



AS TO ALAN BONSTEEL, M.D.  
APPROVED AND ORDERED

VERMONT BOARD OF MEDICAL PRACTICE

Pat Hunter

Robert Tortolucci MD

Deborah J. Poirer

Gregory A. Auer

Bryan L. Bunge

W. J. A. A.

Judy P. Rosenstren

DATED:

January 8, 2020

ENTERED AND EFFECTIVE:

January 8, 2020

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: Alan Bonsteel, M.D.

)  
)  
)

Docket No. MPN 068-0718

**STATE’S MOTION FOR REVOCATION**

NOW COMES the State of Vermont, by and through Attorney General Thomas J. Donovan, Jr., and the undersigned Assistant Attorney General, Kassandra P. Diederich, and alleges as follows:

1. Alan Bonsteel, M.D., Respondent, holds Vermont medical license number 042.0012135, originally issued by the Vermont Board of Medical Practice on February 2, 2011.
2. The Vermont Board of Medical Practice possesses jurisdiction in this matter pursuant to 26 V.S.A. §§ 1353-1357, 1359-1361, 1365-1366; 3 V.S.A. §§ 809-814; as well as Rule 37.2 and Rule 38.1.3 of the Rules of the Board of Medical Practice; and other authority.

**I. Findings of Fact**

3. The Vermont Board of Medical Practice (“the Board”) first opened this case in July of 2018 after receiving notice that the Medical Board of California (“the California Board”) revoked Alan Bonsteel, M.D.’s (“Respondent”) Physician’s and Surgeon’s Certificate pursuant to a Default Decision and Order dated June 22, 2018 with an effective date of July 20, 2018. The basis for this action was “unable to practice with reasonable skill and safety.” *Affidavit of Investigator Paula Nenninger*<sup>1</sup> ¶ 2.

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<sup>1</sup> Attached hereto as Exhibit 1.

4. The Board also received a Board Action report from the Federation of State Medical Boards indicating that the California Board revoked Respondent's Physician's and Surgeon's Certificate. The case was assigned to the North Investigative Committee of the Board ("the Committee"). *Id.*

5. The relevant portions of the June 22, 2018 Default Decision and Order from the California Board<sup>2</sup> and the April 6, 2018 Accusation and Petition to Revoke Probation<sup>3</sup> are as follows:

a. The Accusation included evidence of Respondent's inability to practice medicine safely. On July 11, 2017, the California Highway Patrol issued a Notice of Priority Reexamination to Respondent after he was found driving the wrong way on the freeway. Respondent was found by the officer to be confused and disoriented and reported that he became lost while driving his regular route. When Respondent was asked what year it was, his response was "2071." On September 8, 2017, Respondent was scheduled to meet with a California Medical Board Investigator for his quarterly review. Respondent got lost and drove around for three hours unable to find the Investigator's office. The police were eventually called and found Respondent. Respondent did not meet with the Investigator that day, and he did not subsequently meet with her as requested and required by his conditions of probation from a previous California Board action<sup>4</sup>.

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<sup>2</sup> The Board received a certified copy of the June 22, 2018 Default Decision and Order from the California Board, which is attached hereto as Exhibit 2.

<sup>3</sup> Attached hereto as Exhibit 3.

<sup>4</sup> Respondent's previous five-year probation with specific terms and conditions was the result of a May 7, 2013 settlement with the California Board with an effective date of June 6, 2013. The basis for this action concerned: (1) Respondent's gross negligence in failing to refer a patient to a physician authorized to treat drug addiction in an approved drug treatment center; (2) prescribing Methadone to a drug addicted patient; and (3) failure to maintain adequate medical records.

b. On September 22, 2017, John Hixson, M.D., a neurological evaluator, met with Respondent as part of a California Board ordered assessment. At that time, Respondent was treating patients at two California facilities. Dr. Hixson found that Respondent was unable to complete memory tasks and that his cognitive performance had declined since his last assessment. The specific areas of apparent decline were in Respondent's executive functioning and memory domains, which are essential for medical decision making. The decline was so significant that Dr. Hixson found that Respondent was now a danger to himself, patients and the public. Dr. Hixson opined that, even with treatment, Respondent's functioning is unlikely to improve enough to allow him to practice medicine safely. Dr. Hixson further stated that Respondent's lack of appreciation for his own deficits will impede his ability to compensate for his deficits.

c. Based on Dr. Hixson's neurological assessment, on March 8, 2018, an Administrative Law Judge issued an Interim Suspension Order prohibiting Respondent from the practice of medicine in the State of California until the California Board issued a final order in the disciplinary proceedings.

d. On April 6, 2018, Respondent was served with an Accusation by the California Board, which alleged causes for discipline against Respondent. A Notice of Default was subsequently served on Respondent after he failed to file a Notice of Defense to the Accusation.

e. Prior to receipt of the above evidence of Respondent's significant cognitive and memory impairments, the California Board filed an Accusation and Petition to Revoke Probation dated February 21, 2017. The Accusation alleged

new causes for discipline of unprofessional conduct, failure to maintain accurate records and violation of laws. The Board revoked Respondent's medical license pursuant to a Decision and Order effective November 16, 2017. The revocation, however, was stayed and his existing probation from his 2013 action was extended for one additional year, commencing upon expiration of the previously imposed five-year term of probation.

