

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

In the Matter of the Accusation  
Against:

FRANK MOSLER, M.D.  
Certificate No. A-19694,

Respondent.

NO. D-2394

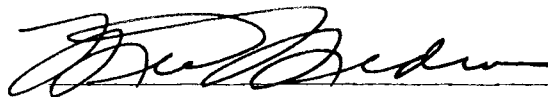
DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on April 12, 1982.

IT IS SO ORDERED March 12, 1982.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS  
Secretary-Treasurer

1 GEORGE DEUKMEJIAN, Attorney General  
WILLIAM L. MARCUS  
2 Deputy Attorney General  
3 3580 Wilshire Boulevard  
Los Angeles, California 90010  
Telephone: (213) 736-2074

4 Attorneys for Complainant  
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7

8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
Against: ) NO. D-2394  
12 )  
FRANK MOSLER, M.D. ) STIPULATION  
13 13172 Courbet Lane ) FOR SETTLEMENT  
Granada Hills, California )  
14 )  
Physician's and Surgeon's )  
15 Certificate No. A-19694, )  
16 Respondent. )  
\_\_\_\_\_ )

17  
18 IT IS HEREBY STIPULATED by and between the parties  
19 to the above entitled accusation as follows:

20 1. There is presently pending before the Division of  
21 Medical Quality of the Board of Medical Quality Assurance  
22 (hereinafter the "division") an accusation number D-2394 against  
23 Frank Mosler, M.D. (hereinafter referred to as "the respondent").

24 2. Respondent is represented in this matter by  
25 Henry Lewin, Esq., and has counseled with Mr. Lewin regarding  
26 this stipulation for settlement.

27 /

1           3. Respondent is fully aware of the charges and  
2 allegations contained in said accusation number D-2394 on file  
3 with the division and respondent has been fully advised with  
4 regard to his rights in this matter.

5           4. Respondent is fully aware of his right to a hearing  
6 on the charges and allegations contained in said accusation, his  
7 rights to reconsideration, appeal, his rights to subpoena  
8 witnesses, his rights to confront and cross-examine witnesses  
9 against him, and any and all other rights which may be accorded to  
10 him pursuant to the California Administrative Procedure Act and  
11 the Code of Civil Procedure.

12           5. Respondent hereby freely and voluntarily waives his  
13 rights to a hearing, reconsideration, appeal, to subpoena  
14 witnesses, to confront and cross-examine witnesses against him,  
15 and any and all other rights which may be accorded to him by the  
16 California Administrative Procedure Act and the Code of Civil  
17 Procedure with regard to said accusation number D-2394 on file  
18 with the division.

19           6. At the time of filing accusation number D-2394,  
20 Robert G. Rowland was the executive director of the Board of  
21 Medical Quality Assurance and filed said accusation solely in his  
22 official capacity.

23           7. On or about July 1, 1961, Frank Mosler, M.D.  
24 was issued physician's and surgeon's certificate No. A-19694 by  
25 the board. Said certificate is currently in good standing.

26                                 /  
27

1           8. Respondent admits the allegations of subparagraphs  
2 A and B of paragraph 7 of the accusation and admits that said  
3 conduct constituted unprofessional conduct pursuant to then  
4 section 2361.5 of the Business and Professions Code.

5           9. Pursuant to the foregoing stipulations, admissions  
6 and recitals, the division shall issue the following order:

7           Physician's and surgeon's certificate number A-19694,  
8 heretofore issued to respondent Frank Mosler, M.D., is  
9 hereby revoked. Said revocation shall be stayed and  
10 respondent shall be placed on probation for five (5)  
11 years on the following terms and conditions:

12           A. Respondent shall, during each year of  
13 probation, undertake 50 hours of approved  
14 Category I, Continuing Medical Education, in  
15 addition to the Continuing Medical Education  
16 Requirements for licensure.

17           B. Respondent shall obey all federal,  
18 state and local laws and all rules governing  
19 the practice of medicine in California.

