

**BEFORE THE
BOARD OF PODIATRIC MEDICINE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)
)
ARKADY KAPLANSKY, D.P.M.) **Case No. 500-2014-000151**
)
Doctor of Podiatric Medicine)
License No. E 4173)
)
Respondent.)
_____)

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Podiatric Medicine, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on January 26, 2018.

IT IS SO ORDERED: December 27, 2017.

BOARD OF PODIATRIC MEDICINE

By: 
Michael A. Zapf, D.P.M., Chair

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
4 State Bar No. 82958
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2867
Facsimile: (213) 897-9395
7 E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 500-2014-000151

12 **ARKADY KAPLANSKY, D.P.M.**
13 **5236 YARMOUTH AVENUE #112**
14 **ENCINO, CA 91316**

OAH No. 2017030603

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Doctor of Podiatric Medicine License No.**
16 **E4173,**

17 Respondent.

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Podiatric Medicine (Board) of the Department of
20 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
21 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
22 disposition of the Accusation.

23 **PARTIES**

24 1. Brian Naslund (Complainant) is the Executive Officer of the Board. He brought this
25 action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney
26 General of the State of California, by Wendy Widlus, Deputy Attorney General.

27 2. Respondent Arkady Kaplansky, D.P.M. (Respondent) is represented in this
28 proceeding by attorney James R. Parrett, whose address is: 18201 Von Karman Avenue, Suite

1 400, Irvine, CA 92612-1000.

2 3. On or about November 23, 1998, the Board issued Doctor of Podiatric Medicine
3 License No. E4173 to Arkady Kaplansky, D.P.M. The Doctor of Podiatric Medicine License No.
4 E4173 was in full force and effect at all times relevant to the charges brought in Accusation No.
5 500-2014-000151, and will expire on July 31, 2018, unless renewed.

6 **JURISDICTION**

7 4. Accusation No. 500-2014-000151 was filed before the Board, and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on February 8, 2017. Respondent timely filed his Notice of
10 Defense contesting the Accusation.

11 5. A copy of Accusation No. 500-2014-000151 is attached as exhibit A and incorporated
12 herein by reference.

13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 500-2014-000151. Respondent has also carefully read,
16 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
17 Disciplinary Order.

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

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

26 **CULPABILITY**

27 9. Respondent understands and agrees that the charges and allegations in Accusation
28 No. 500-2014-000151, if proven at a hearing, constitute cause for imposing discipline upon his

1 Doctor of Podiatric Medicine License No. E4173.

2 10. For the purpose of resolving the Accusation without the expense and uncertainty of
3 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
4 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
5 those charges.

6 11. Respondent agrees that his Doctor of Podiatric Medicine License No. E4173 is
7 subject to discipline, that by signing this stipulation he enables the Board to issue the Disciplinary
8 Order, and agrees to be bound by the Board's imposition of discipline as set forth in the
9 Disciplinary Order below.

10 CONTINGENCY

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

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as
23 the originals.

24 14. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following
26 Disciplinary Order:

27 DISCIPLINARY ORDER

28 **IT IS HEREBY ORDERED** that Doctor of Podiatric Medicine License No. E4173 issued

1 to Respondent Arkady Kaplansky, D.P.M. is hereby publically reprimanded.

2 1. PUBLIC REPRIMAND. Respondent is publically reprimanded as follows:

3 "This Public Reprimand is issued pursuant to Code section 2227 as a result of the conduct
4 by Respondent as set forth in the Accusation relating to the care and treatment of one patient,
5 R.L., alleging acts of gross negligence pursuant to Code section 2234, subdivision (b), alleging
6 repeated acts of negligence pursuant to Code section 2234, subdivision (c), and that he displayed
7 incompetence in his care and treatment of patient R. L. pursuant to Code section 2234,
8 subdivision (d)."

9 **IT IS FURTHER ORDERED** that Respondent comply with the following:

10 2. CLINICAL TRAINING PROGRAM Within 60 calendar days of the effective
11 date of this Decision, Respondent shall enroll in a clinical training or educational program
12 equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the
13 University of California - San Diego School of Medicine ("Program").

