

1-25-85

1/85

ALEXANDER R. TOBIN, General Counsel  
BOARD OF OSTEOPATHIC EXAMINERS  
FOR THE STATE OF CALIFORNIA  
846 West Foothill Boulevard, Suite "N"  
Post Office Box 187  
Upland, California 91785

(714) 985-2795

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS  
FOR THE STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	CASE NO. 5A - 84
	)	
DONALD A. UNDERWOOD, D.O.,	)	
Certificate No. 20A-4681,	)	STATEMENT OF ISSUES
	)	
Respondent.	)	

GARETH J. WILLIAMS, hereinafter referred to as  
"Complainant," for causes of discipline against DONALD A.  
UNDERWOOD, D.O., hereinafter referred to as "Respondent," alleges:

I.

Complainant is the Executive Director of the BOARD OF  
OSTEOPATHIC EXAMINERS for the State of California, hereinafter  
referred to as the "Board," and makes and files this Statement of  
Issues in his official capacity as such and not otherwise.

II.

On or about June, 1984, Respondent was issued  
Physician's and Surgeon's Certificate No. 20A-4681 by the Board.

1 Said Certificate is currently in full force and effect.

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III.

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Section 101.6 of the Business and Professions Code provides, in pertinent part:

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That the Board was "established for the purpose of insuring that those private businesses and professions deemed to engage in activity which have potential impact upon the public health, safety and welfare be adequately regulated in order to protect the people of California." (All further Code references, unless otherwise designated, refer to the Business and Professions Code).

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IV.

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The Osteopathic Act (Section 2) provides, in pertinent part:

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That the Board shall, with respect to Osteopathic physicians and surgeons, enforce those provisions of the State Medical Practice Act "...prescribing and regulating the qualifications of applicants...(and)...the revocation of any form of license or certificate...", to wit, Divisions 1, 1.5, and 2 of the Business and Professions Code, and specifically Section 2234 of that Code, as to persons holding certificates subject to the jurisdiction of the Board.

25

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V.

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Business and Professions Codes Section 2242(a) provides in pertinent part:

1 "Prescribing, dispensing, or furnishing dangerous drugs  
2 as defined in Section 4211 without a good faith prior examination  
3 and medical indication therefor, constitutes unprofessional  
4 conduct...."

5  
6 VI.

7 Business and Professions Code Section 2274 provides in  
8 pertinent part:

9 "The use of any licensee of any certificate, of any  
10 letter, letters, word, words, term, or terms either as a prefix,  
11 affix, or suffix indicating that he or she is entitled to engage  
12 in a medical practice for which he or she is not licensed  
13 constitutes unprofessional conduct.

14  
15 VII.

16 Business and Professions Code Section 2278 provides, in  
17 pertinent part:

18 "Unless a person authorized under this chapter to use  
19 the title "doctor" or the letters or prefix "Dr." holds a  
20 Physician's and Surgeon's Certificate, the use of such title,  
21 letters, or prefix without further indicating the type of  
22 certificate held, constitutes unprofessional conduct.

23 Business and Professions Codes Section 2234 provides, in  
24 pertinent part:

25 "The Division of Medical Quality shall take action  
26 against any licensee who is charged with unprofessional conduct.  
27 In addition to other provisions of this article, unprofessional  
28 conduct includes, but is not limited to, the following:

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

4 (b) Gross negligence.

5 (c) Repeated negligent acts.

6 (d) Incompetence.

7 (e) The commission of any act involving dishonesty or  
8 corruption which is substantially related to the qualifications,  
9 functions, or duties of a physician and surgeon.

10 (f) Any action or conduct which would have warranted  
11 the denial of a certificate."

12  
13 VIII.

14 Business and Professions Code Section 2227 provides, in  
15 pertinent part:

16 "A licensee whose matter has been heard by the Division  
17 of Medical Quality, by a medical quality review committee or a  
18 panel of such committee, or by an administrative law judge, or  
19 whose default has been entered, and who is found guilty may, in  
20 accordance with the provisions of this chapter:

21 (a) Have his or her certificate revoked upon order of  
22 the division.

23 (b) Have his or her right to practice suspended for a  
24 period not to exceed one year upon order of the division or a  
25 committee or panel thereof.

