

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

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

**Edmund Peter Kemprud, M.D.**

**Physician's and Surgeon's  
Certificate No. G 28372**

**Respondent.**

**Case No. 800-2017-038680**

**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 October 25, 2021.**

**IT IS SO ORDERED October 18, 2021.**

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**William Prasifka  
Executive Director**

1 ROB BONTA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
455 Golden Gate Avenue, Suite 11000  
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*Attorneys for Complainant*  
7

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 **EDMUND PETER KEMPRUD, M.D.**  
13 **7667 Amador Valley Blvd.**  
14 **Dublin, CA 94568**  
15 **Physician's and Surgeon's Certificate No.**  
16 **G28372**  
17 Respondent.

Case No. 800-2017-038680  
OAH No. 2021050772  
**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

25 2. Edmund Peter Kemprud, M.D. (Respondent) is represented in this proceeding by  
26 attorney John Fleer, whose address is: 273 Orchard Road, Orinda, CA 94563.  
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1 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
2 Respondent hereby gives up his right to contest that cause for discipline exists based on those  
3 charges.

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

7 **RESERVATION**

8 11. The admissions made by Respondent herein are only for the purposes of this  
9 proceeding, or any other proceedings in which the Board or other professional licensing agency is  
10 involved, and shall not be admissible in any other criminal or civil proceeding.

11 **CONTINGENCY**

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

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

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

26 **ORDER**

27 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G28372, issued  
28 to Respondent Edmund Peter Kemprud, M.D., is surrendered and accepted by the Board.



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I have read and fully discussed with Respondent Edmund Peter Kemprud, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 10-11-21

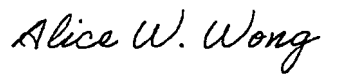
  
JOHN FLEER  
*Attorney for Respondent*

**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: October 12, 2021

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
MARY CAIN-SIMON  
Supervising Deputy Attorney General

  
ALICE W. WONG  
Deputy Attorney General  
*Attorneys for Complainant*

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Stipulated Surrender.docx

# **EXHIBIT A**

**Accusation No. 800-2017-038680**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-038680

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

14 **Edmund Peter Kemprud, M.D.**  
15 **7667 Amador Valley Blvd.**  
**Dublin, CA 94568**

16 **Physician's and Surgeon's Certificate**  
17 **No. G28372,**

18 Respondent.  
19

20  
21 **PARTIES**

22 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity  
23 as the Executive Director of the Medical Board of California, Department of Consumer Affairs  
24 (Board).

25 2. On or about October 28, 1974, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number G28372 to Edmund Peter Kemprud, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on July 31, 2021, unless renewed.



1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5 STATUTORY PROVISIONS

6 4. Section 2227 of the Code states:

7 (a) A licensee whose matter has been heard by an administrative law judge of  
8 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
9 Code, or whose default has been entered, and who is found guilty, or who has entered  
into a stipulation for disciplinary action with the board, may, in accordance with the  
provisions of this chapter:

10 (1) Have his or her license revoked upon order of the board.

11 (2) Have his or her right to practice suspended for a period not to exceed one  
12 year upon order of the board.

13 (3) Be placed on probation and be required to pay the costs of probation  
monitoring upon order of the board.

14 (4) Be publicly reprimanded by the board. The public reprimand may include a  
15 requirement that the licensee complete relevant educational courses approved by the  
board.

16 (5) Have any other action taken in relation to discipline as part of an order of  
17 probation, as the board or an administrative law judge may deem proper.

18 (b) Any matter heard pursuant to subdivision (a), except for warning letters,  
19 medical review or advisory conferences, professional competency examinations,  
20 continuing education activities, and cost reimbursement associated therewith that are  
agreed to with the board and successfully completed by the licensee, or other matters  
made confidential or privileged by existing law, is deemed public, and shall be made  
available to the public by the board pursuant to Section 803.1.

21 5. Section 2234 of the Code, states:

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

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

26 (b) Gross negligence.

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

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

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

6 (d) Incompetence.

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

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

10 (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  
11 certificate holder who is the subject of an investigation by the board.

