

1 California State Medical Board access to these records at all times during business hours. This
2 condition was to be kept in place for the entire probationary period. She was to enroll in a course
3 for best practices for prescribing controlled substances and a separate approved course on medical
4 recordkeeping within sixty (60) days of entry of the order. She was also prohibited from
5 supervising physician assistants and advanced nurse practitioners.

6 **COUNT I**

7 **NRS 630.301(3) - Disciplinary Action by Another Licensing Board**

8 4. All of the allegations contained in the above paragraphs are hereby incorporated by
9 reference as though fully set forth herein.

10 5. NRS 630.301(3) provides that any disciplinary action, including, without
11 limitation, the revocation, suspension, modification or limitation of a license to practice any type
12 of medicine, taken by another state ... [o]r the surrender of the license or discontinuing the
13 practice of medicine while under investigation by any licensing authority is grounds for initiating
14 disciplinary action or denying licensure.

15 6. Respondent was disciplined by the California State Medical Board when
16 Respondent's medical license was subject to a stayed revocation pending specific conditions.

17 7. By reason of the foregoing, Respondent is subject to discipline by the Nevada
18 Board as provided in NRS 630.352.

19 **WHEREFORE**, the Investigative Committee prays:

20 1. That the Board give Respondent notice of the charges herein against her and give
21 her notice that she may file an answer to the Complaint herein as set forth in NRS 630.339(2)
22 within twenty (20) days of service of the Complaint;

23 2. That the Board set a time and place for a formal hearing after holding an Early
24 Case Conference pursuant to NRS 630.339(3);


25 3. That the Board determine what sanctions to impose if it determines there has been
26 a violation or violations of the Medical Practice Act committed by Respondent;

27 4. That the Board award fees and costs for the investigation and prosecution of this
28 case as outlined in NRS 622.400;

- 1 5. That the Board make, issue and serve on Respondent its findings of fact,
2 conclusions of law and order, in writing, that includes the sanctions imposed; and
3 6. That the Board take such other and further action as may be just and proper in these
4 premises.

5 DATED this 26 day of April, 2022.

6 INVESTIGATIVE COMMITTEE OF THE
7 NEVADA STATE BOARD OF MEDICAL EXAMINERS

8 By: 

9 IAN J. CUMINGS, J.D.
10 Deputy General Counsel
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15 *Attorney for the Investigative Committee*

EXHIBIT 1

EXHIBIT 1

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

In the Matter of the Accusation)
Against:)
)
)
Karen Marie Tierney, M.D.)
)
Physician's and Surgeon's)
Certificate No. G42421)
)
Respondent)
_____)

Case No. 800-2015-015032

DECISION

The attached Stipulated Settlement 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 March 4, 2020.

IT IS SO ORDERED: February 3, 2020.

MEDICAL BOARD OF CALIFORNIA



Kristina D. Lawson, J.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 DAVID CARR
Deputy Attorney General
4 State Bar No. 131672
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3380
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **KAREN MARIE TIERNEY, M.D.**
14
15 530 RAMONA AVE
MONTEREY, CA 93940
16
17 Physician's and Surgeon's
Certificate No. G 42421
18
19 Respondent.

Case No. 800-2015-015032
OAH No. 2019061214

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20
21
22 In the interest of a prompt and speedy settlement of this matter, consistent with the public
23 interest and the responsibility of the Medical Board of California of the Department of Consumer
24 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
25 which will be submitted to the Board for approval and adoption as the final disposition of the
26 Accusation.

27 ///

1 PARTIES

2 1. Kimberly Kirchmeyer was the Executive Director of the Medical Board of California
3 (Board) at the time of filing of this action and brought this action as Complainant solely in
4 her official capacity. Christine J. Lally, Deputy Director of the Board, assumes responsibility as
5 Complainant solely in her professional capacity and is represented in this matter by Xavier
6 Becerra, Attorney General of the State of California, by David Carr, Deputy Attorney General.

7 2. Karen Marie Tierney, M.D., (Respondent) is represented in this proceeding by
8 attorney Thomas E. Still, of Hinshaw, Marsh, Still & Hinshaw, 12901 Saratoga Avenue, Saratoga
9 CA 95070-9998.

10 3. On July 3, 1980, the Board issued Physician's and Surgeon's Certificate No. G 42421
11 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times
12 relevant to the allegations of Accusation No. 800-2015-015032, and will expire on April 30,
13 2020, unless renewed.