26 (c) Be placed on probation upon order of the division or  
27 a committee or panel thereof.

28 (d) Publicly reprimanded by the division or a committee

1 or panel thereof.

2 (e) Have such other action taken in relation to  
3 discipline as the division, a committee or panel thereof, or an  
4 administrative law judge may deem proper.

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IX.

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Business and Professions Code Section 2004 provides that  
8 every certificate issued may be suspended or revoked.

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X.

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Respondent is subject to disciplinary action pursuant to  
12 Business and Professions Code Sections 2234, 2242, 2274 and 2278.

13

The circumstances are as follows:

14

During the course of practice and beginning November 1,  
15 1982, Respondent has committed the following repeated acts of  
16 negligence:

17

A. He has failed to make adequate diagnosis of  
18 patients.

19

B. He has failed to conduct an adequate examination  
20 before choosing a course of therapy.

21

C. He has failed to inform patients of the possible  
22 side effects and contra indication to therapy.

23

D. He has failed to keep adequate medical records,

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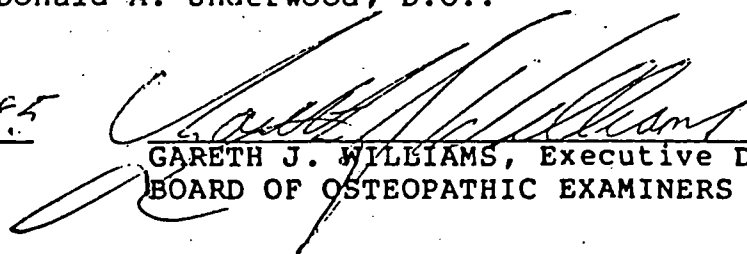
E. He has failed to notify patients of their own  
25 financial responsibility for treatment if the course of therapy  
26 selected is refused a a basis for payment by an insurance carrier.

27

WHEREFORE, Complainant, GARETH J. WILLIAMS, prays that  
28 the BOARD OF OSTEOPATHIC EXAMINERS accept the Voluntary

1 Relinquishment of Certificate of Licensure, Certificate No.  
2 20A-4681, issued to Donald A. Underwood, D.O..

3  
4 DATE: Jan 25 1985



GARETH J. WILLIAMS, Executive Director  
BOARD OF OSTEOPATHIC EXAMINERS

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3-31-84

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3/8/84

1 BOARD OF OSTEOPATHIC EXAMINERS  
 2 FOR THE STATE OF CALIFORNIA  
 3 John T. Borje, Board Counsel  
 250 West First Street, Suite 314  
 4 Post Office Box 545  
 Claremont, California 91711

5 (714) 626-8505  
 6  
 7

8 BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS  
 9 FOR THE STATE OF CALIFORNIA

10  
 11 In the Matter Against: )  
 12 DONALD A. UNDERWOOD, D.O., ) CASE NO. 5A - 84  
 Certificate No. 20A-4681, )  
 13 Respondent. ) VOLUNTARY RELINQUISHMENT  
 ) AND SURRENDER OF  
 14 ) CERTIFICATE OF LICENSURE

15  
 16 I, DONALD A. UNDERWOOD, D.O., Respondent herein, do  
 17 freely execute this VOLUNTARY RELINQUISHMENT AND SURRENDER OF  
 18 CERTIFICATE OF LICENSURE as a term of probation, and as a means of  
 19 avoiding immediate revocation of my Physician's and Surgeon's  
 20 Certificate No. 20A-4681. I waive my rights to hearing, to  
 21 reconsideration, to appeal and to any and all other rights which  
 22 may be accorded me by the California Administrative Procedure Act  
 23 with regard to said charges as set forth in the STATEMENT OF  
 24 ISSUES, EXHIBIT "A" to the Stipulation, Decision and Order, Case  
 25 No. 5A-84.

