

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
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Attorneys for Complainant.

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

12 In the Matter of the Accusation Against:

Case No. 800-2017-034745

13 BAIDYANATH PRASAD, M.D.

OAH No. 2021010006

14 1508 Grandview Street
15 Upland, California 91784

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Physician's and Surgeon's Certificate A 25552,

17 Respondent.

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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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.

28

Exhibit A

Accusation No. 800-2017-034745

1 XAVIER BECERRA
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Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:
13
14 **BAIDYANATH PRASAD, M.D.**
15 **1508 Grandview Street**
Upland, California 91784
16 Physician's and Surgeon's Certificate
No. A 25552,
17
18 Respondent.

Case No. 800-2017-034745

A C C U S A T I O N

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.
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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.

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

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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	DEXTROAMP-AMPHETAMIN 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	DEXTROAMP-AMPHETAMIN 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	DEXTROAMP-AMPHETAMIN 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	DEXTROAMP-AMPHETAMIN 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

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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
00597754-02	9/12/2014	9/13/2014	0	4	Sedativ e	ZOLPIDEM TARTRATE 10 MG TABLET
00597753-02	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

1	00589837 -02	7/25/2014	8/30/2014	1	2	Narcoti c	HYDROCO DONE- IBUPROFEN 7.5-200
2	1213082	7/25/2014	8/24/2014	0	2	Narcoti c	HYDROCO DONE- ACETAMINO PHEN 10-325
3	00593824-02	8/11/2014	8/24/2014	0	2	Narcoti c	OXYCODONE - ACETAMINO PHEN 10-325
4	00592398-02	8/8/2014	8/15/2014	0	2	Narcoti c	HYDROCO DONE- IBUPROFEN 7.5 -200
5	00651905 -0 2	7/15/2014	8/12/2014	1	2	Narcoti c	HYDROCO DON- ACETAMINOP HEN 10 -325
6	00589837-02	7/25/2014	8/3/2014	0	2	Narcoti c	HYDROCO DONE- IBUPROFEN 7.5 -200
7	1205132	7/25/2014	7/27/2014	0	2	Narcoti c	HYDRÓCO DONE- ACETAMINOP HEN 10-325
8	00651905-02	7/15/2014	7/15/2014	0	2	Narcoti c	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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SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

18. By reason of the facts set forth in the First Cause for Discipline, Respondent is subject to disciplinary action under Code section 2234, subdivision (c), for repeated negligent acts in the care and treatment of Persons 1 and 3.

THIRD CAUSE FOR DISCIPLINE

(Incompetence)

19. By reason of the facts set forth in the First Cause for Discipline, Respondent is subject to disciplinary action under Code section 2234, subdivision (d) in that he was incompetent in the care and treatment of patients, and in his handling of prescription documents.

FOURTH CAUSE FOR DISCIPLINE

(Aiding and Abetting the Unlicensed Practice of Medicine)

20. By reason of the facts set forth in the First Cause for Discipline, Respondent is subject to disciplinary action under Code section 2264 for aiding and abetting the provision of medical services to Persons 1, 2, and 3 by an unlicensed individual.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate Medical Records)

21. By reason of the facts set forth in the First Cause for Discipline, Respondent is subject to disciplinary action under Code section 2266 for his failure to maintain adequate and accurate records related to the provision of medical services of Persons 1 and 3.

SIXTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

22. Respondent is subject to disciplinary action under Code section 2334, in that his actions represent unprofessional conduct, generally. The facts, circumstances, and allegations set forth above are incorporated herein by reference as if fully set forth.

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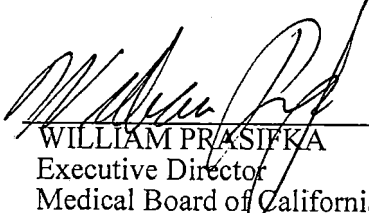
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PRAYER

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 Certificate Number A 25552, issued to Baidyanath Prasad, M.D.;
2. Revoking, suspending or denying approval of Baidyanath Prasad, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. If placed on probation, ordering Baidyanath Prasad, M.D.'s to pay the Board the costs of probation monitoring;
4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 10 2020



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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