6. Starting on July 19, 2018, Board Investigator Paula Nenninger ("Investigator Nenninger"), at the direction of the Committee, made numerous attempts to contact Respondent via phone, email, and certified mail to discuss a possible cessation of practice during the pendency of the Committee's investigation of the case. Respondent is required by Vermont Board of Medical Practice Rule 13.1 to update his address and telephone number with the Board within ten days of any change and to keep his listed email address current. Investigator Nenninger used contact information that Respondent provided to the Board as well as contact information that the California Board had in their file for Respondent. Respondent did not respond to any of Investigator Nenninger's or the Board's attempts at communication. *Id. at* ¶4-21.

7. On August 30, 2018, the Board sent Respondent a Notice via overnight, certified return receipt requested mail to his address on file with the Board and to his address on file with the California Board advising him that a Motion for an Interim Suspension of his Vermont medical license would be presented to the Board at the September 5, 2018 hearing. Respondent did not contact the Board or provide a response. *Id. at* ¶11-12.

8. On September 5, 2018, the State's Motion for an Interim Suspension of Respondent's Vermont medical license was presented to the Board at a hearing. Respondent did

not appear at the hearing. The Board granted the State's Motion and signed a Board Order<sup>5</sup> placing Respondent's Vermont medical license on interim suspension status, effective immediately. *Id. at* ¶13.

9. On September 6, 2018, the Board mailed correspondence to Respondent advising that the hearing took place on September 5, 2018, and that the Board granted the State's Motion for an Interim Suspension and signed an Order for Interim Suspension. The correspondence was sent via Certified Mail and UPS Next Day Air to the following addresses: 294 Cecelia Way, Belvedere Tiburon, CA 94920 and 10538 San Leandro Ave., Cupertino, CA 95014-2756. The correspondence was also sent via email to 'abonsteel@earthlink.net.' A copy of the Board's Order was enclosed with the letter. The letter also advised:

You have the right to request a hearing within 90 days of receipt of the enclosed Order for Interim Suspension. The purpose of that hearing would be for you to contest the interim suspension; you would have the burden to show why the suspension should not remain in effect. Regardless of whether you appeal, there will be further proceedings to determine the final action by the Vermont Board of Medical Practice based upon the action by the Medical Board of California. You, or legal counsel acting on your behalf, may contact the Assistant Attorney General assigned to this matter to further discuss it, including alternatives to having the Board issue a disciplinary order after further proceedings. She may be reached at: Kassandra Diederich, AAG, 109 State Street, Montpelier, VT 05609, kassandra.diederich@vermont.gov, (802)828-1297. *Id. at* ¶14.

10. Respondent did not respond to the September 6, 2018 letter or email correspondence. Return receipts from both addresses were received by the Board on September 17, 2018. The return receipts for both addresses were signed by an "A. Piedmont". The email was sent back as undeliverable. *Id. at* ¶14.

11. Starting in October of 2018, at the Committee's direction, Investigator Nenninger made numerous attempts to obtain Respondent's current contact information in order to attempt

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<sup>5</sup> Attached hereto as Exhibit 4.

to discuss his case with the Board in light of the interim suspension of his Vermont medical license. *Id. at ¶15-21.* After obtaining another address for Respondent from the Vermont Intelligence Center, Investigator Nenninger sent Respondent a certified letter to this address asking him to contact her as soon as possible. The Board received the certified letter that had been mailed to Respondent back in the mail unopened from the Post Office with two labels on the envelope indicating a notification to sender of a new address<sup>6</sup> and “return to sender, insufficient address.” Investigator Nenninger also sent a certified letter to a woman who the Vermont Intelligence Center identified as being Respondent’s current or former spouse, also asking that she or Respondent contact her as soon as possible. The certified letter sent to Respondent’s current/former spouse was signed by another individual. To date, Investigator Nenninger has not received a response from either certified letter. *Id. at ¶15-21.*

12. Respondent last verified his email address with the Board in November of 2016. His mailing address was last updated in January of 2013. *Id. At 5.*

## **II. The State’s Memorandum of Law in Support of License Revocation**

On September 5, 2018, the Board issued an Order for an Interim Suspension of Respondent’s Vermont medical license pursuant to 26 V.S.A. § 1366(a) and the following Rules of the Board of Medical Practice: 37.2.2, 37.2.2.1, and 37.2.2.2.

The day after the Board ordered an interim suspension of Respondent’s Vermont medical license, the Board sent Respondent notice that he had a right to, within 90 days of the effective date of the Order of Interim Suspension, request a hearing concerning the interim suspension.

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<sup>6</sup> The “new address” on the label on the envelope from the Post Office was an address that had already been found by Investigator Nenninger, and correspondence had already been sent to Respondent at this address by the Board with no response from Respondent.



Respondent did not request a hearing nor has he had any contact with the Board to date despite repeated efforts by Investigator Nenninger and the Board to contact him.