12 6. Section 2242 of the Code states:

13 (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section  
4022 without an appropriate prior examination and a medical indication, constitutes  
14 unprofessional conduct. An appropriate prior examination does not require a  
synchronous interaction between the patient and the licensee and can be achieved  
15 through the use of telehealth, including, but not limited to, a self-screening tool or a  
questionnaire, provided that the licensee complies with the appropriate standard of  
16 care.

17 (b) No licensee shall be found to have committed unprofessional conduct within  
the meaning of this section if, at the time the drugs were prescribed, dispensed, or  
18 furnished, any of the following applies:

19 (1) The licensee was a designated physician and surgeon or podiatrist serving in  
the absence of the patient's physician and surgeon or podiatrist, as the case may be,  
20 and if the drugs were prescribed, dispensed, or furnished only as necessary to  
maintain the patient until the return of the patient's practitioner, but in any case no  
21 longer than 72 hours.

22 (2) The licensee transmitted the order for the drugs to a registered nurse or to a  
licensed vocational nurse in an inpatient facility, and if both of the following  
23 conditions exist:

24 (A) The practitioner had consulted with the registered nurse or licensed  
vocational nurse who had reviewed the patient's records.

25 (B) The practitioner was designated as the practitioner to serve in the absence  
of the patient's physician and surgeon or podiatrist, as the case may be.

26 (3) The licensee was a designated practitioner serving in the absence of the  
27 patient's physician and surgeon or podiatrist, as the case may be, and was in  
possession of or had utilized the patient's records and ordered the renewal of a  
28 medically indicated prescription for an amount not exceeding the original prescription

1 in strength or amount or for more than one refill.

2 (4) The licensee was acting in accordance with Section 120582 of the Health  
3 and Safety Code.

4 7. Section 2264 of the Code states:

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

9 8. Section 2052 of the Code states:

10 (a) Notwithstanding Section 146, any person who practices or attempts to  
11 practice, or who advertises or holds himself or herself out as practicing, any system or  
12 mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates  
13 for, or prescribes for any ailment, blemish, deformity, disease, disfigurement,  
14 disorder, injury, or other physical or mental condition of any person, without having  
15 at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in  
16 this chapter [Chapter 5, the Medical Practice Act], or without being authorized to  
17 perform the act pursuant to a certificate obtained in accordance with some other  
18 provision of law, is guilty of a public offense, punishable by a fine not exceeding ten  
19 thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section  
20 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or  
21 by both the fine and either imprisonment.

22 (b) Any person who conspires with or aids or abets another to commit any act  
23 described in subdivision (a) is guilty of a public offense, subject to the punishment  
24 described in that subdivision.

25 (c) The remedy provided in this section shall not preclude any other remedy  
26 provided by law.

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

## FACTUAL ALLEGATIONS

### PATIENT P-1<sup>1</sup>

10. Patient P-1, a female born in 1988, first saw Respondent on September 22, 2014. The  
chart notes of this visit are largely illegible, although there is a medication section with Vicodin<sup>2</sup>

<sup>1</sup>The patients are designated in this document as Patients P-1 through P-2 to protect their  
privacy. Respondent knows the names of the patients and can confirm their identities through  
discovery.

<sup>2</sup> Vicodin® is a trade name for hydrocodone bitartrate – acetaminophen, an opioid pain  
medication used for relief from moderate to moderately severe pain and has a high potential for

1 circled and a Controlled Substances Utilization and Review System (CURES<sup>3</sup>) report for this day  
2 show Respondent prescribed to P-1 a 7-day supply of hydrocodone<sup>4</sup>, 5 mg. Respondent did not  
3 document an appropriate history and physical examination for P-1.

4 11. Respondent treated P-1 for leg pain on November 15, 2014 and prescribed a 30-day  
5 supply of oxycodone<sup>5</sup>, 10 mg. Respondent did not perform and document any physical  
6 examination and information about the patient's condition and complaints. The chart notes are  
7 largely illegible.

8 12. On December 19, 2014, Respondent prescribed a 30-day supply of oxycodone, 10  
9 mg. Respondent did not perform or document any physical examination. The chart notes are  
10 largely illegible.

11 13. On January 3, 2015, P-1 was treated for pain in her leg and sore throat. Respondent  
12 did not perform or document any physical examination. The chart notes are largely illegible.

13 abuse. Vicodin is a Schedule II controlled substance pursuant to Health and Safety Code section  
14 11055, subdivision (e), and a dangerous drug pursuant to Business and Professions Code section  
4022.