20           C. Respondent shall submit quarterly  
21 declarations under penalty of perjury on forms  
22 provided by the division, stating whether there  
23 has been compliance with all the conditions of  
24 probation.

25           D. Respondent shall comply with the division's  
26 probation surveillance program.

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E. Respondent shall appear in person for interviews with the division's medical consultant upon request at various intervals and with reasonable notice.

F. In the event respondent should leave California to reside or practice outside the state, respondent must notify the division in writing of the dates of departure and return. Periods of residence or practice outside California will not apply to the reduction of this probationary period.

G. If respondent violates probation in any respect, the division, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the suspension of respondent's certificate.

H. Upon successful completion of probation, respondent's certificate will be fully restored.

10. Should the division, for any reason, fail to adopt the within stipulation it shall be of no force or effect as to any party.

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GEORGE DEUKMEJIAN  
Attorney General

Dated: October 2, 1981

By: William L. Marcus  
WILLIAM L. MARCUS  
Deputy Attorney General

Attorneys for Complainant

Dated: Dec. 15, 1981

Henry Lewin  
HENRY R. LEWIN, Esq.  
Attorney for Respondent

ACKNOWLEDGMENT

I understand the above stipulation and the effect it  
will have on my physician's and surgeon's certificate.

Dated: 12/8/81

Frank Mosler  
FRANK MOSLER, M.D.  
Respondent

VLM:mpe  
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BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the )  
Accusation Against: )  
 )  
Frank J. Mosler, M.D. ) D-3217  
Certificate # A-19694 )  
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Respondent. )  
\_\_\_\_\_ )

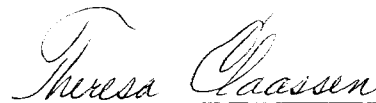
DECISION

The attached Stipulation is hereby adopted by the  
Division of Medical Quality of the Board of Medical Quality  
Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on \_\_\_\_\_  
September 5, 1989.

IT IS SO ORDERED August 4, 1989.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE



\_\_\_\_\_  
THERESA CLAASSEN, Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 WILLIAM L. MARCUS  
Deputy Attorney General  
3 3580 Wilshire Boulevard  
Los Angeles, California 90010  
4 Telephone: (213) 736-2074

5 Attorneys for Complainant

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BEFORE THE  
DIVISION OF MEDICAL QUALITY  
8 BOARD OF MEDICAL QUALITY ASSURANCE  
STATE OF CALIFORNIA  
9

10 In the Matter of the Accusation ) No. D-3217  
Against: )  
11 ) STIPULATION FOR  
FRANK J. MOSLER, M.D. ) SETTLEMENT  
12 14428 Gilmore Street )  
Van Nuys, California )  
13 )  
Physician's and Surgeon's )  
14 Certificate No. A-19694 )  
15 Respondent. )  
\_\_\_\_\_ )

16

17

18 IT IS HEREBY STIPULATED by and between respondent  
19 Frank J. Mosler, M.D., who is represented by the law firm  
20 of Lewin and Levin, by and through Henry Lewin, Esq., and  
21 complainant Kenneth J. Wagstaff, who is represented by  
22 Attorney General John K. Van De Kamp, by and through  
23 William L. Marcus, Deputy Attorney General, as follows:

24

25 1. ALL admissions, stipulations and recitals  
26 contained in this stipulation for settlement are made  
27 solely for the purpose of settlement of Case No. D-3217 and  
28 for no other purpose.



1           2.    There    are    pending    in    Case    No.    D-3217    an  
2    accusation    and    petition    to    revoke    probation    and    a    first  
3    amended    and    supplemental    accusation    and    petition    to    revoke  
4    probation.

5  
6           3.    The    respondent    in    Case    No.    D-3217,    Frank    J.  
7    Mosler,    M.D.    (hereinafter    "respondent")    has    retained    Henry  
8    Lewin,    Esq.    of    the    law    firm    of    Lewin    and    Levin    to    represent  
9    him    in    this    matter.

