

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

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

Brunel Bredy, M.D.

**Physician's and Surgeon's
Certificate No. A 75486**

Respondent

)
)
)
)
)
)
)
)
)
)
)

Case No. 800-2016-024961

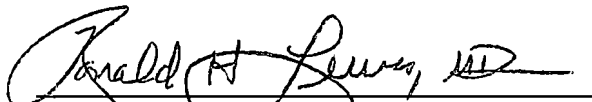
DECISION

The attached Stipulated Settlement and Disciplinary 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 January 10, 2020.

IT IS SO ORDERED: December 12, 2019.

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 VERONICA VO
Deputy Attorney General
4 State Bar No. 230698
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7508
Facsimile: (916) 327-2247
7

8 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

14 **BRUNEL BREDY, M.D.**
15 **9201 Big Horn Blvd.**
Elk Grove, CA 95758

16 **Physician's and Surgeon's Certificate No.**
17 **A 75486**

18 Respondent.

Case No. 800-2016-024961

OAH No. 2019050980

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. Christine J. Lally (Complainant) is the Deputy Director of the Medical Board of
24 California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Veronica Vo,
26 Deputy Attorney General.

27 ///

28 ///

1 2. Respondent Brunel Bredy, M.D. (Respondent) is represented in this proceeding by
2 attorney Lindsay M. Johnson, Esq., whose address is: 5000 Birch Street, Suite 7000
3 Newport Beach, CA 92660-8151.

4 3. On or about June 29, 2001, the Board issued Physician's and Surgeon's Certificate
5 No. A 75486 to Brunel Bredy, M.D. (Respondent). The Physician's and Surgeon's Certificate
6 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-
7 2016-024961, and will expire on March 31, 2019, unless renewed.

8 **JURISDICTION**

9 4. Accusation No. 800-2016-024961 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on September 28, 2018. Respondent timely filed his Notice of
12 Defense contesting the Accusation. A copy of Accusation No. 800-2016-024961 is attached as
13 Exhibit A and incorporated herein by reference.

14 **ADVISEMENT AND WAIVERS**

15 5. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 800-2016-024961. Respondent has also carefully read,
17 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

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

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

27 ///

28 ///

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2016-024961, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a *prima*
7 *facie case* for the charges in the Accusation, and that Respondent hereby gives up his right to
8 contest those charges.

9 10. Respondent agrees that if he ever petitions for early termination or modification of
10 probation, or if an accusation and/or petition to revoke probation is filed against him before the
11 Board, all of the charges and allegations contained in Accusation No. 800-2016-024961 shall be
12 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
13 other licensing proceeding involving respondent in the State of California.

14 CONTINGENCY

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

25 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
26 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
27 signatures thereto, shall have the same force and effect as the originals.

28 ///

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 75486 issued to Respondent Brunel Bredy, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years from the effective date of the Decision on the following terms and conditions.

1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until the final decision on an accusation and/or a petition to revoke probation is effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its decision within 15 days of submission of the case, unless good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for reconsideration, remands and other interlocutory orders issued by the Board. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 30 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing

1 within 30 days of such a request, the notification of cease practice shall be dissolved.

2 2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
3 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
4 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
5 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
6 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
7 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
8 testing. The contract shall require results of the tests to be transmitted by the laboratory or
9 service directly to the Board or its designee within four hours of the results becoming available.
10 Respondent shall maintain this laboratory or service contract during the period of probation.

11 A certified copy of any laboratory test result may be received in evidence in any
12 proceedings between the Board and Respondent.

13 If Respondent fails to cooperate in a random biological fluid testing program within the
14 specified time frame, Respondent shall receive a notification from the Board or its designee to
15 immediately cease the practice of medicine. The Respondent shall not resume the practice of
16 medicine until the final decision on an accusation and/or a petition to revoke probation is
17 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
18 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
19 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
20 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
21 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
22 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
23 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
24 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
25 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
26 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
27 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
28 practice shall not apply to the reduction of the probationary time period.

1 If the Board does not file an accusation or petition to revoke probation within 15 days of the
2 issuance of the notification to cease practice or does not provide Respondent with a hearing
3 within 30 days of such a request, the notification of cease practice shall be dissolved.

4 3. EDUCATION COURSE. Within 60 calendar days of the effective date of this
5 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
6 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
7 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
8 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
9 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
10 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
11 completion of each course, the Board or its designee may administer an examination to test
12 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
13 hours of CME of which 40 hours were in satisfaction of this condition.

14 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
15 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
16 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
17 Respondent shall participate in and successfully complete that program. Respondent shall
18 provide any information and documents that the program may deem pertinent. Respondent shall
19 successfully complete the classroom component of the program not later than six (6) months after
20 Respondent's initial enrollment, and the longitudinal component of the program not later than the
21 time specified by the program, but no later than one (1) year after attending the classroom
22 component. The professionalism program shall be at Respondent's expense and shall be in
23 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

24 A professionalism program taken after the acts that gave rise to the charges in the
25 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
26 or its designee, be accepted towards the fulfillment of this condition if the program would have
27 been approved by the Board or its designee had the program been taken after the effective date of
28 this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

5. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.

6. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the effective date of this Decision, and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician who shall consider any information provided by the Board or designee and any other information the evaluating physician deems relevant and shall furnish a medical report to the Board or its designee. Respondent shall provide the evaluating physician with any information and documentation that the evaluating physician may deem pertinent.

Following the evaluation, Respondent shall comply with all restrictions or conditions recommended by the evaluating physician within 15 calendar days after being notified by the Board or its designee. If Respondent is required by the Board or its designee to undergo medical treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the Board or its designee for prior approval the name and qualifications of a California licensed treating physician of Respondent's choice. Upon approval of the treating physician, Respondent shall within 15 calendar days undertake medical treatment and shall continue such treatment until

1 further notice from the Board or its designee.

2 The treating physician shall consider any information provided by the Board or its designee
3 or any other information the treating physician may deem pertinent prior to commencement of
4 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
5 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
6 Respondent shall provide the Board or its designee with any and all medical records pertaining to
7 treatment that the Board or its designee deems necessary.

8 If, prior to the completion of probation, Respondent is found to be physically incapable of
9 resuming the practice of medicine without restrictions, the Board shall retain continuing
10 jurisdiction over Respondent's license and the period of probation shall be extended until the
11 Board determines that Respondent is physically capable of resuming the practice of medicine
12 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

13 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
14 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
15 Chief Executive Officer at every hospital where privileges or membership are extended to
16 Respondent, at any other facility where Respondent engages in the practice of medicine,
17 including all physician and locum tenens registries or other similar agencies, and to the Chief
18 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
19 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
20 calendar days.

21 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

22 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
23 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
24 advanced practice nurses.

25 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
26 governing the practice of medicine in California and remain in full compliance with any court
27 ordered criminal probation, payments, and other orders.

28 ///

1 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
2 under penalty of perjury on forms provided by the Board, stating whether there has been
3 compliance with all the conditions of probation.

4 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
5 of the preceding quarter.

6 11. GENERAL PROBATION REQUIREMENTS.

7 Compliance with Probation Unit

8 Respondent shall comply with the Board's probation unit.

9 Address Changes

10 Respondent shall, at all times, keep the Board informed of Respondent's business and
11 residence addresses, email address (if available), and telephone number. Changes of such
12 addresses shall be immediately communicated in writing to the Board or its designee. Under no
13 circumstances shall a post office box serve as an address of record, except as allowed by Business
14 and Professions Code section 2021(b).

15 Place of Practice

16 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
17 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
18 facility.

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's
21 license.

22 Travel or Residence Outside California

23 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
24 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
25 (30) calendar days.

26 In the event Respondent should leave the State of California to reside or to practice
27 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
28 departure and return.

12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Boards's Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or

1 Controlled Substances; and Biological Fluid Testing..

2 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
3 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
4 completion of probation. Upon successful completion of probation, Respondent's certificate shall
5 be fully restored.

6 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
7 of probation is a violation of probation. If Respondent violates probation in any respect, the
8 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
9 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
10 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
11 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
12 the matter is final.

13 16. LICENSE SURRENDER. Following the effective date of this Decision, if
14 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
15 the terms and conditions of probation, Respondent may request to surrender his or her license.
16 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
17 determining whether or not to grant the request, or to take any other action deemed appropriate
18 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
19 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
20 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
21 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
22 application shall be treated as a petition for reinstatement of a revoked certificate.

23 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
24 with probation monitoring each and every year of probation, as designated by the Board, which
25 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
26 California and delivered to the Board or its designee no later than January 31 of each calendar
27 year.

28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Lindsay M. Johnson. I understand the stipulation and the effect it
4 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 11/5/2019

BRUNEL BREDY, M.D.
Respondent

10 I have read and fully discussed with Respondent Brunel Brady, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 11-6-2019

LINDSAY M. JOHNSON, Esq.
Attorney for Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Medical Board of California.

19 DATED: 11/6/2019

Respectfully submitted,

21 XAVIER BECERRA
Attorney General of California
22 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
23 VERONICA MO
24 Deputy Attorney General
Attorney for Complainant

Exhibit A

Accusation No. 800-2016-024961

1 XAVIER BECERRA
Attorney General of California
2 STEVEN D. MUNI,
Supervising Deputy Attorney General
3 DEMOND L. PHILSON
Deputy Attorney General
4 State Bar No: 220220
California Department of Justice
5 1300 I Street, Suite 125
P.O. Box 944255
6 Sacramento, CA 94244-2550
Telephone: (916) 210-7548
7 Facsimile: (916) 327-2247
Attorneys for Complainant

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. 800-2016-024961

13 **Brunel Bredy, M.D.**
9201 Big Horn Blvd.
14 Elk Grove, CA 95758

A C C U S A T I O N

15 Physician's and Surgeon's Certificate
No. A 75486,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about June 29, 2001, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 75486 to Brunel Bredy, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2019, unless renewed.