15 <sup>3</sup> Controlled Substance Utilization Review and Evaluation System 2.0 (CURES) is a  
16 database of Schedule II, III and IV controlled substance prescriptions dispensed in California  
17 serving the public health, regulatory and oversight agencies and law enforcement. CURES 2.0 is  
committed to the reduction of prescription drug abuse and diversion without affecting legitimate  
18 medical practice or patient care.

19 <sup>4</sup> Hydrocodone Bitartrate – Acetaminophen is also known under the brand names of  
20 Lorcet®, Lortab®, Norco® and Vicodin®. Hydrocodone Bitartrate – Acetaminophen is an  
opioid pain medication used for relief from moderate to moderately severe pain and has a high  
21 potential for abuse. Vicodin is a Schedule II controlled substance pursuant to Health and Safety  
Code section 11055, subdivision (e), and a dangerous drug pursuant to Business and Professions  
Code section 4022.

22 <sup>5</sup> Oxycodone (with trade names Oxaydo®, OxyCONTIN®, Oxyfast®, Roxicodon®,  
23 Xtampza ER®) is a white odorless crystalline powder derived from an opium alkaloid. It is a pure  
agonist opioid whose principal therapeutic action is analgesia. Other therapeutic effects of  
24 Oxycodone include anxiolysis, euphoria and feelings of relaxation. Oxycodone has a high  
potential for abuse. Oxycodone is a Schedule II controlled substance and narcotic as defined by  
25 section 11055, subdivision (b)(1) of the Health and Safety Code, and a Schedule II controlled  
substance as defined by Section 1308.12 (b)(1) of Title 21 of the code of Federal Regulations and  
26 a dangerous drug as defined in Business and Professions Code section 4022. Respiratory  
depression is the chief hazard from all opioid agonist preparations. Oxycodone should be used  
27 with caution and started in a reduced dosage (1/3 to 1/2 of the usual dosage) in patients who are  
concurrently receiving other central nervous system depressants including sedatives or hypnotics,  
28 general anesthetics, phenothiazines, other tranquilizers and alcohol.

1           14. On January 5, 2015, Respondent prescribed a 22-day supply of oxycodone, 10 mg.  
2 There is no medical indication for the early refill of 14 days. The chart notes are largely illegible.

3           15. On January 23, 2015, P-1 reported she is unable to "shut brain off." Respondent  
4 diagnosed P-1 with Attention Deficit Disorder (ADD) and possibly General Anxiety Disorder  
5 (GAD<sup>6</sup>) and prescribed a 30-day supply of alprazolam<sup>7</sup>, 1 mg, and a 30-day supply of Adderall<sup>8</sup>,  
6 10 mg, for treatment. The chart notes are largely illegible.

7           16. On February 4, 2015, P-1 requested another pain medication. Respondent had already  
8 filled a 22-day supply of oxycodone, 10 mg on January 25, 2015. Respondent diagnosed P-1 with  
9 chronic leg pain. Respondent did not perform or document any physical examination. There was  
10 no medical indication why Respondent added a 20-day supply of hydrocodone, 7.5 mg to his  
11 treatment of P-1. The chart notes are largely illegible.

12           17. On March 2, 2015 the CURES report noted P-1 was provided a 30 day supply of  
13 oxycodone, 10 mg. On March 13, 2015, Respondent again provided a 30-day supply of  
14 oxycodone, 10 mg. There is no chart note evidence or medical indication why the additional  
15 prescription was provided 19 days early. On April 8, 2015, another 23-day supply of oxycodone,  
16 10 mg was provided without any medical indication why the prescription was written 5 days  
17 early. The chart notes are largely illegible.

18           18. On May 8, 2015, P-1 reported knee pain and Respondent added a 30-day supply of  
19 Soma®<sup>9</sup>, 350 mg, to the 30-day supply of oxycodone prescribed for pain. Respondent did not

20           <sup>6</sup> Due to the illegibility of the chart notes, it appeared "GAD" was written, which denote  
21 General Anxiety Disorder as a diagnosis.