26 By signing this Voluntary Relinquishment and Surrender  
 27 of Certificate of License (hereinafter referred to as  
 28 Relinquishment), I voluntarily agree, upon demand by the Board, to

"EXHIBIT B"

1 forthwith surrender and relinquish my Physician's and Surgeon's  
2 Certificate No. 20A-4681, and do contemporaneously by this  
3 signing, accept the terms of probation set forth in the  
4 Stipulation, Decision and Order (hereinafter referred to as  
5 "Order") to which this Relinquishment (identified as EXHIBIT "B")  
6 is attached, which Relinquishment shall only become effective upon  
7 determination by the Board that any term or terms of probation  
8 contained in said Order have been violated. I acknowledge and  
9 voluntarily and freely agree that said Relinquishment, upon  
10 determination by the Board that probation has been violated, shall  
11 become effective without hearing. By so formally voluntarily  
12 relinquishing and surrendering my Certificate of Licensure, I  
13 recognize that upon its formal acceptance by the BOARD OF  
14 OSTEOPATHIC EXAMINERS, I will forthwith lose all rights and  
15 privileges accorded me by my Certificate of Licensure and all  
16 rights and privileges appurtenant thereto, without prejudice  
17 however, to my petitioning the Board for reinstatement as provided  
18 by the law of the State of California and the Rules and  
19 Regulations of the BOARD.

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DATE: 9/18/85

  
DONALD A. UNDERWOOD, D.O.  
Respondent



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ACCEPTANCE

This within formal VOLUNTARY RELINQUISHMENT AND SURRENDER OF CERTIFICATE OF LICENSURE is accepted by the BOARD OF OSTEOPATHIC EXAMINERS FOR THE STATE OF CALIFORNIA on the 31 day of *March* 1986, and shall become effective upon execution by the President of said Board.

*s/ Rbt M. Acosta*  
ROBERT M. ACOSTA, D.O., President  
BOARD OF OSTEOPATHIC EXAMINERS

3/86

1 BOARD OF OSTEOPATHIC EXAMINERS  
2 FOR THE STATE OF CALIFORNIA  
3 John T. Borje, Board Counsel  
4 250 First Street, Suite 314  
5 Post Office Box 545  
6 Claremont, California 91711

5 (714) 626-8505

8 BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS  
9 FOR THE STATE OF CALIFORNIA

11	In the Matter Against:	)	
12	DONALD A. UNDERWOOD, D.O.,	)	CASE NO. 5A - 84
13	Certificate No. 20A-4681,	)	
14	Respondent.	)	STIPULATION, DECISION AND ORDER

16 IT IS HEREBY STIPULATED BY and between the BOARD OF  
17 OSTEOPATHIC EXAMINERS FOR THE STATE OF CALIFORNIA (hereinafter  
18 referred to as "Board"), by and through said Board's General  
19 Counsel, JOHN T. BORJE, and DONALD A. UNDERWOOD, D.O. (hereinafter  
20 referred to as "Respondent"), by and through Respondent's  
21 attorney, as follows:

22 1. Respondent has received and read the "STATEMENT OF  
23 ISSUES" (attached hereto as EXHIBIT "A", and incorporated herein,  
24 by this reference, as if fully set forth at length).

25 2. Respondent has retained William a. Hinz as his  
26 attorney in this matter and has counseled with his attorney  
27 concerning the effect of this Stipulation.

28 3. Respondent understands the nature of the charges

1 alleged in the STATEMENT OF ISSUES, as constituting cause for  
2 revocation of his Physician's and Surgeon's Certificate No.  
3 20A-4681 (hereinafter "Certificate").

4 4. That GARETH J. WILLIAMS, as the Executive Director  
5 for the Board, has filed the STATEMENT OF ISSUES, in his official  
6 capacity as such and not otherwise.

7 5. Respondent is fully aware of his right to a hearing  
8 on the charges and allegations contained in said STATEMENT OF  
9 ISSUES, and is further aware of his right to reconsideration, to  
10 appeal and to all rights which may be accorded him pursuant to the  
11 California Administrative Procedure Act, and Respondent hereby  
12 freely and voluntarily waives his said rights.

13 6. Respondent admits that all the allegations contained  
14 in the STATEMENT OF ISSUES, are true, and constitute repeated acts  
15 of negligence, and unprofessional conduct, and that cause exists  
16 for the Board to take disciplinary action against Respondent's  
17 Certificate and to revoke said Certificate No. 20A-4681.  
18 Respondent makes this admission for purposes of this agreement and  
19 for no other.

