shall submit to and pass an examination. The Program’s determination as to whether Respondent
passed the examination or successfully completed the Program shall be binding.

Respondent shall complete the Program not later than six months after
Respondent’s initial enrollment unless the Board or its designee agrees in writing to a later time
for completion.

Failure to participate in and complete successfully all phases of the clinical
training program outlined above is a violation of probation.

If Respondent fails to complete the clinical training program within the designated
time period, Respondent shall cease the practice of medicine within 72 hours after being notified
by the Board or its designee that Respondent failed to complete the clinical training program.

4. PRACTICE MONITOR. 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, 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 and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of
the Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed
statement that the monitor has read the Decision and Accusation, 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.

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. The monitor 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 days of the resignation or unavailability of the monitor, Respondent shall be suspended from the practice of medicine until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent shall cease the practice of medicine within 3 calendar days after being so notified by the Board or designee.

In lieu of a monitor, Respondent may participate in a professional enhancement program equivalent to PEP, 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. Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation.
5. **NOTIFICATION.** Prior to engaging in the practice of medicine, the Respondent shall provide a true copy of the 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 changes 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. **PROBATION UNIT COMPLIANCE** Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses. 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).

Respondent shall not engage in the practice of medicine in Respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license.
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 30 calendar days.

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

11. **RESIDING OR PRACTICING OUT-OF-STATE** If Respondent leaves 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. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California 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 Probation Unit Compliance.

Respondent’s license shall be automatically canceled if Respondent’s periods of temporary or permanent residence or practice outside California total two years. However, Respondent’s license shall not be canceled as long as Respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.
12. **FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT**

In the event Respondent resides in the State of California and for any reason
Respondent stops practicing medicine in California, Respondent shall notify the Board or its
designee in writing within 30 calendar days prior to the dates of non-practice and return to
practice. Any period of non-practice within California, as defined in this condition, will not
apply to the reduction of the probationary term and does not relieve Respondent of the
responsibility to comply with the terms and conditions of probation. Non-practice is defined as
any period of time exceeding 30 calendar days in which Respondent is not engaging in any
activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program which has been approved by the
Board or its designee shall be considered time spent in the practice of medicine. For purposes of
this condition, non-practice due to a Board-ordered suspension or in compliance with any other
condition of probation, shall not be considered a period of non-practice.

Respondent’s license shall be automatically canceled if Respondent resides in
California and for a total of two years, fails to engage in California in any of the activities
described in Business and Professions Code sections 2051 and 2052.

13. **COMPLETION OF PROBATION**  Respondent shall comply with all
financial obligations (e.g., 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.

14. **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, 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.

///
15. **LICENSE SURRENDER** Following the effective date of this Decision, if
Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
the terms and conditions of probation, Respondent may request the voluntary surrender of
Respondent's license. The Board reserves the right to evaluate Respondent's request and to
examine its discretion 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 and the surrender of Respondent's
license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the
application shall be treated as a petition for reinstatement of a revoked certificate and all the
charges and allegations in Accusation No. 09-2006-175931 shall be deemed true, correct and
admitted by Respondent when the Board determines whether to grant or deny the petition.

16. **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. Failure to pay costs within 30 calendar days of the due date is a violation of
probation.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and
have fully discussed it with my attorneys, McGuire Woods, by Noah Jussim, Esq. 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: 10/17/08

[Signature]

MICHAEL EDWARD PLATT, M.D. Respondent
15. LICENSE SURRENDER Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request the voluntary surrender of Respondent’s license. The Board reserves the right to evaluate Respondent’s request and to exercise its discretion 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 and the surrender of Respondent’s license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate and all the charges and allegations in Accusation No. 09-2006-175931 shall be deemed true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

16. 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. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, McGuire Woods, by Noah Jussim, Esq. 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: ____________________________

MICHAEL EDWARD PLATT, M.D.
Respondent
I have read and fully discussed with Respondent, Michael Edward Platt, 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: 10/17/08

MCQUIRE WOODS LLP
By Noah Jussim, Esq.
Attorney for Respondent

ENDORSEMENT

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

DATED: ____________________________

EDMUND G. BROWN JR.,
Attorney General of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

BETH FABER JACOBS
Deputy Attorney General

Attorneys for Complainant
I have read and fully discussed with Respondent, Michael Edward Platt, 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: ____________________________

MCGUIRE WOODS LLP
By Noah Jussim, Esq.
Attorney for Respondent

ENDORSEMENT

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

DATED: October 20, 2008

EDMUND G. BROWN JR.,
Attorney General of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

BETH FABER JACOBS
Deputy Attorney General

Attorneys for Complainant