

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

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

**Baidyanath Prasad, M.D.**

**Physician's and Surgeon's  
Certificate No. A 25552**

**Respondent**

**Case No. 800-2017-034745**

**DECISION**

**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 May 28, 2021.**

**IT IS SO ORDERED May 24, 2021.**

**MEDICAL BOARD OF CALIFORNIA**

  
**William Prasifka  
Executive Director**

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 CHRIS LEONG  
Deputy Attorney General  
4 State Bar No. 141079  
California Department of Justice  
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Attorneys for Complainant.

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

12 In the Matter of the Accusation Against:

13 BAIDYANATH PRASAD, M.D.

14 1508 Grandview Street  
15 Upland, California 91784

16 Physician's and Surgeon's Certificate A 25552,  
17 Respondent.

Case No. 800-2017-034745

OAH No. 2021010006

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
23 California (Board). He brought this action solely in his official capacity and is represented in this  
24 matter by Rob Bonta, Attorney General of California, by Chris Leong, Deputy Attorney General.

25 2. Baidyanath Prasad, M.D. (Respondent) represents himself in this proceeding and has  
26 chosen not to exercise his right to be represented by counsel.

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3. On August 27, 1973, the Board issued Physician's and Surgeon's Certificate No. A 25552 to Respondent. That license expired on May 31, 2019, and has not been renewed.

## JURISDICTION

4. Accusation No. 800-2017-034745 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 10, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-034745 is attached as Exhibit A and is incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in Accusation No. 800-2017-034745. Respondent also has carefully read and understands the effects of this Stipulated Surrender of License and Order.

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

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

## CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2017-034745, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual 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. A 25552,  
23 issued to Respondent Baidyanath Prasad, M.D., is surrendered and accepted by the Board.

24 1. Respondent shall lose all rights and privileges as a Medical Physician in California as  
25 of the effective date of the Board's Decision and Order.

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



Exhibit A

Accusation No. 800-2017-034745

1 XAVIER BECERRA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
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Deputy Attorney General  
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*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2017-034745

13 **BAIDYANATH PRASAD, M.D.**

**A C C U S A T I O N**

14 **1508 Grandview Street**  
15 **Upland, California 91784**

16 Physician's and Surgeon's Certificate  
17 No. A 25552,

18 Respondent.

19 **PARTIES**

20 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity  
21 as the Executive Director of the Medical Board of California (Board).

22 2. On August 27, 1973, the Board issued Physician's and Surgeon's Certificate Number  
23 A 25552 to Baidyanath Prasad, M.D. (Respondent). That license expired on May 31, 2019, and  
24 has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 provisions of the California Business and Professions Code (Code) unless otherwise indicated.  
28

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

5       5.    Section 2234 of the Code, states:

6           The board shall take action against any licensee who is charged with  
7 unprofessional conduct. In addition to other provisions of this article, unprofessional  
8 conduct includes, but is not limited to, the following:

9           (a) Violating or attempting to violate, directly or indirectly, assisting in or  
10 abetting the violation of, or conspiring to violate any provision of this chapter.

11           (b) Gross negligence.

12           (c) Repeated negligent acts. To be repeated, there must be two or more  
13 negligent acts or omissions. An initial negligent act or omission followed by a  
14 separate and distinct departure from the applicable standard of care shall constitute  
15 repeated negligent acts.

16           (1) An initial negligent diagnosis followed by an act or omission medically  
17 appropriate for that negligent diagnosis of the patient shall constitute a single  
18 negligent act.

19           (2) When the standard of care requires a change in the diagnosis, act, or  
20 omission that constitutes the negligent act described in paragraph (1), including, but  
21 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
22 licensee's conduct departs from the applicable standard of care, each departure  
23 constitutes a separate and distinct breach of the standard of care.

24           (d) Incompetence.

25           (e) The commission of any act involving dishonesty or corruption that is  
26 substantially related to the qualifications, functions, or duties of a physician and  
27 surgeon.

28           (f) Any action or conduct that would have warranted the denial of a certificate.

          (g) The failure by a certificate holder, in the absence of good cause, to attend  
and participate in an interview by the board. This subdivision shall only apply to a  
certificate holder who is the subject of an investigation by the board.

6.    Section 2264 of the Code states:

          The employing, directly or indirectly, the aiding, or the abetting of any  
unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in  
the practice of medicine or any other mode of treating the sick or afflicted which  
requires a license to practice constitutes unprofessional conduct.



7. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

PERSONS INVOLVED

8. PERSON 1 is the Respondent's son, who lives in Ohio. He was employed as an unlicensed pharmacy technician at CVS # 2528 in Oakwood, Ohio from approximately November 9, 2011 to August 27, 2015, reporting to a registered pharmacist referred to herein as PERSON 2. On account of the conduct hereinafter stated, PERSON 1 was charged criminally and was found culpable of multiple felony drug offenses in the State of Ohio.

