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

10 In the Matter of the Accusation Against,

Case No. 800-2015-016019

11 **ALFRED EUGENE ADAMS, M.D.**
12 **6399 Christie Avenue, Suite 406**
13 **Emeryville, CA 94608**

DEFAULT DECISION
AND ORDER

14 **Physician's and Surgeon's Certificate No.**
G51928

[Gov. Code, §11520]

15 Respondent.

16
17 **FINDINGS OF FACT**

18 1. On or about September 28, 2016, Complainant Kimberly Kirchmeyer, in her official
19 capacity as the Executive Director of the Medical Board of California, Department of Consumer
20 Affairs, filed Accusation No. 800-2015-016019 against Alfred Eugene Adams, M.D.

21 (“Respondent) before the Medical Board of California.

22 2. On or about February 6, 1984, the Medical Board of California (“Board”) issued
23 Physician's and Surgeon's Certificate No. G51928 to Respondent. The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on August 31, 2017, unless renewed. A Certificate of Licensure is attached as **Exhibit A**,
26 and incorporated herein by reference.¹

27 ¹ All exhibits are attached in the Default Decision Evidence Packet. Each exhibit is a true
28 and correct copy and is incorporated by reference as if fully set forth herein.

1 3. On or about September 28, 2016, Dianne Richards, an employee of the Complainant
2 Agency, served by Certified Mail a copy of the Accusation No. 800-2015-016019, Statement to
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 6399
5 Christie Avenue, Suite 406, Emeryville, CA 94608. A copy of the Accusation, the related
6 documents, and Declaration of Service are attached as **Exhibit B**, and are incorporated herein by
7 reference.

8 4. On or about November 7, 2016, the aforementioned documents were returned by the
9 U.S. Postal Service marked "Unclaimed." A copy of the envelope returned by the post office is
10 attached as **Exhibit C**, and is incorporated herein by reference.

11 5. On or about November 1, 2016, counsel for Complainant served a Courtesy Notice of
12 Default upon Respondent at Respondent's address of record. The Notice of Default provided
13 Respondent with a copy of the Accusation, the Statement to Respondent, a Notice of Defense,
14 Request for Discovery, and discovery statutes, and advised Respondent that he was in default. A
15 copy of the Courtesy Notice of Default and accompanying documents, and Declaration of
16 Service, is contained in the exhibit package and marked as **Exhibit D**.

17 6. On or about December 16, 2016, the aforementioned documents were returned by the
18 U.S. Postal Service marked "Return to Sender, Unable to Forward." A copy of the envelope
19 returned by the post office is attached as **Exhibit E**, and is incorporated herein by reference.

20 7. On or about November 30, 2016, Dianne Richards, an employee of the Complainant
21 Agency, served by Certified Mail a copy of the Accusation No. 800-2015-016019, Statement to
22 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
23 11507.6, and 11507.7 to Respondent at 6400 Christie Avenue, Ste. 2409 in Emeryville, CA
24 94608, after conducting a Lexis search for alternate addresses for Respondent. A copy of the
25 Declaration of Service is contained in the exhibit package and marked as **Exhibit F**.

26 8. On or about December 16, 2016, the aforementioned documents were returned by the
27 U.S. Postal Service marked "Return to Sender, Unable to Forward." A copy the envelope
28 returned by the post office is contained in the exhibit package and marked as **Exhibit G**.

1 a. Unprofessional Conduct – failure to attend and participate in an interview by
2 the Board; failure to provide the Board with an accurate address or record; and failure to file a
3 proper and current mailing address with the Board, pursuant to Business and Professions Code
4 sections 2234 and 16 CCR section 1303.

5 b. Unprofessional Conduct – gross negligence; violating statute regulating
6 controlled substances; prescribing controlled substances for himself, pursuant to Business and
7 Professions Code sections 2234, 2238, 2239, and Health and Safety Code section 11170.

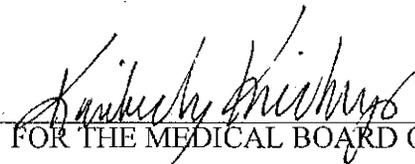
8 **ORDER**

9 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G51928, heretofore
10 issued to Respondent Alfred Eugene Adams, M.D., is revoked.

11 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
12 written motion requesting that the Decision be vacated and stating the grounds relied on within
13 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
14 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

15 This Decision shall become effective on February 17, 2017.

16 It is so ORDERED January 20, 2017.

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FOR THE MEDICAL BOARD OF CALIFORNIA

20 DEPARTMENT OF CONSUMER AFFAIRS
21 Kimberly Kirchmeyer
22 Executive Director
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STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept 28 2016
BY D. Richards ANALYST

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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:

Case No. 800-2015-016019

12 **Alfred E. Adams, M.D.**
13 **6399 Christie Avenue, Suite 406**
Emeryville, California 94608

ACCUSATION

14 **Physician's and Surgeon's Certificate**
15 **No. G 51928,**

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 February 6, 1984, the Medical Board issued Physician's and Surgeon's Certificate
24 Number G 51928 to Alfred E. Adams, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on August 31, 2017, unless renewed.

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JURISDICTION

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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 unless otherwise indicated.

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

8 5. Section 2021, subdivision (b), of the Code states, in pertinent part: "Each licensee
9 shall report to the board each and every change of address within 30 days after each change,
10 giving both the old and new address."

