

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

**In the Matter of the Accusation Against:** )  
 )  
 )  
**BAYARD W. ALLMOND JR., M.D.** ) **Case No. 800-2018-048217**  
 )  
**Physician's and Surgeon's** )  
**Certificate No. C 25846** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**DECISION AND ORDER**

**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 December 19, 2018**

**IT IS SO ORDERED December 12, 2018.**

**MEDICAL BOARD OF CALIFORNIA**

By: \_\_\_\_\_

*Kimberly Kirchmeyer*  
**Kimberly Kirchmeyer**  
**Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-048217

14 **BAYARD W. ALLMOND JR., M.D.**

15 **36 Hillcrest Road**  
**Berkeley, CA 94705**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 **Physician's and Surgeon's Certificate No. C**  
**25846**

17  
18 Respondent.

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

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Rebecca D.  
25 Wagner, Deputy Attorney General.

26 2. Bayard W. Allmond Jr., M.D. (Respondent) is represented in this proceeding by  
27 attorney Paul Wolf, whose address is: 717 Washington Street, Oakland, California.  
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3. On or about March 5, 1964, the Board issued Physician's and Surgeon's Certificate No. C 25846 to Bayard W. Allmond Jr., 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. 800-2018-048217. An Interim Suspension Order was issued on October 2, 2018 suspending Respondent's license.

**JURISDICTION**

4. Accusation No. 800-2018-048217 was filed before the (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 1, 2018. Respondent filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2018-048217 is attached as Exhibit A and incorporated by reference.

**ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-048217. Respondent also has carefully read, fully discussed with counsel, 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 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.

1 CULPABILITY

2 8. Respondent understands that the charges and allegations in Accusation No. 800-2018-  
3 048217, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and  
4 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 with respect to one or more of the charges and allegations contained in Accusation No.  
8 800-2018-048217, and that he has thereby subjected his Physician's and Surgeon's Certificate to  
9 disciplinary action, and hereby surrenders his Physician's and Surgeon's Certificate No. C 25846  
10 for the Board's formal acceptance. Respondent hereby gives up his right to contest that cause for  
11 discipline exists based on one or more of the charges. Respondent wishes to surrender his  
12 license.

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

16 RESERVATION

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

21 CONTINGENCY

22 12. This stipulation shall be subject to approval by the Board. Respondent understands  
23 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
24 with the Board regarding this stipulation and surrender, without notice to or participation by  
25 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
26 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
27 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
28 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this

1 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
2 be disqualified from further action by having considered this matter.

3 13. Upon acceptance of this Stipulation by the Board, Respondent understands that he  
4 will no longer be permitted to practice as a physician and surgeon in California, and also agrees to  
5 surrender and cause to be delivered to the Board any license and wallet certificate in his  
6 possession before the effective date of the decision.

7 14. Respondent fully understands and agrees that if he ever files an application for  
8 relicensure or reinstatement in the State of California, the Board shall treat it as a petition for  
9 reinstatement, and Respondent must comply with all laws, regulations and procedures for  
10 reinstatement of a revoked license in effect at the time the petition is filed.

11 15. Respondent understands that he may not petition for reinstatement as a physician and  
12 surgeon for a period of three (3) years from the effective date of his surrender. Information  
13 gathered in connection with Accusation number 800-2018-048217 may be considered by the  
14 Board in determining whether or not to grant the petition for reinstatement. For the purposes of  
15 the reinstatement hearing, the allegations contained in Accusation number 800-2018-048217 shall  
16 be deemed to be admitted by Respondent, and Respondent waives any and all defenses based on a  
17 claim of laches or the statute of limitations.

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

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

23 **ORDER**

24 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 25846, issued  
25 to Respondent Bayard W. Allmond Jr., M.D., is surrendered and accepted by the Medical Board  
26 of 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.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
11 contained in Accusation No. 800-2018-048217 shall be deemed to be true, correct and admitted  
12 by Respondent when the Board determines whether to grant or deny the petition.

13 ACCEPTANCE

14 I have carefully read the above Stipulated Surrender of License and Order and have fully  
15 discussed it with my attorney, Paul Wolf. By signing this Stipulation to surrender my license, I  
16 recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to  
17 practice as a physician and surgeon in the State of California and I also will cause to be delivered  
18 to the Board any license and wallet certificate in my possession before the effective date of the  
19 decision. I understand the stipulation and the effect it will have on my Physician's and Surgeon's  
20 Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly,  
21 and intelligently, and agree to be bound by the Decision and Order of the Medical Board of  
22 California.

23  
24 DATED: \_\_\_\_\_

12/3/2018

25   
BAYARD W. ALLMOND, M.D.  
Respondent

26 I have read and fully discussed with Respondent Bayard W. Allmond Jr., M.D the terms  
27 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
28 approve its form and content.

1 DATED: 12/3/2018

  
PAUL WOLF  
Attorney for Respondent

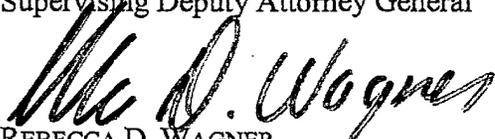
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4 **ENDORSEMENT**

5 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
6 for consideration by the Medical Board of California of the Department of Consumer Affairs.