As provided for in Board of Medical Practice Rule 37.2.2.1 and 26 V.S.A. § 1366, a disciplinary hearing by the Board is to be held subsequent to a Board Order of an interim suspension. The sole issue to be determined at the disciplinary hearing will be the nature of the disciplinary action to be taken by the Board.

The statute and the Board of Medical Practice Rules are silent with regard to when the disciplinary hearing shall be held after a Board Order for an interim suspension. In this matter, after the Board ordered the interim suspension of Respondent's license, the Committee directed Investigator Nenninger to make additional attempts to obtain Respondent's current contact information and contact him to discuss a potential resolution of this matter prior to moving forward with a disciplinary hearing. As indicated hereinabove, despite Investigator Nenninger's thorough and repeated attempts to contact Respondent, he has not contacted Investigator Nenninger or the Board.

Thus, the time has come for the disciplinary hearing before the Board in this matter. At this disciplinary hearing, the State is moving for a revocation of Respondent's Vermont medical license. After a hearing, the Board has the power to, "...condition, limit, suspend, or **revoke** the license, certificate, or practice of the person complained against; or take such other action relating to discipline or practice as the board determines is proper,..." 26 V.S.A. § 1361(b) (emphasis added).

Respondent's professional incompetence resulting from a mental impairment constitutes unprofessional conduct and justifies a revocation of his Vermont medical license. Even though the purpose of the disciplinary hearing is not to prove whether Respondent engaged in unprofessional

conduct, for purposes of determining the appropriate disciplinary action to be taken, it is important to focus on the gravity of Respondent's conduct and the barriers to Respondent's ability to practice medicine safely that led to the revocation of his Physician's and Surgeon's Certificate in California and the interim suspension of his Vermont medical license. The uncontested facts contained in the California Board's Accusation and Petition to Revoke Probation regarding Respondent's progressing cognitive impairments are evidence that support a finding of unprofessional conduct as defined by 26 V.S.A. § 1354(a)(20)<sup>7</sup>. The following uncontroverted evidence of Respondent's mental impairments that is contained in the California Board's pleadings is compelling and extremely concerning: driving the wrong way on the freeway; noted by a police officer to be confused and disoriented while operating a motor vehicle; when asked in 2017 what year it is, answering "2071," and a neurological evaluation with findings that Respondent's cognitive deficits are such that he is a danger to himself, patients and the public, and such deficits are unlikely to be improved with treatment. (See additional evidence in paragraph five, above.) Respondent did not present any evidence to contest the California Board's findings of good cause that his ability to practice medicine safely may be impaired by physical and/or mental illness.

Despite being provided with appropriate notice, Respondent also did not appear at the September 5, 2018 hearing before the Board wherein the State sought an interim suspension of his Vermont medical license for reasons identical to the California Board's action. He also did not request a hearing within 90 days of the Board Order of Interim Suspension, despite being provided with notice of the Order and his right to request a hearing to contest the suspension. (See, paragraphs nine and ten, above).

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<sup>7</sup> The Board shall find that, "professional incompetency resulting from physical or mental impairment" constitutes unprofessional conduct. 26 V.S.A. § 1354(a)(20).

It is the State's position that the uncontroverted evidence presented in the California Board's pleadings is compelling and more than sufficient to support a revocation of Respondent's Vermont medical license.

Rule 13.1 of the Rules of the Board of Medical Practice sets forth the obligation of Board licensees to notify the Board of changes in mailing address, current email address and/or telephone number. As a holder of a Vermont medical license, Respondent was obligated to notify the Board within 10 days of any change of his contact information. The purpose of this Rule is to ensure that the Board has the correct contact information for its licensees to make certain that all communication from the Board is received in a timely manner. As evidenced by the numerous attempts by Investigator Nenninger to obtain respondent's current contact information, Respondent failed to notify the Board with changes to his mailing address, email address and telephone number.

The Board is charged with, and has the responsibility to, protect the health, safety and welfare of its licensees' patients and the public within this State. The California Board's revocation action and the findings of Dr. Hixson's neurological assessment as described hereinabove constitute more than a preponderance of the evidence that Respondent is a danger to himself, patients and the public if he is permitted to retain his medical license to practice medicine in any capacity in Vermont. The evidence is uncontroverted. A revocation of Respondent's Vermont medical license is required to protect the public health, safety and welfare. There is no alternative action or consequences to Respondent that would adequately protect the public health, safety and welfare of Vermonters.

### III. Conclusion

The State's Motion for Revocation of Respondent's license to practice medicine in Vermont is supported by the certified copy of the June 22, 2018 Default Decision and Order revoking Respondent's California Medical License, as well as the facts stated hereinabove that have been gathered by the Committee during its investigation of this matter.

For all the reasons set forth hereinabove, there is compelling evidence and circumstances that require the Board to take action to protect the public health, safety and welfare of Vermonters by entering an Order of Revocation of Respondent's license to practice medicine in Vermont.


WHEREFORE, the Committee respectfully moves the Board for the issuance of an order for a REVOCATION of the Vermont medical license of Alan Bonsteel, M.D., effective immediately.