22           <sup>7</sup> Alprazolam, also known by the trade name Xanax, is a benzodiazepine. It is a  
23 psychotropic drug used to treat anxiety and panic disorders. Alprazolam is contra-indicated in  
24 patients with narrow-angle glaucoma or who are taking certain medications. It is a dangerous  
25 drug as defined in section 4022, and a Schedule IV controlled substance.

26           <sup>8</sup> Adderall is a trade name for a combination of amphetamine and dextroamphetamine,  
27 central nervous system stimulants that is used to treat narcolepsy and attention deficit  
28 hyperactivity disorder. Adderall is a dangerous drug as defined in section 4022, and a Schedule II  
controlled substance.

<sup>9</sup> Carisoprodol (with trade name Soma®) is a Schedule IV controlled substance pursuant  
to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to  
Business and Professions Code section 4022. When properly prescribed as indicated, it is used

1 perform or document any physical examination and there was no medical indication why Soma®  
2 was added to P-1's treatment. The chart notes are largely illegible.

3 19. Respondent continued to prescribe hydrocodone, oxycodone, alprazolam and  
4 Adderall to P-1 for pain management and ADD on a monthly basis until September 2018. P-1  
5 saw Respondent for the last time on September 21, 2018. The chart notes are largely illegible.

6 20. According to the CURES Report, between May 2014 and May 31, 2019, P-1 received  
7 approximately the following: 780 tablets of hydrocodone bitartrate acetaminophen 325/10 mg;  
8 1,505 tablets of oxycodone (10 mg); 2,130 tablets of alprazolam (1 mg); and 1,890 tablets of  
9 Adderall (10 mg).

10 21. During this time period between May 2014 and May 31, 2019, Respondent did not  
11 perform or document any risk assessment of P-1 prior to initiating long-term use of narcotics and  
12 combinations of controlled substances. Respondent did not have a comprehensive treatment plan  
13 that specified measurable goals and objectives used to evaluate treatment progress for P-1.  
14 Respondent did not undertake or document any compliance monitoring such as drug testing,  
15 review of CURES reports, pill counts or utilize a pain management agreement<sup>10</sup> with P-1 to  
16 ensure appropriate medications used by P-1. Respondent did not evaluate P-1's progress toward  
17 established treatment objectives or evaluate other treatment goals such as patient's activity level  
18 (functional goals), adverse effects (side effects), aberrant behaviors (signs of drug or alcohol use,  
19 unsanctioned dose escalation, and/or concerns such as reports of lost prescriptions or early refill

20 \_\_\_\_\_  
21 for the treatment of acute and painful musculoskeletal conditions. According to the DEA, Office  
22 of Diversion Control, "[c]arisoprodol abuse has escalated in the last decade in the United  
23 States...According to Diversion Drug Trends, published by the Drug Enforcement Administration  
24 (DEA) on the trends in diversion of controlled and non-controlled pharmaceuticals, carisoprodol  
continues to be one of the most commonly diverted drugs. Diversion and abuse of carisoprodol is  
prevalent throughout the country. As of March 2011, street prices for [carisoprodol] Soma®  
ranged from \$1 to \$5 per tablet. Diversion methods include doctor shopping for the purposes of  
obtaining multiple prescriptions and forging prescriptions."

25 <sup>10</sup> Also known as a pain contract or controlled substance agreement. A pain management  
26 agreement is recommended for patients on short-acting opioids at the time of the third visit; on  
27 long acting opioids; or, expected to require more than three months of opioids. A pain  
28 management agreement outlines the responsibilities of the physician and patient during the time  
that controlled substances are prescribed. See Medical Board of California: Guidelines for  
Prescribing Controlled Substances for Pain, November 2014.

1 requests), patient's affect (changes to mood, depression or anxiety), and accurate medical records  
2 reflecting the evaluation of treatment goals, including changes to management plan.

3 22. Respondent did not obtain, or document obtaining informed consent from P-1  
4 regarding potential risks of long-term opioid use and combined use of opioid and other controlled  
5 substances.

### 6 PATIENT P-2

7 23. Patient P-2, a female born in 1967, saw Respondent between December 2015<sup>11</sup> and  
8 April 2019 for back pain. Respondent's chart notes for P-2 are largely illegible. The prescribing  
9 information are obtained from the CURES Report for P-2, between May 31, 2014 and May 31,  
10 2019.

