

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

**In the Matter of the Accusation
Against:**

Duane S. Bietz, M.D.

Case No. 800-2019-057728

**Physician's and Surgeon's
Certificate No. G 15897**

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby amended to correct a clerical error that does not affect the factual or legal basis of the Decision. The Stipulated Surrender of License and Order is hereby amended as follows:

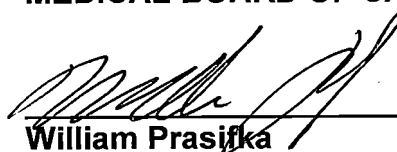
1. Page 2, Line 1: On December 13, 1968, the Board issued Physician's and Surgeon's Certificate No. G 15897 to Duane S. Bietz, M.D.

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 20, 2020

IT IS SO ORDERED July 13, 2020.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
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E-mail: Janezack.simon@doj.ca.gov
6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2019-057728

12 **DUANE S. BIETZ, M.D.**
13 1221 SW 10th Avenue Suite 901
Portland, OR 97205-2445

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14
15 Physician's and Surgeon's Certificate No. G
15897

16 Respondent.
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. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical
22 Board of California (Board). She brought this action solely in her official capacity and is
23 represented in this matter by Xavier Becerra, Attorney General of the State of California, by Jane
24 Zack Simon, Supervising Deputy Attorney General.

25 2. Duane S. Bietz, M.D. (Respondent) is representing himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel. Respondent's current address is 34
27 Malaga Drive, Rancho Mirage, CA 92270-3819
28

1 3. On December 3, 1968, the Board issued Physician's and Surgeon's Certificate No. G
2 15897 to Duane S. Bietz, M.D. The Physician's and Surgeon's Certificate expired on July 31,
3 2018, and has not been renewed.

4 **JURISDICTION**

5 4. Accusation No. 800-2019-057728 was filed before the Board, and is currently
6 pending against Respondent. The Accusation and all other statutorily required documents were
7 properly served on Respondent. A copy of Accusation No. 800-2019-057728 is attached as
8 Exhibit A.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 800-2019-057728. Respondent also has carefully read, and understands the
12 effects of this Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent understands that the charges and allegations in Accusation No. 800-2019-
24 057728, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
25 Surgeon's Certificate.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
28 basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up his right to contest that cause for discipline exists based on those
2 charges.

3 10. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
5 process.

6 CONTINGENCY

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

16 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
18 thereto, shall have the same force and effect as the originals.

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

21 ORDER

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 15897, issued
23 to Respondent Duane S. Bietz, M.D., is surrendered and accepted by the Board.

24 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
25 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
26 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
27 of Respondent's license history with the Board.
28

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-057728 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2019-057728 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

May 19, 2020

Duane

S. Bietz

DUANE S. BIETZ, M.D.
Respondent

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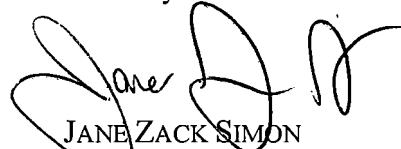
ENDORSEMENT

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

DATED: 5/27/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California



JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 24 2019
BY: Anna Regan ANALYST

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

10 In the Matter of the Accusation Against:

Case No. 800-2019-057728

11 **DUANE S. BIETZ, M.D.**
12 1221 SW 10th Ave, Suite 901
Portland, OR 97205-2445
13 Physician's and Surgeon's Certificate
No. G 15897,

A C C U S A T I O N

14 Respondent.

15
16 **PARTIES**

17 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
18 as the Interim Executive Director of the Medical Board of California, Department of Consumer
19 Affairs (Board).

20 2. On December 13, 1968, the Medical Board issued Physician's and Surgeon's
21 Certificate Number G 15897 to Duane S. Bietz, M.D. (Respondent). The Physician's and
22 Surgeon's Certificate expired on July 31, 2018, and has not been renewed. The certificate is
23 SUSPENDED pursuant to an Order issued on November 26, 2019 under Business and
24 Professions Code section 2310(a).

25 **JURISDICTION**

26 3. This Accusation is brought before the Medical Board of California under the
27 authority of the following sections of the California Business and Professions Code (Code) and/or
28 other relevant statutory enactment:

1 A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a
2 period not to exceed one year, or place on probation, the license of any licensee who has
3 been found guilty under the Medical Practice Act, and may recover the costs of probation
4 monitoring.