Dated at Montpelier, Vermont, this 23<sup>rd</sup> day of December 2020.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL

By:

  
Kassandra P. Diederich  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609-1001  
(802) 828-1297  
[kassandra.diederich@vermont.gov](mailto:kassandra.diederich@vermont.gov)

# **EXHIBIT 1**



the Federation of State Medical Boards indicating that the California Board revoked Respondent's Physician's and Surgeon's Certificate. The case was assigned to the North Investigative Committee ("the Committee").

3. This case involves the inability of Respondent to practice medicine safely due to being impaired by physical and/or mental illness.
4. The Board obtained a copy of the California decision and disseminated it to the Committee for their review. On July 19, 2018, the Committee directed me to contact Respondent and propose a possible voluntary Cessation of Practice Agreement. The Committee stated if a cessation of practice was not possible then they would pursue an interim suspension of Respondent's Vermont medical license.
5. Respondent last verified his email address with the Board in November of 2016 (abonsteel@earthlink.net). His mailing address was last updated in January of 2013 (294 Cecelia Way, Belvedere Tiburon, CA 94920).
6. On July 19, 2018, I called Respondent at the phone number on file with the Board: (415) 509-6403. The outgoing voicemail message stated, "The person you are trying to reach is not accepting calls at this time" and there was no option to leave a message. I have continued my attempts to contact Respondent via telephone over the last month, but the phone number he provided to the Board has not accepted calls or voicemail.
7. On July 25, 2018, I sent an email to Respondent at the email address on file with the Board: abonsteel@earthlink.net. I asked Respondent, "Can you please call me asap?" and later that same day I received an email response from Office 365 stating "abonsteel@earthlink.net...User account is unavailable."

8. On July 25, 2018, I sent a certified letter to Respondent at the address on file with the Board: Alan Bonsteel, M.D. 294 Cecelia Way, Belvedere Tiburon, CA 94920. The letter instructed Respondent to call Assistant Attorney General Kassandra Diederich (“AAG Diederich”) as soon as possible and included her phone number. The certified letter was signed for on 08/03/18 by “Agent.” As of the date of this Affidavit, it is my understanding that AAG Diederich has not been contacted by Respondent.
9. On August 17, 2018, I called the California Board to gather additional contact information for Respondent. I spoke with Dianne Richards, Associate Governmental Program Analyst, who advised me of a second address for Respondent: 10538 San Leandro Ave. Cupertino, CA 95014-2756. Ms. Richards advised that they did not have any other information regarding Respondent’s location.
10. On August 23, 2018, I sent a certified letter to Respondent at the address provided to me by the California Board (10538 San Leandro Ave. Cupertino, CA 95014-2756). The letter instructed Respondent to call AAG Diederich as soon as possible and included her phone number. The certified letter was signed for on August 29, 2018 by an unknown person.
11. On August 30, 2018, Karen LaFond, Vermont Board of Medical Practice Operations Administrator, sent a Notice of Presentation of Interim Suspension via Certified Mail and UPS Next Day Air to both addresses (294 Cecelia Way, Belvedere Tiburon, CA 94920 and 10538 San Leandro Ave., Cupertino, CA 95014-2756). The Notice indicated that the State would be presenting a Motion for an Interim Suspension of his Vermont medical license at a hearing on September 5, 2018.



12. Respondent did not contact the Board or provide a response to the August 30, 2018 correspondence from Karen LaFond.
13. On September 5, 2018, the State's Motion for an Interim Suspension of Respondent's Vermont medical license was presented to the Board. Respondent did not appear at the hearing. The Board granted the State's Motion and signed a Board Order placing Respondent's Vermont medical license on interim suspension status, effective immediately.
14. On September 06, 2018 Karen Lafond mailed out a letter from Vermont Board of Medical Practice Executive Director David Herlihy to Respondent advising that the hearing took place on September 5, 2018, and that the Board granted the State's Motion for an Interim Suspension and signed an Order for Interim Suspension. The letter also advised:

You have the right to request a hearing within 90 days of receipt of the enclosed Order for Interim Suspension. The purpose of that hearing would be for you to contest the interim suspension; you would have the burden to show why the suspension should not remain in effect. Regardless of whether you appeal, there will be further proceedings to determine the final action by the Vermont Board of Medical Practice based upon the action by the Medical Board of California. You, or legal counsel acting on your behalf, may contact the Assistant Attorney General assigned to this matter to further discuss it, including alternatives to having the Board issue a disciplinary order after further proceedings. She may be reached at: Kassandra Diederich, AAG, 109 State Street, Montpelier, VT 05609, [kassandra.diederich@vermont.gov](mailto:kassandra.diederich@vermont.gov), (802)828-1297.

A copy of the Board's Order was enclosed with the letter. The correspondence was sent via Certified Mail, return receipt requested and UPS Next Day Air to both addresses: 294 Cecelia Way, Belvedere Tiburon, CA 94920 and 10538 San Leandro Ave., Cupertino, CA 95014-2756. Respondent did not respond to the September 6, 2018 correspondence from Karen LaFond. Return receipts from both addresses were received by the Board on September 17, 2018. The return receipts for both addresses

were signed by an "A. Piedmont." The correspondence also sent via email to 'abonsteel@earthlink.net.' The email was sent back as undeliverable.