11 24. Between December 2015 and September 2016, Respondent prescribed hydrocodone,  
12 10 mg and diazepam<sup>12</sup>, 10 mg on a monthly basis to P-2. The chart notes are largely illegible.  
13 Respondent did not document an adequate patient history relating to the presenting complaint to  
14 support the prescribed medication.

15 25. On October 17, 2016, Respondent added Soma®, 350 mg, to the monthly  
16 prescriptions of hydrocodone and diazepam. The chart notes are largely illegible and do not  
17 document medical indication why the additional monthly prescription of Soma® was added.

18 26. On February 6, 2017, P-2 reported her pain level was at 6-7 on a scale of 10, but on  
19 medication, the pain level was at 2-4 on a scale of 10, which would be considered well controlled  
20 with the use of the prescribed medication. However, Respondent added methadone<sup>13</sup>, 10 mg to

21 <sup>11</sup> The first available chart notes for P-2 was on December 18, 2015. The CURES Report  
22 show Respondent began prescribing narcotics to P-2 on November 28, 2014.

23 <sup>12</sup> Diazepam, also known by its trade name as Valium, is a benzodiazepine, used to treat  
24 anxiety, alcohol withdrawal, and seizures. Benzodiazepines are a class of agents that work on the  
25 central nervous system, acting on select receptors in the brain that inhibit or reduce the activity of  
nerve cells within the brain. It is a dangerous drug as defined in section 4022, and a Schedule IV  
controlled substance.

26 <sup>13</sup> Methadone is an opioid medication that has a high potential for abuse. It is a dangerous  
27 drug as defined in section 4022 and a Schedule II controlled substance and narcotic as defined by  
28 section 11055 of the Health and Safety Code. Methadone is used as a pain reliever and as part of  
drug addiction detoxification and maintenance programs. It may cause a prolonged QT interval  
(a rare heart problem that may cause irregular heartbeat, fainting, or sudden death).

1 the monthly prescriptions of hydrocodone, diazepam, and Soma®. There is no documentation or  
2 medical indication why methadone was needed or added to P-2's treatment plan. The addition of  
3 methadone, 10 mg, increased the morphine milligram equivalent (MME<sup>14</sup>) from 60 to 240 MME  
4 per day.<sup>15</sup> It also appeared Norco was crossed off the prescribed medication. P-2 was continued  
5 on diazepam and Soma®.

6 27. P-2 was continued on monthly prescriptions of diazepam, Soma and methadone until  
7 September 6, 2017.

8 28. On September 6, 2017, the chart note appeared to state P-2 was in a motor vehicle  
9 accident three weeks ago. Respondent added Norco, 10 mg. to P-2's medication. Additionally,  
10 Respondent increased P-2's methadone from 3 to 4 times per day at 10 mg, which increased the  
11 MME of P-2 from 240 MME to 350 MME. There was no discussion, medical indication, or  
12 rationale for the addition of Norco or increase in methadone.

13 29. On October 2, 2017, Respondent increased P-2's prescription of methadone from 120  
14 tablets to 135 tablets, which increased P-2's MME from 350 MME to 360 MME. There was no  
15 discussion, medical indication, or rationale for the increase in methadone.

16 30. On October 24, 2017, P-2 reported her back pain was worse with pain level of 9-10  
17 on a scale of 10. There were no changes to P-2's medication.

18 31. On October 30, 2017, P-2 filled her prescription for methadone and hydrocodone four  
19 days early, without any medical indication why the prescription was written 4 days early.

20 32. P-2 was continued on monthly prescriptions of diazepam, Soma and methadone until  
21 July 2018.

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25 <sup>14</sup> MME stands for morphine milligram equivalency. This is used to convert the many  
26 different opioids into one standard value based on morphine and its potency. Oxycodone, for  
example, is 1.5 times as potent as morphine so 320 mg of oxycodone is equivalent to 480 MME.  
The CDC recommends avoiding or carefully justifying any dosage greater than 90 MME/day.

27 <sup>15</sup> Calculating Total Daily Dose of Opioids for Safer Dosage. CDC.  
28 [www.cdc.gov/drugoverdose/prescribing/guideline.html](http://www.cdc.gov/drugoverdose/prescribing/guideline.html).