7 Dated:

Respectfully submitted,

8 XAVIER BECERRA  
Attorney General of California  
9 JANE ZACK SIMON  
Supervising Deputy Attorney General

10   
11 REBECCA D. WAGNER  
12 Deputy Attorney General  
13 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 800-2018-048217**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
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E-mail: Rebecca.Wagner@doj.ca.gov  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *ALMOND* 1 20 18  
BY: *R. M. ...* ANALYST

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-048217

14 **Bayard W. Allmond, Jr. M.D.**  
15 **36 Hillcrest Road**  
**Berkeley, CA 94705**

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

16 **Physician's and Surgeon's Certificate**  
17 **No. C 25846,**

18 Respondent.

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, Department of Consumer  
24 Affairs (Board).

25 2. On March 5, 1964, the Medical Board issued Physician's and Surgeon's Certificate  
26 Number C 25846 to Bayard W. Allmond, Jr. M.D. (Respondent). The Physician's and Surgeon's  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on September 30, 2020, unless renewed.

JURISDICTION

1  
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 2004 provides that the Board is responsible for the administration and hearing  
5 of disciplinary actions involving enforcement of the Medical Practice Act (§§ 2000, et seq.) and  
6 the carrying out of disciplinary action appropriate to findings made by a medical quality review  
7 committee, the Board, or an administrative law judge with respect to the quality of medical  
8 practice carried out by physician and surgeon certificate holders.

9       5. Section 2227 of the Code states:

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

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

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

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

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

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

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

1           6.    Section 2234 of the Code, states:

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

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

7           “(b) Gross negligence.

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

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

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

18           “(d) Incompetence.

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

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

22           “ . . . ”

23           7.    Section 726 of the Code, states:

24           “(a) The commission of any act of sexual abuse, misconduct, or relations with a patient,  
25 client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any  
26 person licensed under this division or under any initiative act referred to in this division.

27           “ . . . ”

28

1 8. Section 729 of the Code, states:

2 “(a) Any physician and surgeon, psychotherapist . . . or any person holding himself or  
3 herself out to be a physician and surgeon [or] psychotherapist . . . who engages in an act of sexual  
4 intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former  
5 patient or client . . . is guilty of sexual exploitation by a physician and surgeon [or]  
6 psychotherapist . . .”

7 “. . . .”

8 “For purposes of subdivision (a), in no instance shall consent of the patient or client be a  
9 defense. . . .”

10 “. . . .”

11 **CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct/Sexual Misconduct/Sexual Exploitation)**

13 9. Respondent is subject to disciplinary action under sections 2234, 726 and/or 729 of  
14 the Code in that Respondent committed acts of sexual misconduct and exploitation with a minor  
15 patient. The circumstances are as follows:

16 10. Patient John Doe <sup>1</sup> was referred by his family physician to Respondent for therapy for  
17 anxiety and panic. The treatment sessions took place at Respondent’s home office from April  
18 2015 until December 2016. Approximately three to four months into therapy, Respondent started  
19 showing the patient photographs of men masturbating. Respondent’s misconduct progressed  
20 from showing the young patient explicit photos to discussing the patient’s sexual preferences and  
21 then to showing the patient pornographic images and videos of sex between men.

22 11. During one of the therapy sessions, Respondent had the patient expose his erect penis  
23 and masturbate until ejaculation. The Respondent watched while the patient masturbated.  
24 Respondent would have the patient masturbate to ejaculation on most subsequent therapy sessions  
25 but normally did not stay in the room.

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28 <sup>1</sup> The patient will be identified as John.Doe to protect his privacy. Respondent knows the name of the patient and can confirm his identity through discovery.

1 12. During a therapy session in December 2016, Respondent gave the patient a 7 – 8 page  
2 letter confessing his sexual attraction towards the patient. Respondent had the patient begin to  
3 masturbate and then Respondent stroked the patient's penis until the patient ejaculated.  
4 Respondent then removed his own pants and underwear and had the patient perform oral  
5 copulation on Respondent.

6 13. On December 14, 2017, Respondent was arrested and gave a statement to the police  
7 admitting that he was sexually attracted to the patient and allowed the patient to masturbate in his  
8 office during several therapy sessions. Respondent admitted writing a letter about his feelings  
9 and giving the letter to the patient in December, 2016. Respondent also admitted to engaging in  
10 sexual acts with the patient inside his office, including using his hands to stimulate the patient's  
11 penis, allowing the patient to orally copulate Respondent, and orally copulating the patient's  
12 penis.

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 C 25846,  
17 issued to Bayard W. Allmond, Jr. M.D.;
- 18 2. Revoking, suspending or denying approval of Bayard W. Allmond, Jr. M.D. 's  
19 authority to supervise physician assistants and advanced practice nurses;
- 20 3. Ordering Bayard W. Allmond, Jr. M.D., if placed on probation, to pay the Board the  
21 costs of probation monitoring; and
- 22 4. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: November 1, 2018

25   
26 KIMBERLY KIRCHMEYER  
27 Executive Director  
28 Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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