5 B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other
6 discipline, restriction or limitation imposed by another state upon a license to practice
7 medicine issued by that state, or the revocation, suspension, or restriction of the authority
8 to practice medicine by any agency of the federal government, that would have been
9 grounds for discipline in California under the Medical Practice Act, constitutes grounds for
10 discipline for unprofessional conduct.

11 C. Section 141 of the Code provides:

12 “(a) For any licensee holding a license issued by a board under the
13 jurisdiction of a department, a disciplinary action taken by another state, by any
14 agency of the federal government, or by another country for any act
15 substantially related to the practice regulated by the California license, may be
16 a ground for disciplinary action by the respective state licensing board. A
certified copy of the record of the disciplinary action taken against the licensee
by another state, an agency of the federal government, or by another country
shall be conclusive evidence of the events related therein.

17 “(b) Nothing in this section shall preclude a board from applying a
18 specific statutory provision in the licensing act administered by the board that
19 provides for discipline based upon a disciplinary action taken against the
licensee by another state, an agency of the federal government, or another
country.”

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Discipline, Restriction, or Limitation Imposed by Another State)**

22 4. On April 19, 2019, the Oregon Medical Board filed a Complaint and Notice of
23 Proposed Disciplinary Action against Respondent. The Complaint alleged that the Oregon Board
24 had received credible information that Respondent, a general and cardiovascular surgeon, had
25 cognitive deficits, including memory loss, confusion and disorientation, which impaired his
26 ability to safely practice medicine. The Oregon Board was also informed that Respondent
27 seemed unfamiliar with basic medical knowledge, such as insulin dosing. In October 2018, the
28 Oregon Board issued and served an Order requiring Respondent to undergo an evaluation.

Respondent did not submit to the evaluation, and did not respond to the Complaint and Notice of Proposed Disciplinary Action.

5. On July 11, 2019, the Oregon Medical Board issued a Default Final Order. The Default Final Order included factual findings that Respondent's impairment and lack of ability to safely practice medicine, along with his failure to comply with the Order compelling an evaluation, constituted violations of the Oregon Medical Practice Act and cause for license revocation.

Copies of the Complaint and Notice of Proposed Disciplinary Action and the Default Final Order issued by the Oregon Medical Board are attached as Exhibit A.

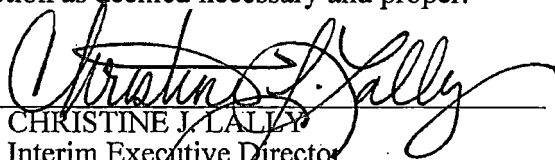
6. Respondent's conduct and the actions of the Oregon Medical Board, as set forth in paragraphs 4 and 5, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 15897, issued to Duane S. Bietz, M.D.;
2. Revoking, suspending or denying approval of Duane S. Bietz, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Duane S. Bietz, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: December 24, 2019


CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

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DUANE STANLEY BIETZ, MD
LICENSE NO MD09520

COMPLAINT & NOTICE OF PROPOSED DISCIPLINARY ACTION

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Duane Stanley Bietz, MD (Licensee) is a licensed physician in the state of Oregon.

2.

The Board proposes to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), that may include the revocation of license, a \$10,000 civil penalty per violation, and assessment of costs, against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical profession, any conduct, practice or condition which does or might constitute a danger to the health or safety of a patient or the public, any conduct, practice or condition which does or might adversely affect a physician's ability safely and skillfully to practice medicine; ORS 677.190(7) impairment; and ORS 677.190(17) willfully violating a Board rule or order, or failing to comply with a board request pursuant to ORS 677.320.

3.

Licensee is a board certified general and cardiovascular surgeon and holds an inactive license to practice medicine in Oregon. The acts and conduct alleged to violate the Medical Practice Act are:

///

1 3.1 The Board has received credible information that Licensee is impaired and lacks
2 the ability to practice medicine with reasonable competence and safety due to a mental health
3 condition, in violation of ORS 677.190(7). The Board was advised that Licensee's cognitive
4 deficits, including memory loss, confusion, and disorientation, have impaired his ability to
5 practice medicine safely. The Board was informed that Licensee seemed unfamiliar with basic
6 medical knowledge, such as insulin dosing.

