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

In the Matter of the Accusation
Against:

WILLIAM CHRISTOPHER KENNEDY, M.D. ) Case No. 11-2012-222552
Physician's and Surgeon's
Certificate No. A 44991

Respondent

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 November 12, 2015

IT IS SO ORDERED November 5, 2015.

MEDICAL BOARD OF CALIFORNIA

By: [Signature]
Kimberly Kirchmeyer
Executive Director
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

in the Matter of the Accusation Against:

WILLIAM C. KENNEDY, M.D.
22232 S. Vermont Ave., #101
Torrance, CA 90002

Physician's and Surgeon's Certificate No. A 44991

Respondent.

Case No. 11-2012-222552
OAH No. 2015100175
STIPULATED SURRENDER OF LICENSE AND ORDER

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Trina L. Saunders, Deputy Attorney General.

2. William C. Kennedy, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about June 27, 1988, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 44991 to William C. Kennedy, M.D. (Respondent). The Physician's
and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
in Accusation No. 11-2012-222552. The certificate expired on June 30, 2014.

JURISDICTION

4. Accusation No. 11-2012-222552 was filed before the Medical Board of California
(Board), Department of Consumer Affairs, and is currently pending against Respondent. The
Accusation and all other statutorily required documents were properly served on Respondent on
December 23, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A
copy of Accusation No. 11-2012-222552 is attached as Exhibit A and incorporated by reference.

ADVIEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in
Accusation No. 11-2012-222552. Respondent also has carefully read, and understands the effects
of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 11-2012-
222552, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of
further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
basis for the charges in the Accusation and that those charges constitute cause for discipline.
Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

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

CONTINGENCY

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

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

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 Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 44991, issued to Respondent William C. Kennedy, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline
2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order, if it has not already been delivered to the Board.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 11-2012-222552 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10/14/15

WILLIAM C. KENNEDY, M.D.
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 15, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

[Signature]

TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against: Case No. 11-2012-222552
WILLIAM C. KENNEDY, M.D.
22232 South Vermont Avenue, #101
Torrance, California 90502

Physician's and Surgeon's Certificate No. A 44991,
Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California ("Board").

2. On June 27, 1988, the Board issued Physician's and Surgeon's Certificate Number A-44991 to William C. Kennedy ("Respondent"). That license was in full force and effect at all times relevant to the charges brought herein, but expired on June 30, 2014.
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 ("Code") unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government 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:

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

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

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

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

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

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, 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."

5. 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.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more 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) 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) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but 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 constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

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

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

(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and participate in an interview scheduled by the mutual agreement of the certificate holder and the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.
FIRST CAUSE FOR DISCIPLINE
(Gross Negligence)

6. Respondent is subject to disciplinary action under section 2234 (b) of the Code. The circumstances are as follows:

7. On or about April 8, 2012, patient J.H., a twenty-nine-year-old female with no significant past medical history, went to the emergency room of Beverly Hospital due to neck swelling. Three days prior to admission she developed cold-like symptoms and her neck became progressively more swollen. She saw her primary physician two days before presenting to the emergency room and was given Keflex and Ibuprofen, but showed little improvement. When J.H. presented to the emergency room, she had difficulty swallowing. Her physical exam in the emergency room indicated fullness below the floor of the tongue with a large palpable mass.

8. The patient was sent to CT scan with IV contrast of the neck. The study showed “peripheral enhancing fluid collection at the floor of the mouth compatible with a simple granular/obstructed, infected salivary duct. There are enlarged lymph nodes of the left jugular chain/angle of the mandible.”

9. An ENT surgeon was called to consult on the patient. The surgeon decided to have the abscess/infected salivary gland drained in the operating room. The patient was brought to the operating room at 1800 hours.

10. Respondent was the patient’s anesthesiologist. Respondent’s pre-operative assessment stated, “pt able to open mouth wide with pain.” There was no mention of the CT study or additional physical examination.

11. Respondent proceeded with Rapid Sequence Induction at 1850 hours. Respondent was unable to intubate or ventilate the patient. Respondent asked for a Glide scope, paralytic agent and cricothyrotomy kit. These items were not present at bedside. CPR was started at 1901 hours.

12. The surgeon performed an emergency tracheostomy. The patient’s vital signs were restored at 1910 and the surgery was completed. However, the patient remained in a persistent vegetative state due to anoxic brain injury.
13. The standard of care requires that an anesthesiologist initiating general anesthesia in a patient with airway pathology review all relevant medical records, radiological studies and perform a thorough physical examination prior to formulating a plan of airway management. The anesthesiologist must recognize when either clinical circumstances and/or findings on physical examination indicate possible difficulties with either intubation, bag and mask ventilation, or both.

14. Managing the airway of a patient who is undergoing general anesthesia should be done conservatively, with the goal of avoiding being unable to intubate and ventilate the patient. Therefore, all airway equipment, medications, and back-up plans should be ready and available prior to inducting the patient.

15. Respondent’s acts and/or omissions in the care and treatment of patient J.H., as set forth above constitute gross negligence within the meaning of section 2234 (b) of the Code in that:

   A. Respondent’s failure to appreciate and/or recognize that the working diagnosis of sublingual abscess, CT scan results, and findings of leftward tracheal deviation at operation were indications that managing the patient’s airway would present some difficulties constitutes gross negligence.

   B. Respondent’s failure to prepare for the possibility of a “difficult intubation” in a patient with swollen neck, who was undergoing general anesthesia, constitutes gross negligence.

**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 44991, issued to William C. Kennedy, M.D.

2. Revoking, suspending or denying approval of William C. Kennedy, M.D.‘s authority to supervise physician’s assistants, pursuant to section 3527 of the Code;
3. Ordering William C. Kennedy, M.D. to pay the Medical Board of California the costs of probation monitoring, if placed on probation; and

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

DATED: December 23, 2014

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

Complainant