20 7. Based on all the foregoing admissions, stipulations  
21 and recitals, it is stipulated and agreed that the Board may and  
22 hereby does issue its Decision and Order upon this Stipulation,  
23 whereby, the following discipline is imposed upon Respondent:

24  
25 A. The Physician's and Surgeon's Certificate of  
26 Dr. Underwood, Certificate No. 20A-4681 is  
27 revoked as of the date of this Order; said  
28 revocation is stayed for a period of

1 five-years upon satisfaction of the terms  
2 and conditions of Probation as set forth  
3 below.

4  
5 B. Terms and conditions of probation for stay:

6  
7 1) Respondent shall enroll in and complete  
8 within three (3) semesters courses in  
9 the respective fields of Medical Ethics,  
10 Physical Diagnosis and General Medicine.  
11 Within 30 days from the effective date  
12 of this Order, Respondent shall have  
13 submitted course availability and the  
14 number of hours for each course for  
15 Board approval, said approval by the  
16 Board being required prior to  
17 enrollment. Following completion of  
18 each course, Respondent shall submit an  
19 institution approved grade transcript,  
20 as proof of passing said courses, to the  
21 Board.

22  
23 2) Respondent agrees that the Board's  
24 designated representative may review the  
25 records and files of the Respondent at  
26 Respondent's office during regular  
27 business hours.  
28

1 3) Respondent agrees to conduct Chelation  
2 Therapy and treatment only in  
3 accordance with the Chelation Protocol  
4 as set out by the American Academy of  
5 Medical Preventics and that no treatment  
6 shall begin in the absence of a  
7 completed diagnosis and each requirement  
8 of the aforementioned protocol met and  
9 a record shall be kept in each patients  
10 file of date and time when each  
11 requirement was met.

12  
13 4) Respondent agrees to provide all  
14 patients considering Chelation Therapy  
15 with a Informed Consent Form which  
16 discloses the experimental nature of  
17 the treatment and the probability that  
18 Chelation Therapy and treatment will  
19 not be covered by medical insurance;  
20 Respondent agrees that he shall not  
21 treat a patient by Chelation Therapy  
22 in the absence of the signed consent  
23 form, executed prior to treatment.

24  
25 C. During the aforementioned five-year period  
26 of the stay, of Revocation, Respondent shall  
27 provide written quarterly reports to the  
28 Board verifying that he has complied with

1 all the conditions of probation. The first  
2 such report shall be due within sixty (60)  
3 days from the effective date of this  
4 Decision and Order.

5  
6 D. Respondent shall report annually and in  
7 person, to the Board, in the month of  
8 January, at the Board's statutory meeting,  
9 upon proper notice of time and place.

10  
11 E. Respondent shall obey all the laws of the  
12 State of California and all the Rules  
13 and Regulations of the Board, and the Order  
14 herein governing the practice of medicine  
15 and osteopathy in the State of California.

16  
17 F. Respondent voluntarily agrees to relinquish  
18 his Certificate No. 20A-4681, upon demand,  
19 as set forth in EXHIBIT "B" (attached hereto  
20 and incorporated herein, by this reference,  
21 as if fully set forth at length). Said  
22 voluntary relinquishment shall only become  
23 effective upon the Board's determination  
24 that a violation of any term or terms of  
25 probation has occurred during said  
26 five-year stay period. Upon such finding  
27 by the Board, said voluntary relinquishment  
28 of Respondent's Certificate No. 20A-4681

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shall become effective immediately and  
without hearing and his Certificate revoked.  
Upon the successful completion of the  
probationary period, the voluntary  
relinquishment shall have no force or  
effect.

DATE: Oct 7, 1985

John T. Borje  
JOHN T. BORJE, Board Counsel  
BOARD OF OSTEOPATHIC EXAMINERS

DATE: Oct 3, 1985

William A. Hinz  
WILLIAM A. HINZ,  
Attorney for Respondent

I have read the foregoing document and have fully  
discussed it with my counsel, William A. Hinz. I am knowledgeable  
of and fully understand each and every section and subsection of  
the Board's Decision. I understand that by signing this  
Stipulation, Decision and Order, which I do freely, voluntarily,  
intelligently and knowingly, I am enabling the Board of  
Osteopathic Examiners to issue a Decision upon this document  
without hearing. I agree to the above Stipulation and each and  
all of its terms and to the effect that it will have.