15. The Committee asked that I make additional attempts to contact Respondent to discuss the interim suspension of his license and his case with the Board.

16. On October 8, 2018, I requested any and all contact information on Respondent from the Vermont Intelligence Center. The Vermont Intelligence Center did not find any different residential phone number information other than what we already had, although they did provide the name and contact information for the following two clinics that Respondent might have worked at:

Pinnacle Healthcare  
2 Rossi Cir, Salinas CA 93907 (Sept 2018)  
Phone Number: (831) 770-0444

Marin Community Clinic  
250 Bon Air Rd, Greenbrae CA 94904 (Sept 2018)  
Phone Number: (415) 448-1500

17. On October 25, 2018 I spoke with Teresa Lucas from Pinnacle Healthcare and Marin Community Clinic. Ms. Lucas advised Respondent worked for them from 02/17/2006 to 07/16/2009 and they had the same address we had on file. I also spoke with Shelly from Pinnacle Healthcare who advised that Respondent has not worked at Pinnacle since 10/2017. Shelly did not have any additional contact information that she could share with the Board.

18. On October 25, 2018, I requested a second check from the Vermont Intelligence Center to verify we had all current location information for Respondent. Deputy Director Ron LaFond advised the phone number (415-509-6403) we had appeared to be current. An address of 12526 Robinson Road, Nevada City, CA was provided as a current address.


The following spouse information was also provided (although it is unknown if Respondent was still married): Chantal C. Charbonneau (Bonsteel) phone number: 415-472-3631, Address: 333 Arias Street, San Rafael, CA.

19. On November 9, 2018, I sent a letter to Respondent at the newest address (12526 Robinson Road, Nevada City, CA) and asked him to contact me as soon as possible. I also sent a letter to Chantal C. Charbonneau (Bonsteel) asking her to contact me regarding Respondent. The certified letter sent to Chantal C. Charbonneau (Bonsteel) was signed for on November 19, 2018 by Jon C. Kiesslias (unsure of name as the signature is difficult to read on the return receipt).
20. On January 11, 2019, the Board received the letter that had been mailed to Respondent (sent to 12526 Robinson Rd., Nevada City, CA 95959) back in the mail unopened. Two labels placed on the envelope stated, "Notify sender of new address - Bonsteel, MD Alan, 10538 San Leandro Ave., Cupertino, CA 95014," and "return to sender, insufficient address."
21. As of this date, December 20, 2019, the Board has not heard from Respondent.

Subscribed and sworn to before me on

this 20 day of Dec, 2019

  
Paula Nenninger, Affiant

  
(Notary Public) Sarah Gregoruk  
1/31/21 Expires.

12/20/19  
(Date)

## **EXHIBIT 2**

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*

MEDICAL BOARD OF CALIFORNIA  
I do hereby certify that this document is a true  
and correct copy of the original on file in this

*Daniel Miller*  
Signature  
For Custodian of records  
Title

8/28/18  
Date

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

11 In the Matter of the Accusation/Petition to  
12 Revoke Probation Against:

13 **ALAN BONSTEEL, M.D.**  
14 294 Cecilia Way  
Tiburon, CA 94920

15 **Physician's and Surgeon's Certificate No. A**  
16 **50164**

17 Respondent

Case No. 800-2017-037763

**DEFAULT DECISION  
AND ORDER**

[Gov. Code §11520]

18 PROCEDURAL BASIS OF DEFAULT

19 1. On April 6, 2018, the Medical Board of California served a copy of the  
20 Accusation/Petition to Revoke Probation No. 800-2017-037763 by certified mail to Respondent's  
21 address of record with the Board, which was and is 294 Cecilia Way, Tiburon, CA 94920.  
22 (Exhibit Package, Exhibit 1<sup>1</sup> Accusation/Petition to Revoke Probation, the related documents, and  
23 Declaration of Service and certified mail receipt card.)

24 2. Respondent did not submit a Notice of Defense or otherwise respond to the  
25 Accusation. On April 23, 2018, an employee of the Attorney General's Office sent a courtesy  
26 Notice of Default by certified mail addressed to Respondent at his address of record, advising

27 <sup>1</sup> The evidence in support of this Default Decision and Order is contained in the "Exhibit  
28 Package."

1 Respondent of the Accusation and providing Respondent with an opportunity to request relief  
2 from default. On May 11, 2018, the Attorney General's Office received the envelope returned  
3 and stamped "April 30, 2018, "Refused. Forward. Notify Sender of New Address Alan E.  
4 Bonsteel 10538 San Leandro Ave. Cupertino CA 95014-2756." On May 14, 2018, an employee  
5 of the Attorney General's Office sent by certified mail addressed to Respondent at 10538 San  
6 Leandro Ave. Cupertino CA 95014-2756, a courtesy Notice of Default, advising Respondent of  
7 the Accusation, and providing Respondent with an opportunity to request relief from default.  
8 (Exhibit Package, Exhibit 2: Courtesy Notices of Default, proofs of service, certified mail  
9 envelope stamped by U.S. Postal Service.)