27 ///

28 ///

JURISDICTION

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

4. Section 2234 of the Code, states:

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

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

5. Section 2236 of the Code states:

“(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

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

“(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

///

///

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

4 6. Section 2239 of the Code states:

5 “(a) The use or prescribing for or administering to himself or herself, of any controlled
6 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
7 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
8 any other person or to the public, or to the extent that such use impairs the ability of the licensee
9 to practice medicine safely or more than one misdemeanor or any felony involving the use,
10 consumption, or self-administration of any of the substances referred to in this section, or any
11 combination thereof, constitutes unprofessional conduct. The record of the conviction is
12 conclusive evidence of such unprofessional conduct.

13 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
14 deemed to be a conviction within the meaning of this section. The Medical Board may order
15 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the
16 denial of the license when the time for appeal has elapsed or the judgment of conviction has been
17 affirmed on appeal or when an order granting probation is made suspending imposition of
18 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
19 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,
20 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or
21 indictment.”

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Conviction of a crime)**

24 7. Respondent is subject to disciplinary action under Business and Professions Code
25 (Code) sections 2234 and 2236 in that he was convicted of a crime substantially related to the
26 qualifications, functions, or duties of a physician and surgeon. The circumstances are as follows:

27 8. On or about March 10, 2017, respondent was charged in case # MS348850A, in the
28 Monterey County Superior Court, with count one, a violation of Penal Code section 243(e)(1)

1 (battery on a spouse/cohabitant), a misdemeanor, and count two, a violation of Penal Code section
2 242 (battery), a misdemeanor. On or about October 6, 2017, the Deputy District Attorney, added
3 a count three to case number MS348850A, alleging that respondent committed a violation of
4 Penal Code section 415(1), (Disturbing the peace), a misdemeanor. Thereafter, respondent
5 entered a plea of No Contest to count three and the Deputy District Attorney dismissed counts
6 one and two in the furtherance of justice, in case number MS348850A. Respondent was
7 sentenced to three years of conditional probation, ordered to obey all laws, to not molest, strike,
8 threaten, harass, stalk, sexually assault, batter, or disturb the peace of victims, J.N. and C.B.¹ In
9 addition, the Monterey County court ordered respondent to serve twenty days of county jail,
10 enroll in a one-year domestic violence counseling program, complete eight hours of community
11 service, and not possess, receive or transport a firearm.

12 9. The underlying facts of the above referenced conviction stem from respondent's
13 arrest on July 15, 2016, at approximately 11 pm. On or about July 15, 2016, after respondent
14 attended his wife's aunt's funeral in Soledad, respondent, his wife C.B. and stepdaughter J.N.
15 consumed alcohol in a bar. According to C.B. and J.N., respondent consumed five to six beers,
16 two shots of tequila and two temazepam² tablets (15 mgs), for anxiety. Respondent got into an
17 argument with J.N., while she was driving both her mother and respondent back to Salinas.
18 Respondent then hit J.N. on the right side of her face and she then immediately pulled the car
19 over to the side of the road and got out. Respondent then shoved J.N. down a shallow
20 embankment by the road and then pushed C.B. with this hands when she tried to get between
21 respondent and J.N. Later, at the scene, when police arrived and tried to interview respondent, he
22 had no memory of the incident. However, on February 5, 2018, when respondent was
23 interviewed by the Board, he admitted to drinking beer in a bar after the funeral, taking

24 ///

25
26 ¹ The identity of the victims will be disclosed in discovery.

27 ² Temazepam – Generic name for Restoril. Temazepam is an intermediate-acting benzodiazepine.
28 Temazepam is a Schedule IV controlled substance pursuant to Code of Federal Regulations Title 21 section 1308.14(c). It 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.

1 temazepam tablets the night before, and pushing both J.N. and C.B., after an argument when both
2 women had gotten out of the car.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Excessive use of alcohol and/or drugs)**

5 10. Respondent is subject to disciplinary action under Code sections 2234 and 2239 in
6 that respondent administering to himself alcohol and a controlled substance; to the extent, or in
7 such a manner as to be dangerous or injurious to the licensee, or to any other person or to the
8 public. The circumstances are as follows:

9 11. Complainant re-alleges paragraphs 8 and 9 and incorporates them herein by reference.

10 12. On or about July 15, 2016, respondent consumed alcoholic beverages and controlled
11 substances that contributed to endangering himself and others in violation of section 2234 and
12 2239 of the Code.

13 **PRAYER**

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

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 75486,
17 issued to Brunel Bredy, M.D.;

18 2. Revoking, suspending or denying approval of Brunel Bredy, M.D.'s authority to
19 supervise physician assistants and advanced practice nurses;

20 3. Ordering Brunel Bredy, M.D., if placed on probation, to pay the Board the costs of
21 probation monitoring; and

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

23 DATED:
24 September 26, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

25
26
27 SA2018102390; 33534337.docx
28