9. PERSON 2 is a licensed Ohio pharmacist (R.Ph.) who supervised PERSON 1 at CVS 2528. On account of the conduct hereinafter stated, as well as drug thefts, unlawful possession of controlled substances, and self-use of prescribed substances, PERSON 2 was charged criminally and administratively and found culpable of multiple drug offenses in the State of Ohio.

10. PERSON 3 is the Respondent's wife.

**FIRST CAUSE FOR DISCIPLINE**

(Gross Negligence)

11. Respondent Baidyanath Prasad, M.D. is subject to disciplinary action under section 2234, subdivision (b) of the Code for gross negligence in his care and treatment of his son and his wife, patients PERSON 1 and PERSON 3. The circumstances are as follows:

12. In May 2017, the State of Ohio Board of Pharmacy (SOBP) began an investigation after receiving notification from Clark's Rx Pharmacy in Centerville, Ohio, reporting a loss of controlled substances. The investigation yielded significant issues with two individuals: PERSON 2, a registered pharmacist and PERSON 1, a pharmacy technician, and son of Respondent, a California-licensed physician. According to interviews conducted during the investigation, PERSON 2 began asking PERSON 1 for prescriptions in late 2012. The two knew each other because they worked together, and they both had severe substance abuse issues with prescribed controlled substances and street drugs, specifically, heroin and fentanyl. PERSON 2 was

<sup>1</sup> Name is reduced to Person 1, 2 and 3 for confidentiality

1 employed as a registered pharmacist at three facilities: CVS# 2528 in Oakwood, Ohio (2014-  
2 2016), Clark's Rx Pharmacy in Centerville, Ohio (2016-2017), and CVS #6143 in Fairborn, Ohio  
3 (May 2017). PERSON 1 worked at CVS# 2528 in Oakwood, Ohio with PERSON 2 in 2015.  
4 During this period, PERSON 1 obtained blank signed prescriptions from his father, Respondent,  
5 and shared them with PERSON 2. Subsequently, PERSON 1 was fired from CVS #2528 for drug  
6 thefts and other misconduct. About that time, PERSON 1 had a personal falling out with  
7 PERSON 2. PERSON 2 continued to use Respondent's California prescriptions after leaving the  
8 CVS at which he worked with PERSON 1.

9 13. Legal cases prosecuted by the State of Ohio both criminally and administratively  
10 against PERSON 1 and PERSON 2 established that there were significant quantities of Class II-V  
11 controlled substances stolen from the pharmacies at which PERSON 2 worked, in addition to at  
12 least 63 prescriptions written on Respondent's security scripts. The State of Ohio Board of  
13 Pharmacy investigated narcotic diversion, altering prescriptions, fraudulent filling,  
14 pharmaceutical theft, diverting, and misusing prescriptions. The number of pills involved were  
15 alleged to be in the tens of thousands. Some of the unlawfully filled prescriptions using  
16 Respondent's prescription privileges are as follows:

Rx Number	Date Rx Written	Date Rx Filed	Refill	DEA Schedule	Drug Type	Drug Name
448804	4/15/2017	5/17/2017	1	0	Other	GABAPENTIN 600 MG TABLET
448804	4/15/2017	4/19/2017	0	0	Other	GABAPENTIN 600 MG TABLET
00741760-02	8/7/2016	8/7/2016	0	2	Narcot ic	OXYCODONE- ACETAMINOP HEN 10-325
00738810-02	7/21/2016	7/21/2016	0	2	Narcot ic	HYDROCO DONE- ACETAMINOP HEN 10-325
00734773-02	7/6/2016	7/6/2016	0	2	Narcot ic	HYDROCO DONE-IB UPROFEN 7.5- 200
00733817-02	6/16/2016	7/1/2016	0	2	Narcot ic	OXYCODONE HCL, 20 MG