DATE: 9/18/85

Donald A. Underwood  
DONALD A. UNDERWOOD, Respondent

The foregoing Stipulation, Decision and Order and  
settlement of Case No. 5A-84, pertaining to DONALD A. UNDERWOOD,  
D.O., Certificate No. 20A-4681, is accepted. This Decision shall

1 become effective this 31st day of March, 1986.

2 IT IS SO ORDERED:

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DATE: March 31, 1986

*Robert M. Acosta, D.O.*  
ROBERT M. ACOSTA, D.O., President  
BOARD OF OSTEOPATHIC EXAMINERS



3-24-87  
1/2 document  
f.c.  
3/87

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 ALAN A. MANGELS  
Deputy Attorney General  
3 3580 Wilshire Boulevard  
Los Angeles, CA 90010  
4 Telephone: (213) 736-2026  
5 Attorneys for Complainant

8 BEFORE THE  
9 BOARD OF OSTEOPATHIC EXAMINERS  
STATE OF CALIFORNIA

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In the Matter of the Accusation ) NO. 87-2  
Against: )  
)  
)  
DONALD A. UNDERWOOD, D.O. ) ACCUSATION  
Certificate No. 20A-4691 )  
4681 )  
)  
)  
Respondent. )

18 Complainant, Linda Bergmann, Executive Officer of the  
19 Board of Osteopathic Examiners, as cause for disciplinary  
20 action, charges and alleges the following solely in her  
21 official capacity and not otherwise:

22 1. On or about July 21, 1981, the Board of  
23 Osteopathic Examiners (hereinafter referred to as "board")  
24 issued to respondent Donald A. Underwood, D.O. (hereinafter  
25 referred to as "respondent") physician's and surgeon's  
26 certificate number 20A-4691. Said license is currently in  
27 probationary status pursuant to Board Decision No. 5A-84 and

1 has been renewed until December 31, 1987.

2 2. Pursuant to section 3600-2 of the Business and  
3 Professions Code (hereinafter all references shall be to the  
4 Business and Professions Code unless otherwise noted), the  
5 board shall enforce, inter alia, those portions of the Medical  
6 Practice Act set forth in article 12 of chapter 5 of division 2  
7 of the Business and Professions Code (§§ 2220-2317).

8 3. Pursuant to sections 2227 and 2228, the board may  
9 suspend, revoke, or place on probation any physician and  
10 surgeon certificate holder; pursuant to section 2234, the board  
11 shall take disciplinary action against any licensee charged  
12 with unprofessional conduct.

13 4. Pursuant to section 2305, the revocation,  
14 suspension, or other discipline imposed by another state of a  
15 certificate to practice medicine constitutes grounds for  
16 disciplinary action for unprofessional conduct against such  
17 licensee in the State of California.

18 5. Respondent's license is subject to disciplinary  
19 action in accordance with sections 2227 and 2234 by reason of  
20 violations of section 2305 as follows:

21 A. On or about October 15, 1982, the Florida State  
22 Board of Osteopathic Medical Examiners in a case entitled,  
23 "Department of Professional Regulations, Board of  
24 Osteopathic Medical Examiners v. Donald Underwood, D.O."  
25 No. 0010226, ordered respondent's license to practice  
26 osteopathic medicine in the State of Florida to be  
27 indefinitely suspended; said suspension was based on

1 various findings which would be in violation of California  
2 state law, if committed in California and included, inter  
3 alia, ten separate violations of section 2238 (violation of  
4 drugs statutes); section 2242 (furnishing dangerous drugs  
5 without prior examination or medical indication); and  
6 section 725 (clearly excessive prescribing).

