

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

In the Matter of the Accusation Against:)	
)	
STEVEN JEFFREY HARRIS, M.D.)	Case No. 03-2011-215765
)	
)	
Physician's and Surgeon's)	
Certificate No. A 72195)	
)	
Respondent.)	
_____)	

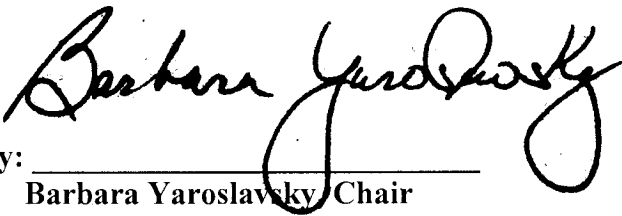
DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on December 5, 2013.

IT IS SO ORDERED November 5, 2013.

MEDICAL BOARD OF CALIFORNIA



By: _____
Barbara Yaroslavy, Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 LAWRENCE MERCER (SBN 111898)
ESTHER H. LA (SBN 160706)
4 Deputy Attorneys General
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5636
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11
12 **STEVEN JEFFREY HARRIS, M.D.**
Pacific Frontier Medical, Inc.
13 **570 Price Ave., Suite 200**
Redwood City, CA 94063

14 **Physician's and Surgeon's Certificate No.**
15 **A72195**

16 Respondent.

Case No. 03-2011-215765
OAH No. 2013060230

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Interim Executive Director of the
22 Medical Board of California. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Lawrence Mercer and Esther La, Deputy Attorneys General.

25
26 2. Respondent is represented in this matter by Gary Wittenberg, Esq., Baranov and
27 Wittenberg, 1901 Avenue of the Stars, Suite 1750, Los Angeles, CA 90067.
28

1 3. On or about June 22, 2000, the Medical Board of California issued Physician's and
2 Surgeon's Certificate Number A72195 to Respondent. The Physician's and Surgeon's Certificate
3 was in full force and effect at all times relevant to the charges brought herein and will expire on
4 May 31, 2014, unless renewed.

5
6 **JURISDICTION**

7 4. On February 26, 2013, Accusation No. 03-2011-215765 was filed before the
8 Board and served upon Respondent. On August 27, 2013, a First Amended Accusation
9 (Accusation) was filed and served on Respondent. Respondent timely filed a Notice of Defense.
10 A true and correct copy of the Accusation is attached hereto as Exhibit A and incorporated by
11 reference as if fully set forth herein.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 03-2011-215765. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
19 his own expense; the right to confront and cross-examine the witnesses against him; the right to
20 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
21 the attendance of witnesses and the production of documents; the right to reconsideration and
22 court review of an adverse decision; and all other rights accorded by the California
23 Administrative Procedure Act and other applicable laws.

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

26 **CULPABILITY**

27 8. Respondent agrees that, at an administrative hearing, Complainant could establish
28 a *prima facie* case with respect to the charges and allegations contained in Accusation No. 03-

2011-215765, and that he has thereby subjected his Physician's and Surgeon's Certificate to disciplinary action. Respondent further agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

9. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

10. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED: that Physician's and Surgeon's Certificate No. A72195 issued to Respondent Steven Jeffrey Harris, M.D., shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Respondent's actions as set forth in Accusation No. 03-2011-215765, is as follows:

"In early 2011 you recommended, dispensed and administered IV garlic

(Allicin) to Patients A.P. and T.L. for treatment of chronic late stage Lyme Disease. At that time, there was not sufficient evidence-based data available regarding the efficacy and safety of IV garlic for treatment of the patients' condition. You also failed to obtain written informed consent from the patients regarding the treatment with IV garlic."

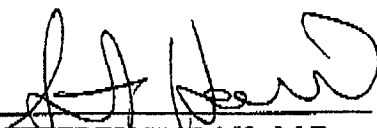
B. EDUCATION COURSE Within 60 days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours, exclusive of existing CME requirements. The educational program(s) or course(s) shall be aimed at any areas of deficient practice, as identified in the Accusation and shall include, but not be limited to, evidence-based treatment techniques for Holistic/Integrative Medicine as offered by the Scripps Holistic/Integrative Medicine Program, or an equivalent, as well as courses pertaining to informed consent. The educational program(s) or course(s) shall be at Respondent's expense, shall be Category I certified and shall be in addition to the Continuing Medical Education requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition. Failure to complete the agreed course work within one (1) year shall constitute unprofessional conduct.

ACCEPTANCE

I, STEVEN JEFFREY HARRIS, M.D., have carefully read this Stipulated Settlement and Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily, intelligently and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate No. A72195. I fully understand that, after signing this stipulation, I may not withdraw from it, that it shall be submitted to the Medical Board of California for its consideration, and that the Board shall have a reasonable period of time to consider and act on this stipulation after receiving it. By entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall be publically reprimanded by the Board and shall be required to comply with all of the terms and conditions of the Disciplinary Order set forth above. I also fully understand that any failure to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute

1 unprofessional conduct and that my Physician's and Surgeon's Certificate No. A72195 will be
2 subject to further disciplinary action.

3
4 Dated: 10/8/13


STEVEN JEFFREY HARRIS, M.D.
Respondent

6
7 I have read and fully discussed with Respondent STEVEN JEFFREY HARRIS, M.D. the
8 terms and conditions and other matters contained in the above Stipulated Settlement and
9 Disciplinary Order. I approve its form and content.

10
11 Dated: 10/8/13

12
13 BARANOV & WITTENBERG


GARY WITTENBERG, ESQ.
Attorneys for Respondent

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16
17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Medical Board of California of the Department of Consumer
20 Affairs.

21
22 Dated: _____

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General

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24
25 ESTHER H. LA
Deputy Attorney General
Attorneys for Complainant

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unprofessional conduct and that my Physician's and Surgeon's Certificate No. A72195 will be subject to further disciplinary action.

Dated: _____

STEVEN JEFFREY HARRIS, M.D.
Respondent

I have read and fully discussed with Respondent STEVEN JEFFREY HARRIS, 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: _____

BARANOV & WITTENBERG

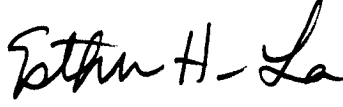
GARY WITTENBERG, ESQ.
Attorneys for Respondent

ENDORSEMENT

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

Dated: Oct. 11, 2013

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


ESTHER H. LA
Deputy Attorney General
Attorneys for Complainant

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