10  
11           4.    Respondent    has    read    the    accusation    and    petition  
12    to    revoke    probation    and    first    amended    and    supplemental  
13    accusation    and    petition    to    revoke    probation    in    Case    No.    D-  
14    3217,    has    fully    discussed    them    with    Henry    Lewin,    Esq.    and  
15    has    been    fully    apprised    of    his    rights    in    regard    to    the  
16    charges    in    Case    No.    D-3217    and    the    meaning    and    effect    of  
17    this    Stipulation    for    Settlement.

18  
19           5.    Respondent    fully    understands    and    freely,  
20    intelligently,    knowingly    and    voluntarily    waives    his    right  
21    to    a    hearing    on    the    charges    in    Case    No.    D-3217,    including  
22    his    right    to    confront    and    cross-examine    witnesses    against  
23    him,    to    present    evidence    in    his    own    behalf,    to    appeal    any  
24    adverse    decision    and    any    and    all    other    rights    under    the  
25    Administrative    Procedure    Act    and    Code    of    Civil    Procedures.

26  
27           6.    Respondent    admits    for    the    purpose    of    this  
28    stipulation    only    and    for    no    other    purpose,    that    the

1 following facts may be deemed to be true and correct:  
2

3 A. Kenneth J. Wagstaff filed the charges in Case No.  
4 D-3217, solely in his official capacity as  
5 Executive Director of the Board of Medical  
6 Quality Assurance.  
7

8 B. On or about July 1, 1961, respondent was issued a  
9 physician's and surgeon's certificate No. A-19694  
10 by the Board. On or about April 12, 1982,  
11 respondent was disciplined in Case No. D-2394; a  
12 true and correct copy of the decision in Case D-  
13 2394 is attached hereto as Annex "A" and  
14 incorporated by reference herein.  
15

16  
17 Patient M.K.  
18

19 C. On or about November 19, 1982, respondent first  
20 saw and treated patient M.K., a 56 year old  
21 female, who came to respondent with an ulcerated  
22 toe on her right foot, seeking an alternative to  
23 recommend surgery.  
24

25 D. Respondent diagnosed M.K.'s foot as being in the  
26 early stages of gangrene.  
27

28 E. Respondent treated M.K. until about January 4,

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1983, by repeatedly administering, or directing the administration of chelation therapy and DMSO by injection.

F. On or about January 5, 1983, M.K. was hospitalized by another physician for emergency amputation. While under the care of the other physician, M.K. suffered a preoperative cardiopulmonary arrest, but was revived. M.K.'s foot was amputated on January 7, 1983 but her condition deteriorated, and she died on January 14, 1983.

Patient E.L.

G. On or about May 24, 1982, respondent first saw and treated patient E.L., a 65 year old male, with a history of intermittent angina and a cardiac bypass in 1974. Respondent diagnosed atherosclerosis.

H. Between May 26, 1982, and July 16, 1982, respondent treated E.L. for atherosclerosis and angina by administering or directing the administration of chelation therapy and DMSO by injection on at least 21 occasions.

1 I. Between September 3, 1982 and October 28, 1982,  
2 respondent further treated E.L. for  
3 atherosclerosis and angina by administering or  
4 directing the administration of chelation therapy  
5 and DMSO by injection on at least 6 occasions.  
6  
7

8 ORDER  
9

10 J. Between November 19, 1982, and January 4, 1983,  
11 respondent administered chelation therapy to  
12 M.K., by and through individuals who were not  
13 licensed or otherwise authorized by law to  
14 practice medicine, including the administration  
15 of intravenous therapy.  
16

17 K. Respondent repeatedly authorized said individuals  
18 to administer chelation therapy while respondent  
19 was on vacation and without any physician on the  
20 premises.  
21

22 7. Respondent stipulates that, for purposes of this  
23 proceeding only, the conduct set out at paragraphs 6C-F and  
24 6G-I of this stipulation constitutes gross negligence, in  
25 violation of Business and Professions Code section 2234(b),  
26 and respondent stipulates that the conduct set out at  
27 paragraph 6J and K of this stipulation constitutes a  
28 violation of Business and Professions Code section 2264.