7 B. On or about March 24, 1982, the New York State  
8 Board of Regents of the University of the State of  
9 New York, State Education Department in a case entitled,  
10 "In the Matter of the Proceedings by the State Board for  
11 Professional Medical Conduct . . . with respect to . . .  
12 the license heretofore granted to Donald Underwood, D.O.,  
13 . . .," Case No. 2312, ordered respondent's license to  
14 practice as a physician in the State of New York to be  
15 permanently revoked; said revocation was based on findings  
16 which would be in violation of California state law, if  
17 committed in California and included, inter alia, seven  
18 separate violations of section 2334, subdivisions (b), (d)  
19 and (e) (gross incompetence, gross negligence, dishonest  
20 acts) as well as violation of section 2264 (aiding and  
21 abetting the unlicensed practice of medicine).

22 WHEREFORE, complainant prays that the board hold a  
23 hearing on the above matter and following said hearing:

24 1. Issue an order suspending or revoking physician's  
25 and surgeon's certificate number 20A-4691 heretofore issued to  
26 respondent Donald Underwood, D.O.; and

27 /

1                   2. Taking such other and further action as the board  
2 deems proper.

3                   Dated: March 24, 1987

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5  
6                   *Linda Bergmann*  
7                   LINDA BERGMANN  
8                   Executive Officer  
9                   Board of Osteopathic Examiners  
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                  Complainant

1 JOHN K. VAN DE KAMP, Attorney General  
2 of the State of California  
3 ALAN A. MANGELS,  
4 Deputy Attorney General  
5 3580 Wilshire Boulevard  
6 Los Angeles, California 90010  
7 Telephone: (213) 736-2026

8 Attorneys for Complainant

9 BEFORE THE  
10 BOARD OF OSTEOPATHIC EXAMINERS  
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation )  
13 Against: )  
14 DONALD A. UNDERWOOD, D.O. )  
15 215 N. Marengo Ave., Suite 150 )  
16 Pasadena, CA 91101 )  
17 Certificate No. 20A-4691 )  
18 Respondent. )

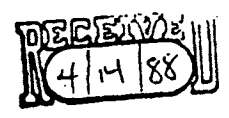
No. 87-2

STIPULATION

18 IT IS HEREBY STIPULATED by the parties to the  
19 above-entitled matter as follows:

20 1. Accusation No. 87-2 has been filed and served upon  
21 Donald A. Underwood, D.O., (hereinafter "respondent"). Said  
22 accusation No. 87-2 is incorporated herein by reference as though  
23 fully set forth at this point.

24 2. Respondent has fully discussed with his counsel,  
25 William Hinz, Esq., the charges and allegations of the violations  
26 alleged in said accusation and has been fully advised of his  
27 rights under the Administrative Procedure Act, including his



1 right to a formal hearing and an opportunity to defend against  
2 the charges contained herein, reconsideration, and appeal from  
3 any adverse decision which might be rendered following the  
4 hearing.

5 3. Respondent admits to the truth of the allegations  
6 contained in paragraphs 1 and 5 in the accusation No. 87-2 and  
7 further admits that his certificate to practice medicine is  
8 subject to discipline pursuant to Business and Professions Code  
9 sections 2227 and 2234, by reason of violations of section 2305  
10 of the Business and professions Code.

11 4. The foregoing admissions are made for the purpose  
12 of settling this action and this action only, and cannot be used  
13 in any other action, including but not limited to any other civil  
14 or criminal proceeding, and in the event this stipulation is not  
15 adopted by the Board of Osteopathic Examiners, the admission  
16 made herein shall be null, void and inadmissible in any  
17 proceeding involving the parties to it.

18 WHEREFORE, it is further stipulated and agreed that the  
19 Board of Osteopathic Examiners may issue the following order:

20 Physician Certificate No. 20A-4691<sup>4681</sup> issued to respondent  
21 Donald A. Underwood, D.O, is hereby revoked; however, the  
22 execution of said order of revocation shall be stayed and  
23 respondent is placed on probation for five years upon the  
24 following terms and conditions:

25 /

26 /

27 /

2.

1 A. Respondent shall obey all federal, state and local  
2 laws, and all rules governing the practice of medicine in  
3 California.

4 B. Respondent shall submit quarterly declarations  
5 under penalty of perjury stating whether there has been  
6 compliance with all the conditions of probation.

