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

In the Matter of the Accusation
Against:

JUERGEN WINKLER, M.D.

File No. 10-1998-91390

Physician's and Surgeon's
Certificate No. G-67075

Respondent

DECISION

The attached Stipulation in Settlement and Order is hereby adopted as the Decision
and Order of the Division of Medical Quality of the Medical Board of California,
Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 8, 2000.

IT IS SO ORDERED May 9, 2000.

MEDICAL BOARD OF CALIFORNIA

By: IRA LUBELL, M.D.
Chair, Panel A
Division of Medical Quality
BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against: )
) Case No. 10-1998-091390
) STIPULATION
) IN SETTLEMENT
) AND ORDER

JUERGEN WINKLER, M.D.
3727 Camino Del Rio South,
Suite 220
San Diego, CA 92108

Physician's and Surgeon's
Certificate No. G 67075
Respondent.

Complainant, Ron Joseph, Executive Director of the
Medical Board of California ("Board"), by and through his
attorney, Bill Lockyer, Attorney General of the State of
California, by Sanford Feldman, Deputy Attorney General, and
Juergen Winkler, M.D. ("respondent"), by and through his
attorney, Jay Hartz, Esq., hereby stipulate as follows:

1. The Division of Medical Quality of the Board
("Division") acquired jurisdiction over respondent by reason of
the following:

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A. Respondent was duly served with a copy of the Accusation, Statement to Respondent, Request for Discovery, Form Notice of Defense and copies of Government Code sections 11507.5, 11507.6 and 11507.7 as required by section 11503 and 11505, and respondent timely filed a Notice of Defense within the time allowed by section 11506 of the code.

B. Respondent has received and read the Accusation which is presently on file as Case No. 10-1998-091390 before the Division. Respondent understands the nature of the charges alleged in the Accusation and that the charges and allegations constitute cause for imposing discipline upon respondent's license to practice medicine which was issued by the Board.

2. Respondent and his counsel are aware of each of respondent's rights, including the right to a hearing on the charges and allegations, the right to confront and cross-examine witnesses who would testify against respondent, the right to present evidence in his favor and call witnesses on his behalf, or to testify, his right to contest the charges and allegations, and other rights which are accorded to respondent pursuant to the California Administrative Procedure Act (Gov. Code, § 11500 et seq.), including the right to seek reconsideration, review by the superior court, and appellate review.

3. Respondent freely and voluntarily waives each and every one of the rights set forth in paragraph 2.

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4. Respondent understands that in signing this stipulation rather than contesting the Accusation, he is enabling the Division to issue the following order without further process.

5. For the purpose of resolving Accusation No. 10-1998-091390, respondent admits the truth and accuracy of the allegations in the Accusation. Respondent admits that he has thereby subjected his Physician's and Surgeon's Certificate to disciplinary action. Respondent agrees to be bound by the Division's Disciplinary Order as set forth below.

6. It is understood by respondent that, in deciding whether to adopt this stipulation, the Division may receive oral and written communications from its staff and the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the Division or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the Division, the stipulation will not become effective and may not be used for any purpose, except for this paragraph, which shall remain in effect.

7. Based upon the foregoing, it is stipulated and agreed that the Division may issue the following as its decision in this case.

8. This Stipulation in Settlement and Decision is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties.

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9. The parties agree that facsimile copies of this Stipulation, including facsimile signatures of the parties, may be used in lieu of original documents and signatures. The facsimile copies will have the same force and effect as originals.

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 67075 issued to Juergen Winkler, M.D. shall be and hereby is publicly reprimanded pursuant to Business and Professions Code section 2227 and 2234.

IT IS FURTHER ORDERED THAT:

A. RECORDS COURSE

Within sixty (60) days of the effective date of this decision, respondent shall enroll in a course in medical record keeping at the University of California at San Diego, School of Medicine, approved in advance by the Division or its designee, and shall successfully complete the course within one year of the effective date of this order.

B. COST RECOVERY

Within 90 days of the effective date of this order, respondent shall reimburse the Division the amount of $2,906.83 for its investigation and prosecution costs.

IT IS FURTHER ORDERED AND AGREED THAT respondent's failure to comply with the requirements of paragraphs A and B and/or any other provisions of this agreement shall constitute an act or acts of general unprofessional conduct, dishonesty or ///
incompetence, as appropriate, and shall constitute a basis upon
which discipline my be imposed.

ACCEPTANCE

I have carefully read and fully understand the
stipulation and order set forth above. I have discussed the
terms and conditions set forth in the stipulation and order with
my attorney, Jay Hartz, Esq. I understand that in signing this
stipulation I am waiving my right to a hearing on the charges set
forth in the Accusation on file in this matter. I further
understand that in signing this stipulation the Division
may enter the foregoing order placing certain requirements,
restrictions and limitations on my right to practice medicine in the State of California.

DATED: 2/16/00

Juergen Winkler, M.D.
Respondent

We concur in the stipulation and order.

DATED: 3/16/00

Jay Hartz, Esq.
Attorney for Respondent

DATED: 3/9/00

BILL LOCKYER, Attorney General of the State of California

Sanford Feldman
Deputy Attorney General
Attorneys for Complainant