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7	BEFORE THE
8	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 800-2016-021563
12	William Edwin Gray III, M.D. 459 Monterey Ave #205 A C C U S A T I O N
13	Los Gatos, CA 95030-5302
14	Physician's and Surgeon's Certificate No. G 22076,
15	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
· 19	1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20	capacity as the Executive Director of the Medical Board of California, Department of Consumer
21	Affairs (Board).
22	2. On March 15, 1972, the Board issued Physician's and Surgeon's Certificate Number
23	G 22076 to William Edwin Gray III, M.D. (Respondent). The certificate was in full force and
24	effect at all times relevant to the charges brought herein and will expire on October 31, 2018,
25	unless renewed.
'26	<u>JURISDICTION</u>
27	3. This Accusation is brought before the Board, under the authority of the following
28	laws. All section references are to the Business and Professions Code unless otherwise indicated.
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4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

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.
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6. Section 2051 of the Code states:

"The physician's and surgeon's certificate authorizes the holder to use drugs or devices in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, and other physical and mental conditions."

7. Section 2052, subdivision (a), of the Code states:

"Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to

subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment."

FACTS

- 8. At all times relevant to this matter, Respondent was licensed and practicing medicine in California. His physician's and surgeon's certificate was in delinquent status in late 2016 and 2017.
- 9. Respondent maintains a website, mdinyourhand.com, on which he sells sound files called "eRemedies." The website identifies Respondent as a medical doctor and states that Respondent's company, Coherence Apps LLC has "designed eRemedy selection algorithms based on homeopathic principles," which involves the client/patient "answering very detailed and specific questions; the resulting pattern of answers is unique and individualized to the user; the algorithmic engine then selects and plays the appropriate eRemedy."
- 10. Respondent's website describes the creation of the eRemedies as follows: "the energetic signal in homeopathic remedies can be extracted via a device consisting of a simple coil connected to an amplifier and digitizer, and the resulting signal can be stored on a computer as a .wav file or a MP3 file." Neither Respondent nor his company are registered with the Food and Drug Administration (FDA) as owner or operator of an establishment "engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs" as required under title 21 of the United States Code, section 360.
- 11. The website identifies twenty-three conditions that the eRemedies treat including malaria, typhoid, and cholera, serious disease conditions that, without proper treatment, could prove fatal. Each condition is listed as a "module." Once a patient—referred to by Respondent as a customer—has selected a module and purchased an eRemedy, the website poses a series of questions relevant to that module. According to the website, the answers to these questions form a pattern unique to the purchaser and the "expert system" uses the answers to choose an eRemedy from a library of 263 eRemedies. The eRemedy is streamed to the purchaser's computer or cell phone for thirteen seconds and the purchaser "takes" it "according to the recommended protocol."

- 12. Respondent implies on the website that the eRemedies can be used to treat Ebola, swine flu, and SARS. His curriculum vitae posted on the website states that in 2014, he "created a campaign to treat Ebola via cellphone, curing 3 out of 3 within 4 hours simply by playing the appropriate eRemedy several times in an hour."
- 13. There is no well-documented evidence in the peer reviewed scientific literature that homeopathic remedies can be transmitted electronically via sound waves. Respondent's eRemedy sound files have not been scientifically proven to be safe and effective for the uses for which Respondent offers them.
- 14. Respondent does not perform a prior physical examination before offering the eRemedy treatment to the persons purchasing it and does not provide the purchaser with a valid prescription for the treatment.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct, Gross Negligence, and/or Repeated Negligent Acts)

- 15. Respondent is guilty of unprofessional conduct and subject to disciplinary action under section 2234 (general unprofessional conduct), subdivisions (a) (violating the Medical Practice Act), (b) (gross negligence), and/or (c) (repeated negligent acts), of the Code in that Respondent engaged in the conduct described above including, but not limited to, the following:
 - A. Respondent has failed to register the eRemedy sound signals he manufactures and sells on his website with the FDA.
 - B. Respondent sells his eRemedy sound signals as homeopathic remedies with no well-documented evidence in the peer reviewed scientific literature that homeopathic remedies can be transmitted electronically via sound waves.
 - C. Respondent markets eRemedy sound signals as over-the-counter (OTC) homeopathic remedies for conditions—such as typhoid, cholera, and malaria—that are not self-limiting disease conditions amenable to self-diagnosis. Therefore, the eRemedy sound signals are not eligible for OTC status and, as a result, require prescriptions.