7 C. Respondent shall appear in person for interview  
8 with the board's consultants upon request at various  
9 intervals and with reasonable notice.

10 D. As part of probation, respondent is suspended from  
11 the practice of medicine ~~for three years beginning from the~~  
12 effective date of this decision.

13 E. Respondent shall not prescribe, administer,  
14 dispense, order, or possess any controlled substances as  
15 defined in the California Uniform Controlled Substances Act.  
16 This restriction does not prohibit respondent from personal  
17 use or possession of controlled substances or dangerous  
18 drugs which apply to medications lawfully prescribed to  
19 respondent, for a bona fide illness or condition, by another  
20 practitioner.

21 F. Respondent shall surrender his DEA permit to the  
22 federal Drug Enforcement Administration for cancellation  
23 together with any triplicate prescription form and federal  
24 order forms. Thereafter, respondent shall not reapply for a  
25 new DEA permit without the prior written consent of the  
26 board.

1 G. Prior to the practice of medicine in the State of  
2 California, respondent shall submit to the board for its  
3 prior approval a plan of practice which respondent's  
4 practice shall be monitored by another physician in  
5 respondent's field of practice, who shall provide periodic  
6 reports to the board. If the monitor quits, or is no  
7 longer available, respondent shall not practice until a new  
8 monitor has been substituted, through nomination by the  
9 respondent and approval by the board.

10 H. In the event respondent should leave California to  
11 reside or to practice outside the state, respondent must  
12 provide written notification to the board of the dates of  
13 departure and return. Periods of residency or practice  
14 outside California will not apply to the reduction of this  
15 probationary period.

16 I. Upon successful completion of probation,  
17 respondent's certificate will be fully restored.

18 J. If respondent violates probation in any respect,  
19 the board, after giving respondent notice and the  
20 opportunity to be heard, may set aside the stay order and  
21 impose the revocation of respondent's license. If an  
22 accusation or petition to revoke probation is filed against  
23 respondent during probation, the board shall have continuing

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jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

JOHN K. VAN DE KAMP, Attorney General  
of the State of California

Dated: July 15, 1958

Alan A. Mangels  
ALAN A. MANGELS  
Deputy Attorney General

Dated: 4/14/58

William A. Hinz  
WILLIAM HINZ, ESQ.  
Attorney for Respondent.

I have read this stipulation and order and I understand its contents and legal effect. I freely and voluntarily sign this stipulation and agree to its terms with full knowledge that my certificate to practice in California is revoked but the revocation has been stayed and I will be placed on probation upon various terms and conditions, all of which I shall be in full compliance during the period of probation.

Dated: 4/14/58

Donald A. Underwood  
Donald A. Underwood  
Respondent.

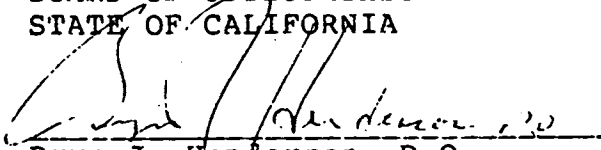
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2-23-88  
(Undrwd)

DECISION AND ORDER

This Stipulation shall become effective on  
June 18, 1988.

IT IS SO ORDERED June 18, 1988.

BOARD OF OSTEOPATHIC EXAMINERS  
STATE OF CALIFORNIA

  
\_\_\_\_\_  
Bryn J. Henderson, D.O.  
President

3-18-91

BEFORE THE  
BOARD OF OSTEOPATHIC EXAMINERS  
STATE OF CALIFORNIA

RECEIVED  
MAY 19 1991  
CLERK OF THE BOARD

In the Matter of the Petition for )  
Modification of Probation of: )

DONALD A. UNDERWOOD, D.O., )

Petitioner. )

No. 87-2

L-52756

*Dusp*

6-18-90

6-18-93

DECISION

This matter came on regularly for hearing before a quorum of the Board of Osteopathic Examiners at Anaheim, California, on February 23, 1991, with W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, presiding. Susan Fitzgerald, Deputy Attorney General, represented the Attorney General. The petitioner represented himself. Oral and documentary evidence having been received and the matter submitted, the Board finds the following facts:

I

A. On or about July 21, 1981, the Board issued to petitioner Physician's and Surgeon's Certificate No. 20A-4691. At the time of the below-described disciplinary action, the license was in probationary status pursuant to Board Decision 5A-84.