14 The Program shall consist of a Comprehensive Assessment program comprised of a two-
15 day assessment of Respondent's physical and mental health; basic clinical and communication
16 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
17 Respondent's specialty or sub-specialty; and at minimum, a 40 hour program of clinical education
18 in the area of practice in which Respondent was alleged to be deficient and which takes into
19 account data obtained from the assessment, Decision(s), Accusation(s), and any other information
20 that the Board or its designee deems relevant. Respondent shall pay all expenses associated with
21 the clinical training program.

22 Based on Respondent's performance and test results in the assessment and clinical
23 education, the Program will advise the Board or its designee of its recommendation(s) for the
24 scope and length of any additional educational or clinical training, treatment for any medical
25 condition, treatment for any psychological condition, or anything else affecting Respondent's
26 practice of podiatric medicine. Respondent shall comply with Program recommendations.

27 At the completion of any additional educational or clinical training, Respondent shall
28 submit to and pass an examination. The Program's determination whether or not Respondent

1 passed the examination or successfully completed the Program shall be binding.

2 Respondent shall complete the Program not later than six months after Respondent's initial
3 enrollment unless the Board or its designee agrees in writing to a later time for completion.

4 Failure to participate in and complete successfully all phases of the clinical training
5 program outlined above is a material violation of this Order.

6 3. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the
7 effective date of this Decision, Respondent shall enroll in a course in medical record keeping, at
8 Respondent's expense, approved in advance by the Board or its designee. Failure to successfully
9 complete the course within 6 months of the effective date of this Order is a material violation of
10 this Order.

11 A medical record keeping course taken after the acts that gave rise to the charges in the
12 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
13 or its designee, be accepted towards the fulfillment of this condition if the course would have
14 been approved by the Board or its designee had the course been taken after the effective date of
15 this Decision.

16 Respondent shall submit a certification of successful completion to the Board or its
17 designee not later than 15 calendar days after successfully completing the course, or not later than
18 15 calendar days after the effective date of the Decision, whichever is later.

19 4. ETHICS COURSE Within 60 days of the effective date of this Decision,
20 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by
21 the Board or its designee. Failure to successfully complete the course within one year of the
22 effective date of this Order is a material violation of this Order.

23 An ethics course taken after the acts that gave rise to the charges in the Accusation, but
24 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,
25 be accepted towards the fulfillment of this condition if the course would have been approved by
26 the Board or its designee had the course been taken after the effective date of this Decision.

27 Respondent shall submit a certification of successful completion to the Board or its
28 designee not later than 15 calendar days after successfully completing the course, or not later than

1 15 calendar days after the effective date of the Decision, whichever is later.

2 5. COST RECOVERY Respondent is ordered to reimburse the Board the actual and
3 reasonable investigative and prosecutorial costs incurred by the Board in the amount of
4 \$12,000.00 for its investigative and prosecution costs. The filing of bankruptcy or period of non-
5 practice by Respondent shall not relieve the Respondent of his obligation to reimburse the Board
6 for its costs. The Board or its designee may establish a payment plan for cost recovery; however,
7 Respondent shall pay the full amount of cost recovery within 3 years of the effective date of the
8 Decision.


9 Failure to pay the full amount of cost recovery within 3 years of the effective date of the
10 Decision is a material violation of this Order.

11 6. VIOLATION OF ORDER A material violation of this Order constitutes
12 unprofessional conduct.

13
14 **ACCEPTANCE**

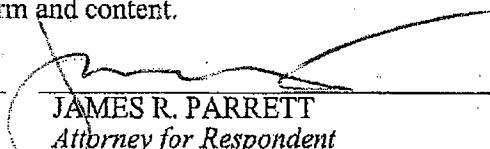
15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, James R. Parrett. I understand the stipulation and the effect it will
17 have on my Doctor of Podiatric Medicine License. I enter into this Stipulated Settlement and
18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
19 Decision and Order of the Board of Podiatric Medicine.

20
21 DATED: 8/23/17


22 ARKADY KAPLANSKY, D.P.M.
Respondent

23 I have read and fully discussed with Respondent ARKADY KAPLANSKY, D.P.M. the
24 terms and conditions and other matters contained in the above Stipulated Settlement and
25 Disciplinary Order. I approve its form and content.