						TABLET
00733819-02	6/16/2016	7/1/2016	0	2	Stimulant	VYVANSE 70 MG CAPSULE
00733819-02	6/16/2016	7/1/2016	0	2	Stimulant	DEXTROAMPHETAMINE 30 MG CAP
00713268-02	3/26/2016	7/1/2016	3	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00728539-0	6/1/2016	6/8/2016	0	2	Narcotic	OXYCODONE HCL 10 MG TABLET
00727615-02	6/3/2016	6/3/2016	0	2	Narcotic	HYDROCODONE-ACETAMINOPHEN 5-325
00727616-02	6/3/2016	6/3/2016	0	2	Narcotic	FENTANYL 50 MCG/HR PATCH
00727060-02	3/12/2016	6/1/2016	0	2	Narcotic	HYDROCODONE-ACETAMINOPHEN 10-325
00713268-02	3/26/2016	5/31/2016	2	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00713268-02	3/26/2016	4/27/2016	1	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00713268-02	3/31/2016	3/31/2016	0	2	Stimulant	DEXTROAMPHETAMINE 30 MG TAB
00714110-02	3/26/2016	3/26/2016	0	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00713268-02	11/20/2015	1/17/2016	2	4	Sedative	DIAZEPAM 10 MG TABLET
00686081-02	1/3/2016	1/3/2016	0	2	Stimulant	DEXTROAMPHETAMINE 30 MG TAB
00695149-02	11/17/2015	12/19/2015	1	4	Narcotic	TRAMADOL HCL 50 MG TABLET
00685271-02	11/20/2015	12/19/2015	1	4	Sedative	DIAZEPAM 10 MG TABLET
00691286-02	12/14/2015	12/14/2015	0	2	Stimulant	DEXTROAMPHETAMINE 30 MG TAB
00686081-02	11/20/2015	11/20/2015	0	4	Sedative	DIAZEPAM 10 MG TABLET
00685271-02	11/17/2015	11/17/2015	0	4	Narcotic	TRAMADOL HCL 50 MG TABLET
00682362-02	11/3/2015	11/3/2015	0	4	Sedative	DIAZEPAM 10 MG ABLET

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00659640-02	7/19/2015	9/13/2015	2	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00659640-02	7/19/2015	8/15/2015	1	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00659640-02	7/19/2015	7/19/2015	0	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00625260-02	1/27/2015	6/21/2015	5	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00625260-02	1/27/2015	5/24/2015	4	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00625260-02	1/27/2015	4/26/2015	3	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00642441-02	4/20/2015	4/20/2015	0	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00625260-02	1/27/2015	3/28/2015	2	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00605457-02	10/20/2014	3/18/2015	5	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00635632-02	3/18/2015	3/18/2015	0	4	Stimulant	NUVIGIL 250 MG ABLET
00625260-02	1/27/2015	3/2/2015	1	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00605457-02	10/20/2014	2/19/2015	4	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00625260-02	1/27/2015	1/27/2015	0	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00605457-02	10/20/2014	1/18/2015	3	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00597754-02	9/12/2014	12/29/2014	4	4	Sedative	ZOLPIDEM TARTRATE 10 MG TABLET
00605457-02	10/20/2014	12/19/2014	2	4	Sedative	ZOLPIDEM TARTRATE

						10 MG TABLET
1244283	12/5/2014	12/5/2014	0	2	Narcot ic	HYDROCO DONE- ACETAMINOPH EN 7.5-325
00597754-02	9/12/2014	11/26/2014	3	4	Sedativ e	ZOLPIDEM TARTRATE 10 MG TABLET
00605457-02	10/20/2014	11/22/2014	1	4	Sedativ e	ZOLPIDEM TARTRATE 10 MG TABLET
00597754-02	9/12/2014	11/13/2014	2	4	Sedativ e	ZOLPIDEM TARTRATE 10 MG TABLET
1237214	11/7/2014	11/11/2014	0	2	Narcot ic	OXYCODON E- ACETAMINO PHEN 5-325
00597754-02	9/12/2014	11/4/2014	1	4	Sedativ e	ZOLPIDEM TARTRATE 10 MG TABLET
00605457-02	10/20/2014	10/20/2014	0	4	Sedativ e	ZOLPIDEM TARTRATE 10 MG TABLET
1228076	10/11/2014	10/12/2014	0	2	Narcot ic	OXYCO- DONE- ACETAMINO PHEN 5-325
1213082	7/25/2014	10/4/2014	1	2	Narcoti c	HYDROCO DONE- ACETAMINOP HEN 10-325
00592398-02	8/8/2014	9/30/2014	1	2	Narcoti c	HYDROCO DONE IBUPROFEN 7.5-200
00597756-02	9/12/2014	9/13/2014	0	2	Narcoti c	HYDROCO DONE- ACETAMINOP HEN 10-325
00597755-02	9/12/2014	9/13/2014	0	4	Sedativ e	ESZOPICLONE 3 MG TABLET
00 597754-02	9/12/2014	9/13/2014	0	4	Sedativ e	ZOLPIDEM TARTRATE 10 MG TABLET
00 597753-02	9/12/2014	9/13/2014	0	2	Narcoti c	HYDROCO DONE- ACETAMINOP HEN 10-325
00651905-02	7/15/2014	9/10/2014	2	2	Narcoti c	HYDROCO DONE- ACETAMINOPH EN 10-325