14 JURISDICTION

15 Accusation No. 800-2015-015032 was filed before the Board and is currently pending
16 against Respondent. The Accusation and all other statutorily required documents were properly
17 served on Respondent on June 22, 2019. Respondent timely filed her Notice of Defense
18 contesting the Accusation.

19 4. A copy of Accusation No. 800-2015-015032 is attached as Exhibit A and
20 incorporated herein by reference.

21 ADVISEMENT AND WAIVERS

22 5. Respondent has carefully read, fully discussed with counsel, and understands the
23 charges and allegations in Accusation No. 800-2015-015032. Respondent has also carefully read,
24 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
25 Disciplinary Order.

26 6. Respondent is fully aware of her legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
28 the witnesses against her; the right to present evidence and to testify on her own behalf; the right

1 to the issuance of subpoenas to compel the attendance of witnesses and the production of
2 documents; the right to reconsideration and court review of an adverse decision; and all other
3 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

6 CULPABILITY

7 8. Respondent understands and agrees that the charges and allegations in Accusation
8 No. 800-2015-015032, if proven at a hearing, constitute cause for imposing discipline upon her
9 Physician's and Surgeon's Certificate.

10 9. For the purpose of resolving the Accusation without the expense and uncertainty of
11 further proceedings, Respondent does not contest that, at an administrative hearing, Complainant
12 could establish a *prima facie* case with respect to the allegations contained in Accusation No.
13 800-2015-015032, and that she has thereby subjected her license to disciplinary action.

14 Respondent hereby gives up her right to contest those charges.

15 10. Respondent agrees that if she ever petitions for early termination or modification of
16 probation, or if the Board ever petitions for revocation of probation, all of the charges and
17 allegations contained in Accusation No. 800-2015-015032 shall be deemed true, correct, and fully
18 admitted by Respondent for purposes of that proceeding or any other licensing proceeding
19 involving Respondent in the State of California.

20 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
21 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
22 Disciplinary Order below.

23 RESERVATION

24 12. The admissions made by Respondent herein are only for the purposes of this
25 proceeding, or any other proceedings in which the Medical Board of California or other
26 professional licensing agency is involved, and shall not be admissible in any other criminal or
27 civil proceeding.

28 ///

1 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health
2 and Safety Code section 11362.5, during probation, showing all of the following: 1) the name and
3 address of the patient; 2) the date; 3) the character and quantity of controlled substances involved;
4 and 4)-the indications and diagnosis for which the controlled substances were furnished.

5 Respondent shall keep these records in a separate file or ledger, in chronological order. All
6 records and any inventories of controlled substances shall be available for immediate inspection
7 and copying on the premises by the Board or its designee at all times during business hours and
8 shall be retained for the entire term of probation.

9 3. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective
10 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in
11 advance by the Board or its designee. Respondent shall provide the approved course provider
12 with any information and documents that the approved course provider may deem pertinent.
13 Respondent shall participate in and successfully complete the classroom component of the course
14 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
15 complete any other component of the course within one (1) year of enrollment. The prescribing
16 practices course shall be at Respondent's expense and shall be in addition to the Continuing
17 Medical Education (CME) requirements for renewal of licensure.

18 A prescribing practices course taken after the acts that gave rise to the charges in the
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
20 or its designee, be accepted towards the fulfillment of this condition if the course would have
21 been approved by the Board or its designee had the course been taken after the effective date of
22 this Decision.

23 Respondent shall submit a certification of successful completion to the Board or its
24 designee not later than 15 calendar days after successfully completing the course, or not later than
25 15 calendar days after the effective date of the Decision, whichever is later.

26 4. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
27 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
28 advance by the Board or its designee. Respondent shall provide the approved course provider

1 with any information and documents that the approved course provider may deem pertinent.
2 Respondent shall participate in and successfully complete the classroom component of the course
3 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
4 complete any other component of the course within one (1) year of enrollment. The medical
5 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
6 Medical Education (CME) requirements for renewal of licensure.

7 A medical record keeping course taken after the acts that gave rise to the charges in the
8 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
9 or its designee, be accepted towards the fulfillment of this condition if the course would have
10 been approved by the Board or its designee had the course been taken after the effective date of
11 this Decision.

12 Respondent shall submit a certification of successful completion to the Board or its
13 designee not later than 15 calendar days after successfully completing the course, or not later than
14 15 calendar days after the effective date of the Decision, whichever is later.