1           33. On July 18, 2018, P-2 reported her back pain was at a 9-10 on a scale of 10. The  
2 chart notes appeared to state the prescription for Soma, 350 mg was reduced by one-half;  
3 however, the CURES Report reflected no change to the monthly prescription of Soma.

4           34. On October 5, 2018, P-2 reported being tired. Respondent decreased the  
5 hydrocodone prescription from 90 pills to 75 pills each month.

6           35. The last entry for chart notes for P-2 was completed by Respondent on October 31,  
7 2018. It was largely illegible. On this day, P-2's CURES report showed a refill of one month  
8 supply of methadone. While P-2's last visit with Respondent appeared to be October 31, 2018  
9 based on P-2's medical records, Respondent continued to write prescriptions for P-2 until May 2,  
10 2019 according to P-2's CURES report.

11           36. According to P-2's CURES report, on January 9, 2019, Respondent decreased P-2's  
12 hydrocodone prescription from 75 pills to 60 pills. There are no chart notes, medical records,  
13 medical indication, or rationale related to this decrease in hydrocodone.

14           37. According to P-2's CURES report, on March 6, 2019, Respondent increased P-2's  
15 hydrocodone prescription from 60 pills to 240 pills, four times the amount of prescribed  
16 hydrocodone since P-2's last visit on October 31, 2018. There are no chart notes, medical  
17 records, medical indication, or rationale related to this substantial increase in hydrocodone.

18           38. According to P-2's CURES report, on April 3, 2019 and May 2, 2019, Respondent  
19 again renewed P-2's hydrocodone prescription at 240 pills, four times the amount of prescribed  
20 hydrocodone since P-2's last visit on October 31, 2018. There are no chart notes, medical  
21 records, medical indications, or rationale related to this substantial increase in hydrocodone  
22 prescribed for P-2.

23           39. According to P-2's CURES report, between May 2014 and May 31, 2019, P-2  
24 received approximately the following: 6,930 tablets of hydrocodone bitartrate acetaminophen  
25 325/10 mg; 2,706 tablets of methadone (10 mg); 1,395 tablets of Soma (350 mg); 90 tablets of  
26 lorazepam (.5 mg); 40 tablets of alprazolam (.5 mg) and 2,055 tablets of diazepam (10 mg).

27           40. During this time period between May 2014 and May 31, 2019, Respondent did not  
28 perform or document any risk assessment of P-2 prior to initiating long-term use of narcotics and

1 combinations of controlled substances. Respondent did not have a comprehensive treatment plan  
2 that specified measurable goals and objectives used to evaluate treatment progress for P-2.  
3 Respondent did not undertake or document any compliance monitoring such as drug testing,  
4 review of CURES reports, pill counts or utilize a pain management agreement with P-2 to ensure  
5 appropriate medications used by P-2. Respondent did not evaluate P-2's progress toward  
6 established treatment objectives or evaluate other treatment goals such as patient's activity level  
7 (functional goals), adverse effects (side effects), aberrant behaviors (signs of drug or alcohol use,  
8 unsanctioned dose escalation, and/or concerns such as reports of lost prescriptions or early refill  
9 requests), patient's affect (changes to mood, depression or anxiety), and accurate medical records  
10 reflecting the evaluation of treatment goals, including changes to management plan.

11 41. Respondent did not obtain, or document obtaining, informed consent from P-2  
12 regarding potential risks of long-term opioid use and combined use of opioid and other controlled  
13 substances.

14  
15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct: Gross Negligence)**

17 42. Respondent is guilty of unprofessional conduct and subject to disciplinary action  
18 under sections 2227 and 2234, as defined by 2234, subdivision (b) of the Code, in that he  
19 committed gross negligence in his care and treatment of Patients P-1 and P-2, in that Respondent  
20 engaged in the conduct described above including, but not limited to, the following:

- 21 A. Respondent failed to establish a diagnosis of medical necessity for treating P-1's  
22 report of muscle skeletal pain, notably knee pain, with long-term use of opioids for  
23 chronic non-cancer pain.
- 24 B. Respondent failed to establish a diagnosis of medical necessity for treating P-2's  
25 report of muscle skeletal pain, notably back pain, with long-term use of opioids for  
26 chronic non-cancer pain.
- 27 C. Respondent did not document an adequate patient history relating to the presenting  
28 complaint at each visit for P-1 and P-2.