00589837 -02	7/25/2014	8/30/2014	1	2	Narcotic	HYDROCO DONE- IBUPROFEN 7.5-200
1213082	7/25/2014	8/24/2014	0	2	Narcotic	HYDROCO DONE- ACETAMINO PHEN 10-325
00593824-02	8/11/2014	8/24/2014	0	2	Narcotic	OXYCODONE - ACETAMINO PHEN 10-325
00592398-02	8/8/2014	8/15/2014	0	2	Narcotic	HYDROCO DONE- IBUPROFEN 7.5 -200
00651905 -0 2	7/15/2014	8/12/2014	1	2	Narcotic	HYDROCO DON- ACETAMINOP HEN 10-325
00589837-02	7/25/2014	8/3/2014	0	2	Narcotic	HYDROCO DONE- IBUPROFEN 7.5 -200
1205132	7/25/2014	7/27/2014	0	2	Narcotic	HYDROCO DONE- ACETAMINOP HEN 10-325
00651905-02	7/15/2014	7/15/2014	0	2	Narcotic	HYDROCO DONE- ACETAMINOP HEN 10-325

14. Respondent resided in California. Respondent did not examine the patients who received his prescriptions nor did he maintain medical records for the patients who received the prescriptions. Respondent prescribed medications for multiple medical problems, including diabetes, neuropathy, and depression for his son, PERSON 1, who lived in Ohio, and who had extensive physical and mental health issues. Respondent provided his son with medications, including controlled substances, without rendering an evaluation. Respondent also admitted he prescribed Schedule II controlled substances for his wife, PERSON 3. Respondent made these prescriptions without rendering evaluations or exams and did not maintain records.

15. On June 21, 2017, Respondent was interviewed by Ohio Pharmacy Board Agent Kelly Monce. Respondent admitted that he willingly supplied his son, PERSON 1, with several pre-signed blank prescriptions. These were security prescriptions allowing Controlled Substances Class II-V prescribing. They contained pertinent regulatory numbers: license number, DEA, and

1 NPI numbers, and the California office address of Respondent. Respondent also acknowledged  
2 that giving his son the blank signed prescriptions was unlawful.

3 16. On May 6, 2020, Respondent was interviewed by the Health Quality Investigation  
4 Unit (HQIU), on behalf of the Board in the presence of Senior Investigator Veronica Alva and  
5 District Medical Consultant Sushil Arand, M.D. He again acknowledged wrongdoing by giving  
6 his son pre-signed blank prescriptions. He stated that he was unaware of his son's addiction issues  
7 during the time he allowed his son to use the prescriptions. Also, during the subject interview on  
8 May 6, 2020, Respondent acknowledged the lapse of his medical license and CMEs on May 31,  
9 2019. Dr. Prasad stated that he let his license expire because he retired about three years ago due  
10 to health reasons and stated he had no intention of renewing his license.

11 17. By reason of the facts set forth above, Respondent's acts constituted gross negligence  
12 and specifically as follows:

13 A. By prescribing of medications for both his son (PERSON 1) and his wife  
14 (PERSON 3) without evaluating and maintaining accurate and complete medical records.

15 B. By providing pre-signed blank prescriptions directly to his son (PERSON 1.)  
16 At least 63 prescriptions, pre-signed by the Respondent, were filled in Ohio with multiple  
17 medications and refills directed on each one. They were signed by Respondent, who resided in  
18 California, and had the effect of assigning prescriptive authority to an unlicensed person.

19 C. By failing to have sufficient knowledge of the medications prescribed. When  
20 interviewed, Respondent admitted to having called in medications in the past for his son in Ohio,  
21 including prescriptions for Gabapentin. However, during the interview, Respondent admitted, "I  
22 don't know what that is. I hardly prescribe."

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1 PRAYER

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

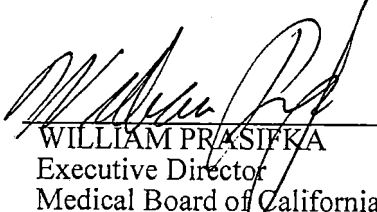
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 25552,  
5 issued to Baidyanath Prasad, M.D.;

6 2. Revoking, suspending or denying approval of Baidyanath Prasad, M.D.'s authority to  
7 supervise physician assistants and advanced practice nurses;

8 3. If placed on probation, ordering Baidyanath Prasad, M.D.'s to pay the Board the costs  
9 of probation monitoring;

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

11  
12 DATED: JUL 10 2020

13   
14 WILLIAM PRASIFKA  
15 Executive Director  
16 Medical Board of California  
17 Department of Consumer Affairs  
18 State of California

19 *Complainant*

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