#### 10 FINDINGS OF FACT

##### 11 I

12 3. Complainant Kimberly Kirchmeyer is the Executive Director of the Medical Board of  
13 California, Department of Consumer Affairs ("Board.") The charges and allegations in  
14 Accusation No. 800-2017-037763 were at all times brought and made solely in the official  
15 capacity of the Board's Executive Director.

##### 16 II

17 4. On November 20, 1991, the Board issued Physician's and Surgeon's Certificate No. A  
18 50164 to Respondent. In a disciplinary action entitled "In the Matter of Accusation and Petition  
19 to Revoke Probation Against Alan Bonsteel, M.D.," Case No. 800-2015-011891, the Medical  
20 Board of California issued a decision, effective November 16, 2017, in which Respondent's  
21 Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and  
22 Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of one  
23 year. That year of probation was ordered to commence at the conclusion of, and run  
24 consecutively to, the current five year probationary term imposed on Respondent on May 7, 2013,  
25 by the Board's prior Decision and Order in Medical Board Case No. 12-2009-200652. On March  
26 8, 2018, an Administrative Law Judge granted Complainant's petition and issued an Interim  
27 Suspension Order prohibiting Respondent from the practice of medicine until the Board issues a  
28 final order in these proceedings. (Exhibit Package, Exhibit 3: certified copies of Decision and

1 Order in Case No. 800-2015-011891 and Case No. 12-2009-200652; Interim Suspension Order;  
2 Certificate of License.)

3 III

4 6. On April 6, 2018, Respondent was served with an Accusation, alleging causes for  
5 discipline against Respondent. The Accusation and accompanying documents were duly served  
6 on Respondent. A Courtesy Notice of Default was thereafter served on Respondent. Respondent  
7 failed to file a Notice of Defense.

8 V.

9 7. The allegations of the Accusation are true as follows:

10 On September 22, 2017, Neurological evaluator John Hixson, MD, met with Respondent to  
11 update his assessment, after two prior assessments requested by the Board in 2014 and 2016.  
12 Respondent told Dr. Hixson that he sees patients four days per week at Orchard Hospital, which  
13 Respondent described as "near Sacramento." Respondent also stated that he works at a separate  
14 clinic in Hollister, California, up to three days a week. He reported no inpatient hospital duties  
15 and does not perform any procedures, although he does occasionally perform suturing and  
16 gynecological examinations.

17 During the neurological assessment portion of the examination, Dr. Hixson noted that  
18 Respondent was alert and oriented but he was unable to complete memory tasks. Dr. Hixson  
19 concluded that Respondent's cognitive performance has declined since his last assessment, to  
20 such a degree that Respondent is now a danger to himself, patients and the public. Dr. Hixson's  
21 opinion is that it is unlikely that any treatment will improve Respondent's functioning enough to  
22 allow him to practice medicine safely. Dr. Hixson also believes that Respondent's lack of  
23 appreciation for his own deficits will impede his ability to compensate for his deficits. (Exhibit  
24 Package, Exhibit 6: Declaration of Dr. Hixson.)

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1 DETERMINATION OF ISSUES

2 I

3 Pursuant to the foregoing Findings of Fact, Respondent's license is subject to action  
4 pursuant to section 822 in that his ability to practice medicine safely is presently impaired by  
5 physical and/or mental illness.

6 II.

7 Pursuant to the foregoing Findings of Fact, Respondent's impaired ability to safely and  
8 competently practice medicine constitutes cause to revoke his certificate by application of section  
9 822.

10 ORDER

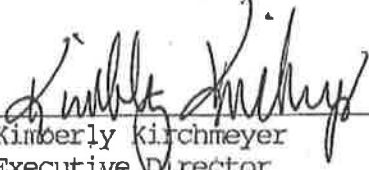
11 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 50164, heretofore  
12 issued to Respondent Alan Bonsteel, M.D., is revoked.

13 Respondent shall not be deprived of making a request for relief from default as set forth in  
14 Government Code section 11520, subdivision (c), for good cause shown. However, such showing  
15 must be made in writing by way of a motion to vacate the default decision and directed to the  
16 Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within  
17 seven (7) days after service of the Decision on Respondent.

18 This Decision shall become effective on July 20, 2018 at 5:00 p.m.

19 It is so ORDERED June 22, 2018

20 MEDICAL BOARD OF CALIFORNIA  
21 DEPARTMENT OF CONSUMER AFFAIRS  
22 STATE OF CALIFORNIA

23 By   
24 Kimberly Kirchmeyer  
25 Executive Director

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**EXHIBIT 3**

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

10 In the Matter of the Accusation and Petition  
11 to Revoke Probation Against:

Case No: 800-2017-037763

12 **ALAN BONSTEEL, M.D.**

**ACCUSATION AND PETITION  
TO REVOKE PROBATION**

13 294 Cecilia Way  
14 Tiburon, CA 94920

15 Physician's and Surgeon's  
16 Certificate No. A50164,

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation and Petition to Revoke  
22 Probation solely in her official capacity as the Executive Director of the Medical Board of  
23 California, Department of Consumer Affairs.