11 6. Section 2234 of the Code, states, in pertinent part:

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

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

16 "(b) Gross negligence

17 ". . . .

18 "(h) The repeated failure by a certificate holder, in the absence of good
19 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."

20 7. Section 2238 of the Code states: "A violation of any federal statute or federal
21 regulation or any of the statutes or regulations of this state regulating dangerous drugs or
22 controlled substances constitutes unprofessional conduct."

23 8. Section 2239, subdivision (a), of the Code states, in pertinent part:

24 "(a) The use or prescribing for or administering to himself or herself, of
25 any controlled substance . . . to the extent, or in such a manner as to be dangerous or
injurious to the licensee, or to any other person or to the public, or to the extent that
26 such use impairs the ability of the licensee to practice medicine safely . . . constitutes
unprofessional conduct."

27 9. Title 16 of the California Code of Regulations section 1303 states that "[e]ach person
28 holding a certificate, license, permit or any other authority issued under the Medical Practice Act

1 shall file his or her proper and current mailing address with the division in its principal office, and
2 shall immediately notify the division at its office of any and all changes of mailing address,
3 giving both the old and new address.”

4 10. Section 11170 of the Health and Safety Code states: “No person shall prescribe,
5 administer, or furnish a controlled substance for himself.”

6 **FACTS**

7 11. At all times relevant to this matter, Respondent was licensed and had an address of
8 record of 6399 Christie Avenue, Suite 406, Emeryville, California 94608.

9 12. Between December 23, 2014 and November 22, 2015, Respondent issued four
10 prescriptions for tramadol for himself including a telephone prescription on August 26, 2015 that
11 included five refills.

12 13. Tramadol is an opioid analgesic medication and a Schedule IV controlled substance
13 pursuant to 21 U.S.C. section 812 and 21 CFR section 1308.14. It was placed on the list of
14 Schedule IV controlled substances effective August 18, 2014.

15 14. On January 27, 2016, the Medical Board’s investigator went to Respondent’s address
16 of record, a residential apartment, and, when no one answered the door, left his business card.

17 15. On February 3, 2016, the Board’s investigator sent a letter to Respondent at his
18 address of record by certified mail asking him to telephone to schedule an interview in mid- to
19 late February 2016. The letter explained that the interview would concern his current practice
20 and self-prescribing of medications including controlled substances.

21 16. Not having heard from Respondent, the Board’s investigator sent another letter to
22 Respondent on March 1, 2016, this time by regular United States mail, again asking him to
23 telephone to schedule an interview. The investigator requested a date in mid- to late March 2016.
24 The letter, as the last, explained that the interview would concern his current practice and self-
25 prescribing of medications including controlled substances. Once again there was no response
26 from Respondent.

27 17. The Board’s investigator located an alternate address for Respondent and on May 3,
28 2016, sent a letter to Respondent at that address by regular United States mail asking him to

1 telephone to schedule an interview in May or June 2016. This letter, as the others, explained that
2 the interview would concern his current practice and self-prescribing of medications including
3 controlled substances. Again there was no response from Respondent.

4 18. On May 12, 2016, the Board's investigator sent a letter to Respondent at the address
5 on his driver's license by certified mail and regular United States mail asking him to telephone to
6 schedule an interview in May or June 2016. The letter explained that the interview would
7 concern his current practice and self-prescribing of medications including controlled substances.
8 The certified letter was returned on June 13, 2016, stamped "Not Deliverable as Addressed—
9 Unable to Forward."

10 19. On June 17, 2016, the certified letter sent on February 3, 2016 to Respondent's
11 address of record was returned, stamped "Return to Sender—Insufficient Address—Unable to
12 Forward."

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 20. Respondent Alfred E. Adams, M.D. is subject to disciplinary action under Business
16 and Professions Code section 2234 for unprofessional conduct pursuant to section 2234,
17 subdivision (h) (failure to attend and participate in an interview by the Board) and section 2021
18 (failure to provide the Board with an accurate address of record) and 16 CCR section 1303
19 (failure to file a proper and current mailing address with the Board), in that his mailing address
20 was non-functional resulting in the inability of the Board, despite multiple attempts, to schedule
21 an interview with him, as described above.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Prescribing Controlled Substances for Self)**

24 21. Respondent Alfred E. Adams, M.D. is subject to disciplinary action under Business
25 and Professions Code section 2234 for unprofessional conduct pursuant to section 2234,
26 subdivisions (a) (violating provisions of this chapter) and (b) (gross negligence); section 2238
27 (violating statute regulating controlled substances); section 2239 (prescribing controlled
28 substances for himself); and Health and Safety Code section 11170 (prescribing a controlled

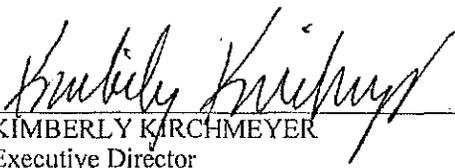
1 substance for himself) in that he prescribed tramadol, a controlled substance for his personal use
2 as described above.

3 **PRAYER**

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

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 51928,
7 issued to Alfred E. Adams, M.D.;
- 8 2. Revoking, suspending or denying approval of Alfred E. Adams, M.D.'s authority to
9 supervise physician assistants, pursuant to section 3527 of the Code;
- 10 3. Ordering Alfred E. Adams, M.D., if placed on probation, to pay the Board the costs
11 of probation monitoring; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13
14 DATED: September 28, 2016



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

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