15 STANDARD CONDITIONS OF PROBATION

16 5. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
17 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
18 Chief Executive Officer at every hospital where privileges or membership are extended to
19 Respondent, at any other facility where Respondent engages in the practice of medicine,
20 including all physician and locum tenens registries or other similar agencies, and to the Chief
21 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
22 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
23 calendar days.

24 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

25 6. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
26 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
27 advanced practice nurses.

28 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules

1 governing the practice of medicine in California and remain in full compliance with any court
2 ordered criminal probation, payments, and other orders.

3 8. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
4 under penalty of perjury on forms provided by the Board, stating whether there has been
5 compliance with all the conditions of probation.

6 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
7 of the preceding quarter.

8 9. GENERAL PROBATION REQUIREMENTS.

9 Compliance with Probation Unit

10 Respondent shall comply with the Board's probation unit.

11 Address Changes

12 Respondent shall, at all times, keep the Board informed of Respondent's business and
13 residence addresses, email address (if available), and telephone number. Changes of such
14 addresses shall be immediately communicated in writing to the Board or its designee. Under no
15 circumstances shall a post office box serve as an address of record, except as allowed by Business
16 and Professions Code section 2021(b).

17 Place of Practice

18 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
19 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
20 facility.

21 License Renewal

22 Respondent shall maintain a current and renewed California physician's and surgeon's
23 license.

24 Travel or Residence Outside California

25 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
26 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
27 (30) calendar days.

28 In the event Respondent should leave the State of California to reside or to practice,

1 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
2 departure and return.

3 10. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
4 available in person upon request for interviews either at Respondent's place of business or at the
5 probation unit office, with or without prior notice throughout the term of probation.

6 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
7 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
8 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
9 defined as any period of time Respondent is not practicing medicine as defined in Business and
10 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
11 patient care, clinical activity or teaching, or other activity as approved by the Board. If
12 Respondent resides in California and is considered to be in non-practice, Respondent shall
13 comply with all terms and conditions of probation. All time spent in an intensive training
14 program which has been approved by the Board or its designee shall not be considered non-
15 practice and does not relieve Respondent from complying with all the terms and conditions of
16 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
17 on probation with the medical licensing authority of that state or jurisdiction shall not be
18 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
19 period of non-practice.

20 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
21 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
22 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
23 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
24 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

25 Respondent's period of non-practice while on probation shall not exceed two (2) years.

26 Periods of non-practice will not apply to the reduction of the probationary term.

27 Periods of non-practice for a Respondent residing outside of California will relieve
28 Respondent of the responsibility to comply with the probationary terms and conditions with the

1 exception of this condition and the following terms and conditions of probation: Obey All Laws;
2 General Probation Requirements; and Quarterly Declarations.

3 12. COMPLETION OF PROBATION. Respondent shall comply with all financial
4 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
5 completion of probation. Upon successful completion of probation, Respondent's certificate shall
6 be fully restored.

7 13. VIOLATION OF PROBATION. Failure to fully comply with any term or
8 condition of probation is a violation of probation. If Respondent violates probation in any
9 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke
10 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
11 Revoke Probation or an Interim Suspension Order is filed against Respondent during probation,
12 the Board shall have continuing jurisdiction until the matter is final and the period of probation
13 shall be extended until the matter is final.

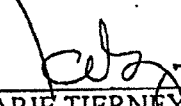
14 14. LICENSE SURRENDER. Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request to surrender her license. The
17 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
18 determining whether or not to grant the request, or to take any other action deemed appropriate
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
20 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
21 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
22 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
23 application shall be treated as a petition for reinstatement of a revoked certificate.

24 15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
25 with probation monitoring each and every year of probation, as designated by the Board, which
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
27 California and delivered to the Board or its designee no later than January 31 of each calendar
28 year.

ACCEPTANCE

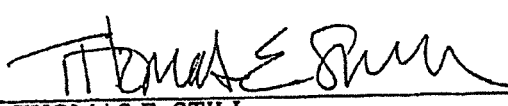
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Thomas E. Still. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 11/4/19


KAREN MARIE TIERNEY, M.D.
Respondent

I have read and fully discussed with Respondent Karen Marie Tierney, 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: 11/4/2019


THOMAS E. STILL
Attorney for Respondent

ENDORSEMENT

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

DATED: Nov. 5, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General


DAVID CARR
Deputy Attorney General
Attorneys for Complainant

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