B. Effective June 18, 1988, by stipulation in Case No. 87-2, petitioner's license was revoked, revocation was stayed, and petitioner was placed on probation for five years. The license discipline was based:

1. Upon the indefinite suspension of petitioner's Florida license for violation of drug statutes, furnishing dangerous drugs without prior examination or medical indication, and clearly excessive prescribing; and,
2. Upon the revocation of petitioner's New York license for gross incompetence, gross negligence, dishonest acts, and aiding and abetting the unlicensed practice of medicine.

C. Inter alia, petitioner ("respondent" in that case) stipulated to the following terms and conditions as part of his probation in Case No. 87-2:

....  
As part of probation, respondent is suspended from the practice of medicine for three years beginning from the effective date of this decision.  
....

....  
In the event respondent should leave California to reside or to practice outside the State, respondent must provide written notification to the board of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.  
....

D. On or about January 21, 1991, the Board received the pending Petition for Modification of Probation, and these proceedings duly ensued.

## II

From the beginning of his probationary period until June 18, 1990, a period of two years, petitioner remained away from California while pursuing some educational goals. He notified the Board of that absence, giving an address in Wayne, Michigan, on his required probationary reports. Petitioner contends that his two-year absence from the state did not constitute residency elsewhere, as it was temporary, and he always stated his intention to return to California.

## III

Petitioner now asks the Board to restore to him an unrestricted license, or at least to remove the prescribing and Drug Enforcement Administration restrictions of his probation, and, further, to credit his two-year absence from California against the three-year period of his actual suspension from practice.

## IV

A. Petitioner did not establish by competent evidence that the modification of his probation, either by restoration of an unrestricted license or by removal of any of the probationary restrictions, would benefit the public health and welfare.

B. Petitioner's two-year period of ~~residency outside~~  
~~probation, including the three-year period of his actual~~  
~~suspension from practice, the no. 100.0. that actual suspension,~~

C. Petitioner has not established good cause to relieve him from the provisions of his stipulated probation order in Case No. 87-2.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Board makes the following determination of issues:

Petitioner has not sustained his burden of proof to justify the granting of his petition.

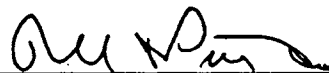
\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Petition for Modification of Probation is denied.

This Decision shall become effective on the 18th  
day of April, 1991.

IT IS SO ORDERED this 18th day of March,  
1991.

  
\_\_\_\_\_  
RICHARD T. PITTS, D. O.  
President  
Board of Osteopathic Examiners

RTP:myg

# STATE OF COLORADO

## BOARD OF MEDICAL EXAMINERS

Thomas J. Beckett  
Program Administrator

1560 Broadway, Suite 1300  
Denver, Colorado 80202-5140  
Phone: (303) 894-7690

## Department of Regulatory Agencies

Steven V. Berson,  
Executive Director

## Division of Registrations

Bruce M. Douglas, Director



Roy Romer  
Governor

May 21, 1993

Robert McKim Bell  
Deputy Attorney General  
State of California  
Department of Justice  
300 South Spring Street, 5th Floor  
Los Angeles, CA 90013

Re: EDTA Chelation Therapy

Dear Mr. Bell:

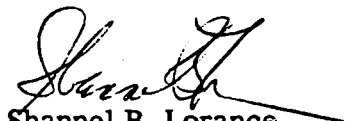
The office of the Colorado Board of Medical Examiners is in receipt of your correspondence dated May 11, 1993, with regard to EDTA Chelation Therapy.

Please note that chelation therapy has not been raised as an issue in any disciplinary actions pursued by the Medical Board. While Board members hold the opinion that chelation therapy is not a scientifically validated procedure, and that its benefits, if any are unproven, to date the Board has not ever filed charges against a physician for performing chelation therapy.

Please do not hesitate to contact me should you have any further questions.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS

  
Shannel B. Lorance  
Administrative Officer

SBL/je

FOR THE DEAF AND HEARING IMPAIRED V/TDD (303) 894-7880