

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: 

Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TRINA L. SAUNDERS
Deputy Attorney General
4 State Bar No. 207764
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Attorneys for Complainant
7

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

10 in the Matter of the Accusation Against:

11 **WILLIAM C. KENNEDY, M.D.**
12 22232 S. Vermont Ave., #101
13 Torrance, CA 90502

14 Physician's and Surgeon's Certificate No. A
15 44991

16 Respondent.

Case No. 11-2012-222552

OAH No. 2015100175

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
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. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California. She brought this action solely in her official capacity and is represented in this
23 matter by Kamala D. Harris, Attorney General of the State of California, by Trina L. Saunders,
24 Deputy Attorney General.

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

27 3. On or about June 27, 1988, the Medical Board of California issued Physician's and
28 Surgeon's Certificate No. A 44991 to William C. Kennedy, M.D. (Respondent). The Physician's

1 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
2 in Accusation No. 11-2012-222552. The certificate expired on June 30, 2014.

3 JURISDICTION

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

9 ADVISEMENT AND WAIVERS

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

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

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

22 CULPABILITY

23 8. Respondent understands that the charges and allegations in Accusation No. 11-2012-
24 222552, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
25 Surgeon's Certificate.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
28 basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up his right to contest that cause for discipline exists based on those
2 charges.

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

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Medical Board of California.
8 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
9 Board of California may communicate directly with the Board regarding this stipulation and
10 surrender, without notice to or participation by Respondent. By signing the stipulation,

11 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
12 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
13 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
14 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
15 the parties, and the Board shall not be disqualified from further action by having considered this
16 matter.

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

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

22
23 ORDER

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

27 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Medical Board of California.

3 2. Respondent shall lose all rights and privileges as a physician and surgeon in
4 California as of the effective date of the Board's Decision and Order.

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

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

14
15 ACCEPTANCE

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

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21 DATED: 10/14/15

William C Kennedy 

22 WILLIAM C. KENNEDY, M.D.
23 Respondent
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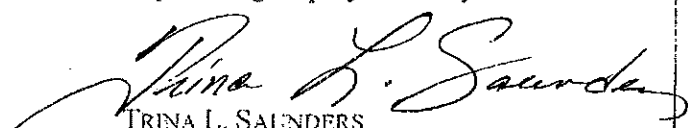
ENDORSEMENT

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


TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 11-2012-222552

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

11 In the Matter of the Accusation Against:
12 WILLIAM C. KENNEDY, M.D.
13 22232 South Vermont Avenue, #101
14 Torrance, California 90502
15 Physician's and Surgeon's Certificate No. A
16 44991,
17 Respondent.

Case No. 11-2012-222552

A C C U S A T I O N

18
19
20 Complainant alleges:

21 PARTIES

- 22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Director of the Medical Board of California ("Board").
24 2. On June 27, 1988, the Board issued Physician's and Surgeon's Certificate Number A-
25 44991 to William C. Kennedy ("Respondent"). That license was in full force and effect at all
26 times relevant to the charges brought herein, but expired on June 30, 2014.
27
28

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 ("Code") unless otherwise
4 indicated.

5 4. Section 2227 of the Code states:

6 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical
7 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
8 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
9 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 year upon
12 order of the board.

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

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

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

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

25 5. Section 2234 of the Code, states:

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

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

3 (b) Gross negligence.

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

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

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

14 (d) Incompetence.

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

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

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

22 (h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
23 participate in an interview scheduled by the mutual agreement of the certificate holder and the
24 board. This subdivision shall only apply to a certificate holder who is the subject of an
25 investigation by the board."

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28

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

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

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

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

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

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

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

26 12. The surgeon performed an emergency tracheostomy. The patient's vital signs were
27 restored at 1910 and the surgery was completed. However, the patient remained in a persistent
28 vegetative state due to anoxic brain injury.

1 3. Ordering William C. Kennedy, M.D. to pay the Medical Board of California the costs
2 of probation monitoring , if placed on probation; and

3 4. Taking such other and further action as deemed necessary and proper.”
4
5

6 DATED: December 23, 2014


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

Complainant

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