- 1 D. Respondent did not document an adequate physical examination to support the  
2 treatment plan for P-1 and P-2 or the prescribed medications.
- 3 E. Respondent failed to undertake any risk assessment of P-1 and P-2 prior to initiating  
4 long-term use of narcotics and combinations of controlled substances.
- 5 F. Respondent failed to have a comprehensive treatment plan that specified measurable  
6 goals and objectives used to evaluate treatment progress for both P-1 and P-2.
- 7 G. Respondent failed to obtain, or document obtaining, informed consent from P-1 and  
8 P-2, regarding potential risks of long-term opioid use and combined use of opioid and  
9 other controlled substances.
- 10 H. Respondent failed to undertake any compliance monitoring such as drug testing,  
11 review of CURES reports, or conduct pill counts with P-1 and P-2 to ensure  
12 appropriate medication use by P-1 and P-2.
- 13 I. Respondent failed to evaluate P-1 and P-2's progress toward established treatment  
14 objectives and failed to consistently evaluate other treatment goals such as patient's  
15 activity level (functional goals), adverse effects (side effects), aberrant behaviors  
16 (signs of drug or alcohol use, unsanctioned dose escalation, and/or concerns such as  
17 reports of lost prescriptions or early refill requests), patient's affect (changes to  
18 mood, depression or anxiety), and accurate medical records reflecting the evaluation  
19 of treatment goals, including changes to management plan.
- 20 J. Respondent failed to place P-1 and P-2, both patients on long-term use of controlled  
21 substances (greater than 90 days) on a controlled substance contract.
- 22 K. Respondent did not maintain an accurate and current medication list for P-1 and P-2  
23 in the patients' medical files.
- 24 L. Respondent failed to maintain adequate and accurate medical records in connection  
25 with the care and treatment of P-1 and P-2.

26 ///

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Repeated Negligent Acts)**

3 43. Respondent is guilty of unprofessional conduct and subject to disciplinary action  
4 under sections 2227 and 2234, as defined by 2234, subdivision (c), of the Code, in that he  
5 committed repeated negligent acts in his care and treatment of Patients P-1 and P-2, as more  
6 particularly alleged in paragraphs 10 through 42, above, which are hereby incorporated by  
7 reference and realleged as if fully set forth herein.

8  
9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct: Failure to Maintain Adequate and Accurate Records)**

11 44. Respondent is guilty of unprofessional conduct and subject to disciplinary action  
12 under sections 2227 and 2234, as defined by 2266, of the Code, in that he failed to keep adequate  
13 and accurate medical records in his care and treatment of Patients P-1 and P-2, as more  
14 particularly alleged in paragraphs 10 through 42, above, which are hereby incorporated by  
15 reference and realleged as if fully set forth herein.

16  
17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Aiding Unlawful Practice of Medicine)**

19 45. Respondent Edmund Peter Kemprud, M.D. is subject to disciplinary action under  
20 sections 2052 and 2264 of the Code (aiding in the unlawful practice of medicine) in that  
21 Respondent engaged in the conduct described below including, but not limited to, the following:

22 46. On or about 2017 to 2018, Respondent worked for Relief Medical Group, Inc.<sup>16</sup>  
23 During his employment at Relief Medical Group, Inc., Respondent performed annual physical  
24 examinations and made prescription recommendations for patients. Respondent admitted he  
25 worked for Edward Cremata, who paid Respondent per physical examination performed.

26  
27 <sup>16</sup> Relief Medical Group, Inc.'s Statement of Information filed on April 4, 2016 listed  
28 Edward E. Cremata as the Chief Executive Officer and Chief Financial Officer. Respondent is  
listed as the Secretary.

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:

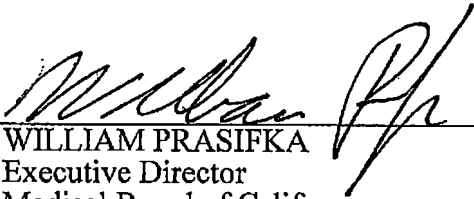
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G28372,  
5 issued to Edmund Peter Kemprud, M.D.;

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

8 3. Ordering Edmund Peter Kemprud, M.D., if placed on probation, to pay the Board the  
9 costs of probation monitoring; and

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

11  
12 DATED: NOV 09 2020

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