26 DATED: 8/23/17


27 JAMES R. PARRETT
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Podiatric Medicine.

Dated:

August 23, 2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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KATHLEEN A. KENEALY
Acting Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
WENDY WIDLUS
Deputy Attorney General
State Bar No. 82958
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2867
Facsimile: (213) 897-9395
E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO February 8 2017
BY Rhyn Fitzwater ANALYST

BEFORE THE
BOARD OF PODIATRIC MEDICINE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ARKADY KAPLANSKY, D.P.M.
5236 Yarmouth Avenue #112
Encino, CA 91316

Doctor of Podiatric Medicine License No.
E4173,

Respondent.

Case No. 500-2014-000151

ACCUSATION

Complainant alleges:

PARTIES,

1. Brian Naslund (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Podiatric Medicine, Department of Consumer Affairs.
 2. On or about November 23, 1998, the Board of Podiatric Medicine issued Doctor of Podiatric Medicine License Number E4173 to Arkady Kaplansky, D.P.M. (Respondent). The Doctor of Podiatric Medicine License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2018, unless renewed.
- //

JURISDICTION

1
2 3. This Accusation is brought before the Board of Podiatric Medicine (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2222 of the Code states the Board shall enforce and administer this article as
6 to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations
7 proscribed by this chapter are applicable to licensed doctors of podiatric medicine and wherever
8 the Medical Quality Hearing Panel established under Section 11371 of the Government Code is
9 vested with the authority to enforce and carry out this chapter as to licensed physicians and
10 surgeons, the Medical Quality Hearing Panel also possesses that same authority as to licensed
11 doctors of podiatric medicine.

12 The Board may order the denial of an application or issue a certificate subject to conditions
13 as set forth in Section 2221, or order the revocation, suspension, or other restriction of, or the
14 modification of that penalty, and the reinstatement of any certificate of a doctor of podiatric
15 medicine within its authority as granted by this chapter and in conjunction with the administrative
16 hearing procedures established pursuant to Sections 11371, 11372, 11373, and 11529 of the
17 Government Code. For these purposes, the Board shall exercise the powers granted and be
18 governed by the procedures set forth in this chapter.

19 5. Section 2460.1 states:

20 “Protection of the public shall be the highest priority for the Board of Podiatric Medicine in
21 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the
22 public is inconsistent with other interests sought to be promoted, the protection of the public shall
23 be paramount.”

24 6. Section 2497 of the Code states:

25 “(a) The board may order the denial of an application for, or the suspension of, or the
26 revocation of, or the imposition of probationary conditions upon, a certificate to practice podiatric
27 medicine for any of the causes set forth in Article 12 (commencing with Section 2220) in
28 accordance with Section 2222.

1 “(b) The board may hear all matters, including but not limited to, any contested case or may
2 assign any such matters to an administrative law judge. The proceedings shall be held in
3 accordance with Section 2230. If a contested case is heard by the board itself, the administrative
4 law judge who presided at the hearing shall be present during the board's consideration of the case
5 and shall assist and advise the board.”

6 7. Section 2227 of the Code states:

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

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

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

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

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

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

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

26 8. Section 2234 of the Code states in pertinent part:

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

1 limited to, the following:

2 “....

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 for
8 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 “....”

16 **COST RECOVERY**

17 9. Section 2497.5 of the Code states in pertinent part:

18 “(a) The board may request the administrative law judge, under his or her proposed
19 decision in resolution of a disciplinary proceeding before the board, to direct any licensee found
20 guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable
21 costs of the investigation and prosecution of the case.

22 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not be
23 increased by the board unless the board does not adopt a proposed decision and in making its own
24 decision finds grounds for increasing the costs to be assessed, not to exceed the actual and
25 reasonable costs of the investigation and prosecution of the case.

26 “(c) When the payment directed in the board's order for payment of costs is not made by the
27 licensee, the board may enforce the order for payment by bringing an action in any appropriate
28 court. This right of enforcement shall be in addition to any other rights the board may have as to

1 any licensee directed to pay costs.

2 “(d) In any judicial action for the recovery of costs, proof of the board's decision shall be
3 conclusive proof of the validity of the order of payment and the terms for payment.

4 “....”

5 **Patient R.T.**

6 10. Patient R.L., now deceased, was a 90-year-old male resident with a diagnosis of
7 Alzheimer's disease who lived at Genesee Board and Care (Genesee), a residential care facility in
8 Los Angeles, California.

9 11. Genesee asked Respondent to assume Patient R. L.'s podiatric care which included
10 toenail trimming and nail debridement.