7 3.2 On October 5, 2018, the Board voted to issue an Order for Evaluation for Licensee
8 to undergo a particular type of medical examination within 30 days. The Order was mailed to
9 Licensee's residence on October 11, 2018. Licensee left a phone message with the Board on
10 October 22, 2018, in which he confirmed receipt of the Order and indicated that he did not intend
11 to resume the practice of medicine. A telephone call was placed to Licensee on October 25,
12 2018, during which Licensee asserted that he had moved out of state, that it was impractical for
13 him to comply with the Board's order to undergo the evaluation, and asked to be excused from
14 the requirement. Licensee was notified that he would be required to comply with the Order, but
15 may choose to retire under investigation. On October 31, 2018, a letter was sent to Licensee
16 with a proposed Stipulated Order to retire under investigation. Licensee called the Board on
17 November 8, 2018, and indicated that he wanted to complete the evaluation in California but
18 would need more information. A letter was sent to Licensee that day stating that he was out of
19 compliance with the Board's Order for Evaluation and that the evaluator would need to be pre-
20 approved by the Board's Medical Director. Licensee left a phone message for the Board on
21 November 27, 2018, indicating that he would not complete the evaluation and that he wished to
22 allow his license to lapse. Licensee was telephoned on December 18, 2018, and January 8, 2019,
23 and messages were left. No response was received. Licensee has failed to comply with the
24 Board's Order for Evaluation, in violation of ORS 677.190(1)(a) unprofessional or dishonorable
25 conduct, as defined by ORS 677.188(4)(a) any conduct or practice contrary to recognized
26 standards of ethics of the medical profession, any conduct, practice or condition which does or
27 might constitute a danger to the health or safety of a patient or the public, any conduct, practice

1 or condition which does or might adversely affect a physician's ability safely and skillfully to
2 practice medicine; and ORS 677.190(17) willful violation of a Board order.

3
4 4.

4 Licensee is entitled to a hearing as provided by the Administrative Procedures Act
5 (chapter 183), Oregon Revised Statutes. Licensee may be represented by counsel at the hearing.
6 If Licensee desires a hearing, the Board must receive Licensee's written request for hearing
7 within twenty-one (21) days of the mailing of this Notice to Licensee. Upon receipt of a request
8 for a hearing, the Board will notify Licensee of the time and place of the hearing.

9
10 5.

10 5.1 If Licensee requests a hearing, Licensee will be given information on the
11 procedures, right of representation, and other rights of parties relating to the conduct of the
12 hearing as required under ORS 183.413(2) before commencement of the hearing.

13 5.2 If Licensee proceeds to a hearing, the Board proposes to assess against Licensee
14 the Board's costs of this disciplinary process and action, including but not limited to all legal
15 costs from the Oregon Department of Justice, all hearing costs from the Office of Administrative
16 Hearings, all costs associated with any expert or witness, all costs related to security and
17 transcriptionist services for the hearing, and administrative costs specific to this proceeding in an
18 amount not to exceed \$20,000.00, pursuant to ORS 677.205(2)(f).

19
20 6.

20 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS:** Active duty Servicemembers
21 have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For
22 more information contact the Oregon State Bar at 800-452-8260, the Oregon Military
23 Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office
24 through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll
25 free telephone number.

26 ///

27 ///

7.

Failure by Licensee to timely request a hearing or failure to appear at any hearing scheduled by the Board will constitute waiver of the right to a contested case hearing and will result in a default order by the Board, including the revocation of his medical license and the assessment of such penalty and costs as the Board deems appropriate under ORS 677.205. If a default order is issued, the record of proceeding to date, including Licensee's file with the Board and any information on the subject of the contested case automatically becomes a part of the contested case record for the purpose of proving a prima facie case. ORS 183.417(4).

DATED this 19th day of April, 2019.

OREGON MEDICAL BOARD
State of Oregon



NICOLE KRISHNASWAMI, JD
EXECUTIVE DIRECTOR

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Page 1 - *DEFAULT FINAL ORDER* - Duane Stanley Bietz, MD

1 right to a hearing and now stands in default. The Board elects in this case to designate the record
2 of proceedings to date, which consists of Licensee's file with the Board as the record for
3 purposes of proving a prima facie case, pursuant to ORS 183.417(4).