1           8. Based on the foregoing stipulations, admissions and  
2 recitals, respondent stipulates for purposes of this proceeding  
3 only, that there is a basis for discipline of respondent's  
4 license for violation of Business and Professions Code sections  
5 2234(b) and 2264.

6  
7           9. Based on the foregoing stipulations, admissions and  
8 recitals, the following discipline is imposed on respondent:

9  
10           Physician's and surgeon's certificate No. A-19694,  
11 heretofore issued to Frank J. Mosler, M.D., is revoked,  
12 provided said revocation is stayed and respondent's  
13 certificate is placed on probation for a period of three  
14 years, from the effective date of this decision, on the  
15 following terms and conditions:

16  
17           A. Respondent shall make no use of D.M.S.O. in his  
18 medical practice.

19  
20           B. Within 6 months of the effective date of this  
21 decision, respondent shall take and pass an oral  
22 clinical examination, in general medicine with an  
23 emphasis on family practice cardiology, to be  
24 administered by the Division or its designee. If  
25 respondent fails this examination, respondent must  
26 take and pass a re-examination consisting of a  
27 written as well as an oral clinical examination.

1 The waiting period between repeat examinations shall  
2 be at three month intervals until success is  
3 achieved. The Division shall pay the cost of the  
4 first examination and respondent shall pay the cost  
5 of any subsequent re-examinations. If respondent  
6 fails the first examination, respondent shall cease  
7 the practice of medicine until the re-examination  
8 has been successfully passed, and evidenced by written  
9 notice to respondent from the Division.

10  
11 C. Within 90 days of the effective date of this  
12 decision, and on an annual basis thereafter,  
13 respondent shall submit to the Division for its  
14 prior approval an educational program or course  
15 related to general medicine, emphasizing medical  
16 therapeutics, which shall not be less than 40  
17 hours per year, for each year of probation. This  
18 program shall be in addition to the Continuing  
19 Medical Education requirements for re-licensure.  
20 Following the completion of each course, the  
21 Division or its designee may administer an  
22 examination to test respondent's knowledge of the  
23 course. Respondent shall provide proof of  
24 attendance for 65 hours of continuing medical  
25 education of which 40 hours were in satisfaction  
26 of this condition and were approved in advance by  
27 the Division.

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D. Respondent may engage in the solo practice of medicine, provided his charts are reviewed weekly by a physician and surgeon. Respondent shall notify the Board, in writing, within thirty days of the effective date of this decision of the names and license numbers of the reviewers. Respondent shall notify the Board of any change in reviewers at the time of each quarterly report.

E. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

F. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

G. Respondent shall comply with the Division's probation surveillance program.

H. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

I. In the event respondent should leave California to

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reside or to practice outside the State, respondent must notify the Division in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

J. Upon successful completion of probation, respondent's certificate will be fully restored.

K. If respondent violates probation in any respect, the Division, 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 or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Should the Division, for any reason, fail to adopt this stipulation for settlement, it shall be of no force or effect as to either party.

ACKNOWLEDGEMENT

I, Frank J. Mosler, M.D., have fully reviewed the above stipulation and have discussed it with my attorney-of-record,



1 Henry Lewin, Esq. I fully understand the effect the stipulation  
2 will have on my license to practice medicine, and I enter unto  
3 the stipulation freely, intelligently, knowingly and  
4 voluntarily.

5  
6 DATED: 2/27/89

Frank J. Mosler  
FRANK J. MOSLER, M.D.  
Respondent

8  
9

LEWIN & LEVIN

10  
11 DATED: 2-27-89

By: Henry Lewin  
HENRY LEWIN  
Attorneys for Respondent

13  
14  
15

JOHN K. VAN DE KAMP  
Attorney General

16  
17 DATED: 5-19-89

By: William L. Marcus  
WILLIAM L. MARCUS  
Deputy Attorney General  
Attorneys for Complainant

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