24 2. On November 20, 1991, the Medical Board of California issued Physician's and  
25 Surgeon's Certificate Number A50164 to Alan Bonsteel, M.D. (Respondent). In a disciplinary  
26 action entitled "In the Matter of Accusation and Petition to Revoke Probation Against Alan  
27 Bonsteel, M.D.," Case No. 800-2015-011891, the Medical Board of California issued a decision,  
28 effective November 16, 2017, in which Respondent's Physician's and Surgeon's Certificate was

1 revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's  
2 Certificate was placed on probation for a period of one year. That year of probation was ordered  
3 to commence at the conclusion of, and run consecutively to, the current five year probationary  
4 term imposed on Respondent on June 6, 2013, by the Board's Decision and Order in Medical  
5 Board Case No. 12-2009-200652. The particulars of these two disciplinary actions are set out  
6 below in the section labeled "Discipline Considerations."

7 3. Based on a clinical neurological assessment described herein, on March 8, 2018, an  
8 Administrative Law Judge granted Complainant's petition and issued an Interim Suspension  
9 Order prohibiting Respondent from the practice of medicine until the Board issues a final order in  
10 these proceedings.

#### 11 JURISDICTION

12 4. This Accusation and Petition to Revoke Probation is brought before the Medical  
13 Board of California (Board), Department of Consumer Affairs, under the authority of the  
14 following laws. All section references are to the Business and Professions Code unless otherwise  
15 indicated.

16 5. Section 2227 of the Code provides that a licensee who is found guilty under the  
17 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
18 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
19 action taken in relation to discipline as the Board deems proper.

20 6. Section 822 of the Code states:

21 "If a licensing agency determines that its licentiate's ability to practice his or her  
22 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
23 competency, the licensing agency may take action by any one of the following methods:

24 "(a) Revoking the licentiate's certificate or license.

25 "(b) Suspending the licentiate's right to practice.

26 "(c) Placing the licentiate on probation.

27 "(d) Taking such other action in relation to the licentiate as the licensing agency in its  
28 discretion deems proper.

1 "The licensing section shall not reinstate a revoked or suspended certificate or license until  
2 it has received competent evidence of the absence or control of the condition which caused its  
3 action and until it is satisfied that with due regard for the public health and safety the person's  
4 right to practice his or her profession may be safely reinstated."

5 7. The actions and incidents alleged herein occurred in California.

6 FIRST CAUSE FOR DISCIPLINE

7 (Physical and/or Mental Impairment)

8 8. Respondent is subject to discipline under section 822 in that good cause exists to  
9 believe that Respondent's ability to practice medicine safely may be impaired by physical and/or  
10 mental illness.

11 9. On July 11, 2017, the California Highway Patrol issued a Notice of Priority Re-  
12 examination to Respondent after he was stopped for driving the wrong way on the freeway. The  
13 officer noted that Respondent was confused and disoriented, and that he had become lost while  
14 driving his regular route. The officer also noted that when he asked Respondent what year it is,  
15 Respondent answered "2071."

16 10. On September 8, 2017, Respondent was scheduled to meet at 8 a.m. with Medical  
17 Board Investigator Arlene Caballero for his quarterly review. Respondent began calling  
18 Caballero prior to 8 a.m., to say that he was in the area and intended to arrive early so that he  
19 would not be late to the interview, as he had done in the past. At around 9 a.m., Respondent  
20 called Caballero to say he could not find her office, and that he was at an office in unincorporated  
21 Walnut Creek. Caballero told Respondent to contact a security guard and ask for directions.  
22 Respondent called several additional times to say he could not find Caballero's office. Caballero  
23 called the first office from which Respondent had called, and spoke with the person who had  
24 attempted to assist Respondent. After about three hours of Respondent having been lost,  
25 Investigator Caballero called the Pleasant Hill Police Department and requested that they help  
26 locate Respondent and check on his welfare; the officers succeeded in finding Respondent.  
27 Respondent did not meet with Caballero that day as requested, nor has he met with her thereafter,  
28 as requested and as required by his conditions of probation.

1           11.     On September 22, 2017, Neurological evaluator John Hixson, MD, met with  
2 Respondent to update his assessment, after two prior assessments requested by the Board in 2014  
3 and 2016. Respondent told Dr. Hixson that he sees patients four days per week at Orchard  
4 Hospital, which Respondent described as "near Sacramento." Respondent also stated that he  
5 works at a separate clinic in Hollister, California, up to three days a week. He reported no  
6 inpatient hospital duties and does not perform any procedures, although he does occasionally  
7 perform suturing and gynecological examinations.

8           12.     When asked about the July incident in which the CHP reported that Respondent had  
9 been driving the wrong way on the freeway, Respondent said he had merely become lost, and the  
10 CHP officer was irritated with him for asking directions. Respondent denied that he had been  
11 driving the wrong way on the freeway.

12           13.     During the neurological assessment portion of the examination, Dr. Hixson noted  
13 that Respondent was alert and oriented but he was unable to complete memory tasks. For  
14 example, when asked to repeat a story, Respondent was unable to recount the story, instead  
15 confabulating parts of the story and adding details that the examiner had not stated. Dr. Hixson  
16 concluded that Respondent's cognitive performance has declined since his last assessment, to  
17 such a degree that "he is now a danger to himself, patients and the public. Although he may be  
18 able to compensate for many of his deficits, it is more concerning to me to observe an apparent  
19 and significant drop in his cognitive abilities. This is most prominent in his executive functioning  
20 and memory domains, which are clearly vital (to) medical decision making."