4 3.

5 **FINDINGS OF FACT**

6 Licensee's acts and conduct that violated the Medical Practice Act follow:

7 3.1 The Board concludes from the information received during the course of its
8 investigation that Licensee is impaired and lacks the ability to practice medicine with reasonable
9 competence and safety due to a health condition, in violation of ORS 677.190(7). The Board
10 concludes that Licensee's health condition has impaired his ability to practice medicine safely
11 and that Licensee has appeared to other health care providers to be unfamiliar with basic medical
12 knowledge, such as insulin dosing.

13 3.2 On October 5, 2018, the Board voted to issue an Order for Licensee to undergo a
14 particular type of medical examination within 30 days. The Order was mailed to Licensee's
15 residence on October 11, 2018. Licensee left a phone message with the Board on October 22,
16 2018, in which he confirmed receipt of the Order and indicated that he did not intend to resume
17 the practice of medicine. A telephone call was placed to Licensee on October 25, 2018, during
18 which Licensee asserted that he had moved out of state, that it was impractical for him to comply
19 with the Board's order to undergo the examination, and asked to be excused from the
20 requirement. Licensee was notified that he would be required to comply with the Order, but may
21 choose to retire under investigation. On October 31, 2018, a letter was sent to Licensee with a
22 proposed Stipulated Order to retire under investigation. Licensee called the Board on November
23 8, 2018, and indicated that he wanted to complete the medical examination in California but
24 would need more information. A letter was sent to Licensee that day detailing the type of
25 examination required and stating that the provider of the examination must be first pre-approved
26 by the Board's Medical Director. The letter further stated that Licensee was currently out of
27 compliance with the Board's Order. Licensee left a phone message with the Board on November

1 27, 2018, indicating that he would not complete the examination and that he wished to allow his
2 license to lapse. Licensee was telephoned on December 18, 2018, and January 8, 2019, and
3 messages were left. No response was received.

4 4.

5 CONCLUSIONS OF LAW

6 Based upon its examination of the record in this case, the Board finds that the acts and
7 conduct of Licensee described above are supported by reliable, probative and substantive
8 evidence and violated the Medical Practice Act, as set forth below:

9 4.1 Licensee has failed to comply with the Board's Order, in violation of ORS
10 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a) any
11 conduct, practice or condition which does or might constitute a danger to the health or safety of a
12 patient or the public, any conduct, practice or condition which does or might adversely affect a
13 physician's ability safely and skillfully to practice medicine.

14 4.2 Licensee is impaired and lacks the ability to practice medicine with reasonable
15 competence and safety due to a health condition, in violation of ORS 677.190(1)(a)
16 unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a) any conduct, practice
17 or condition which does or might constitute a danger to the health or safety of a patient or the
18 public, any conduct, practice or condition which does or might adversely affect a physician's
19 ability safely and skillfully to practice medicine; and ORS 677.190(7) impairment.

20 4.3 Licensee's failure to comply with the Board's Order violated ORS 677.190(17)
21 willfully violating a Board rule or order, or failing to comply with a board request pursuant to
22 ORS 677.320.

23 5.

24 ORDER

25 In order to protect the public and appropriately address his conduct, the Board enters the
26 following order:

27 ///

1 IT IS HEREBY ORDERED THAT the medical license of Duane Stanley Bietz, MD, is
2 revoked. This Order is effective immediately upon the signature of the Board Chair. Violation
3 of the terms of this Order constitute a violation of the Medical Practice Act.

4
5 DATED this 11th day of July, 2019.

6
7 OREGON MEDICAL BOARD
8 State of Oregon

9
10 
11 K. DEAN GUBLER, DO
12 BOARD CHAIR

13
14 **Right to Judicial Review**

15 **NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by
16 filing a petition for review with the Oregon Court of Appeals within 60 days after the final order
17 is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of
18 service is the day it was mailed, not the day you received it. If you do not file a petition for
19 judicial review within the 60 days' time period, you will lose your right to appeal.

Certification of True Copy

I certify that the enclosed documents are true and correct copies of the originals on file with the Oregon Medical Board.

Angela Allen
Signature

7-23-19
Date

Angela Allen
Accounts Receivable Specialist

