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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO MAY 25 2012
BY: [Signature] ANALYST

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

11 In the Matter of the Accusation Against:
12 **STEPHEN FRANCIS MELCHER, M.D.**
13 **6600 Bruceville Road**
14 **Sacramento, CA 95823**
15 **Physician's and Surgeon's No. A 51177**

Case No. 02-2011-219000

A C C U S A T I O N

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
21 2. On or about September 8, 1992, the Medical Board of California issued Physician's
22 and Surgeon's Number A 51177 to Stephen Francis Melcher, M.D. (Respondent). The
23 Physician's and Surgeon's number was in full force and effect at all times relevant to the charges
24 brought herein and will expire on July 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Medical Board of California (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2234 of the Code states:

2 "The Division of Medical Quality¹ shall take action against any licensee who is charged
3 with unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

5 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
6 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical
7 Practice Act]."

8 "..."

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

10 5. Section 2236 of the Code states:

11 "(a) The conviction of any offense substantially related to the qualifications, functions, or
12 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
13 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
14 evidence only of the fact that the conviction occurred.

15 "(b) The district attorney, city attorney, or other prosecuting agency shall notify the
16 Division of Medical Quality of the pendency of an action against a licensee charging a felony or
17 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
18 notice shall identify the licensee and describe the crimes charged and the facts alleged. The
19 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
20 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
21 a license as a physician and surgeon.

22 "(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
23 after the conviction, transmit a certified copy of the record of conviction to the board. The
24 division may inquire into the circumstances surrounding the commission of a crime in order to fix

25 _____
26 ¹ California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, §§ 2000, et seq.) means the "Medical
Board of California," and references to the "Division of Medical Quality" and Division of
Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 the degree of discipline or to determine if the conviction is of an offense substantially related to
2 the qualifications, functions, or duties of a physician and surgeon.

3 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
4 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
5 shall be conclusive evidence of the fact that the conviction occurred.”

6 6. Section 2232 provides for the revocation of a physician’s and surgeon’s certificate for
7 any person who has been required to register as a sex offender pursuant to the provisions of
8 Section 290 of the Penal Code.

9 CAUSE FOR DISCIPLINE

10 (Conviction of a Crime that is a Registerable Sex Offense)

11 (Bus & Prof Code sections 2236, 2232, and 2234)

12 7. Respondent is subject to disciplinary action under sections 2236 (conviction of a
13 crime), 2232 (revocation of license for registerable sex offenses), and 2234 (unprofessional
14 conduct) in that on or about April 3, 2012 respondent did enter a plea of nolo contendere to a
15 felony charge of Penal Code section 288(a) (lewd and lascivious act upon a child under 14 years
16 old) in Sacramento Superior Court Case Number 11F08113. Penal Code section 288(a) is a crime
17 that is a registerable sex offense pursuant to the provisions of Section 290 of the Penal Code. The
18 circumstances are as follows:

19 8. On or about October 7, 2011, JCA and TA together with their children JA.², an eleven
20 year old boy, and GA, a nine year old girl attended a dinner party at the home of respondent and
21 RG. After dinner, while the children were watching television in another room that was separate
22 from the dining room, respondent sat down next to JA. Respondent then reached under a blanket
23 covering JA, unzipped JA’s pants, took JA’s penis out and rubbed it until it became erect.

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27 ² To protect the minor child’s privacy, initials are being used but his full name will be
28 provided in discovery.

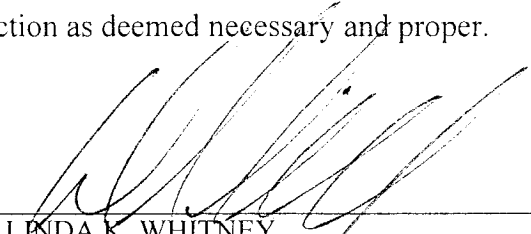
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PRAYER

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 Number A 51177, issued to Stephen Francis Melcher, M.D.;
2. Revoking, suspending or denying approval of Stephen Francis Melcher, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 25, 2012



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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