21           14.     Dr. Hixson counseled Respondent about his neurological findings and advised him  
22 to seek out the care of a neurologist and to undergo tests regarding possible reversible causes of  
23 dementia and possible neuro-imaging. Dr. Hixson opined that Respondent's longstanding  
24 memory difficulties would be inconsistent with reversible dementia, but recommended the tests,  
25 and also recommended that Respondent consider Alzheimer's disease treatment.

26           15.     Dr. Hixson's opinion is that it is unlikely that any treatment will improve  
27 Respondent's functioning enough to allow him to practice medicine safely. Dr. Hixson also  
28

1 believes that Respondent's lack of appreciation for his own deficits will impede his ability to  
2 compensate for his deficits.

3 16. As described above, Respondent's progressing cognitive impairment affects his  
4 ability to practice medicine safely and therefore warrants action by the Board under section 822.

5 FIRST CAUSE TO REVOKE PROBATION

6 (Failure to Meet with Board Designee)

7 17. The allegations of paragraphs 9-16 above are incorporated herein as if set out in full.  
8 At all times after the effective date of Respondent's probation, Condition 13 of the Board's  
9 Decision and Order in Case No. 12-2009-200652 provides that Respondent shall be available in  
10 person upon request for interviews with Board designees. Respondent's probation is subject to  
11 revocation because he has failed to comply with Probation Condition 13. Condition 16 of the  
12 Board's Decision and Order states that if Respondent violates probation in any respect the Board,  
13 after giving Respondent notice and the opportunity to be heard, may revoke probation and carry  
14 out the disciplinary order that was stayed.

15 DISCIPLINE CONSIDERATIONS

16 18. To determine the degree of discipline, if any, to be imposed on Respondent,  
17 Complainant alleges that Respondent has been subject to Board discipline on two prior occasions.

18 19. Respondent stipulated in 2013 that the allegations of Accusation 12-2009-200652  
19 constituted cause for discipline. That Accusation, filed December 7, 2011, alleged acts of Gross  
20 Negligence, Prohibited Prescribing to an Addict, and Failure to Maintain Adequate Medical  
21 Records. Pursuant to Respondent's stipulation, the Board revoked his medical license, with the  
22 revocation stayed pending Respondent's successful completion of five years' probation  
23 commencing June 6, 2013.

24 20. On February 21, 2017, the Board filed Accusation and Petition to Revoke Probation  
25 No. 800-2015-011891 against Respondent, alleging new causes for discipline of Unprofessional  
26 Conduct, Failure to Maintain Accurate Records, and Violation of Laws. By a Decision and Order  
27 effective November 16, 2017, the Board revoked Respondent's medical license, but stayed the  
28

1 revocation and extended his existing probation for one additional year, commencing upon  
2 expiration of that previously imposed five year term of probation.

3  
4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Medical Board of California issue a decision:


7 1. Revoking the probation that was granted by the Medical Board of California in Case  
8 No. 12-2009-200652 and in Case No. 800-2015-011891 and imposing the disciplinary orders that  
9 were stayed, thereby revoking Physician's and Surgeon's Certificate No. A 50164, issued to Alan  
10 Bonsteel, M.D.;

11 2. Revoking, suspending or denying approval of Alan Bonsteel, M.D.'s authority to  
12 supervise physician's assistants, pursuant to section 3527 of the Code and advanced practice  
13 nurses;

14 3. Ordering Alan Bonsteel, M.D., if placed on probation, to pay the costs of probation  
15 monitoring; and

16 4. Taking such other and further action as deemed necessary and proper.

17  
18  
19 DATED: April 6, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

**EXHIBIT 4**



**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: Alan Bonsteel, M.D.

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Docket No. MPN 068-0718

**ORDER FOR INTERIM SUSPENSION**

For the reasons set forth in the State's Motion for Interim Suspension, the North Investigative Committee's request for an interim suspension of Alan Bonsteel, M.D.'s Vermont medical license is hereby GRANTED.

The Vermont medical license of Alan Bonsteel, M.D. is hereby placed on an INTERIM SUSPENSION.

This Order of Interim Suspension is deemed entered and effective immediately on the date of this Order.

During the pendency of this interim suspension, Alan Bonsteel, M.D. shall not practice medicine or hold himself out in any way as a licensed physician in the State of Vermont. Practicing medicine during the period of interim suspension may give rise to further actions and further sanctions.

The Board shall immediately provide notice to Alan Bonsteel, M.D. of the interim suspension of his Vermont medical license. Such notice includes providing him with a copy of this Order of Interim Suspension.

VERMONT BOARD OF MEDICAL PRACTICE

W. H. A. C.

John J. Lucey

D. C. Dubowson

MD

Brend Burgess MD

David A. Lucey

MD

Pat Anderson

DATED:

September 5<sup>th</sup>, 2018

ENTERED AND EFFECTIVE:

September 5<sup>th</sup>, 2018