11 12. Between the dates of March 20, 2010, and December 28, 2010, Respondent treated
12 R.L. on at least 7 separate occasions: March 20, 2010, May 22, 2010, July 31, 2010, October 16,
13 2010, December 18, 2010, and December 28, 2010.

14 13. Respondent conducted a complete history and physical examination on his initial visit
15 to R.L. on March 20, 2010. Respondent's computer erroneously recorded the May 22, 2010, visit
16 as the initial visit. Respondent did not have medical records for his initial visit to R. L. because
17 Respondent was in the process of transferring his standard medical records to computer.

18 14. During the May 22, 2010, July 31, 2010, October 16, 2010, and December 18, 2010,
19 visits Respondent provided nail debridement treatment to R. L.

20 15. On December 28, 2010, Genesee asked Respondent to evaluate a lesion on R.L.'s
21 right heel.

22 16. Respondent's December 28, 2010, examination of R.L.'s heel found that the patient
23 had a 10 x 10 mm ulceration at 1 mm depth with erythema,¹ mild edema, serous² drainage and
24 diminished pedal pulses.³ Respondent did not review the documentation of R. L.'s current

25 ¹ Erythema is defined as redness of the skin caused by congestion of the capillaries in the lower layers of the
26 skin which occurs with any skin injury, infection, or inflammation.

27 ² Serous is defined as containing, or producing serum or a substance having a watery consistency.

28 ³ When evaluating leg and/or foot ulcer, often caused by peripheral artery disease (blockage in large or
small blood vessels), the level of blood vessel blockage is assessed using pedal (foot) pulse palpation, a technique to
feel the beat of the heart through the walls of a peripheral artery.

1 treatment. After he evaluated R. L., Respondent wrote a prescription for a topical antibiotic to
2 treat the patient's right heel ulcer. Based on his evaluation of R. L. Respondent believed that a
3 vascular consultation was warranted. During his examination of R.L.'s heel Respondent did not
4 assess the right heel lesion with a culture and sensitivity examination. After his evaluation
5 Respondent did not prepare a written report of his findings, did not communicate his evaluation
6 findings to R. L.'s primary care physician, did not refer R. L. to his primary care physician nor
7 did he refer R. L. to a vascular specialist. Respondent did not appreciate the nature and extent of
8 R.L.'s dementia, which resulted in the patient's inability to understand the gravity of his right
9 heel ulcer, and to therefore seek appropriate follow up medical care. Respondent failed to notify
10 R.L.'s family to actively manage the medical care necessary to treat R. L.'s right heel ulcer.

11 17. Subsequent to Respondent's December 28, 2010, evaluation R.L. was admitted to a
12 local hospital and treated for osteomyelitis⁴ originating from the right heel ulcer. R. L. died on
13 March 30, 2011, due to the bone infection.

14 18. During an interview with the Board investigator Respondent discussed his December
15 28, 2010, evaluation of R. L. Respondent stated he examined R. L. at Genesee and determined
16 that R.L. was suffering from dementia, lower extremity vascular disease, and an ulceration on his
17 right ankle. Respondent stated that during his December 28, 2010, evaluation of R. L. he did not
18 review documentation of the current medical treatment of the patient's right ankle ulceration.
19 Respondent stated his examination of R. L.'s right ankle did not reveal an infection, and he wrote
20 a prescription for topical antibiotic to treat the ulcer. Respondent related that following his
21 evaluation of R. L. he did not communicate his findings to R. L.'s treatment providers, did not
22 prepare a written report of his findings, did not provide treatment recommendations, did not
23 provide a specific recommendation that the patient receive a vascular consultation, did not follow
24 the patient to confirm that he had been given appropriate care, and did not enlist R.L.'s family to
25 assist with the patient's condition.

26
27 ⁴ Osteomyelitis is defined as a bone infection, almost always caused by a bacteria. When blood vessels are
28 damaged or blocked, the body has trouble distributing infection-fighting cells which are necessary to keep a small
infection from growing larger.

1 19. The standard of care requires the treating podiatrist to perform a complete history and
2 physical examination of the patient.

3 20. The standard of care requires the treating podiatrist to appropriately treat conditions
4 that are revealed by a complete history and physical examination of the patient.

5 21. The standard of care requires a podiatrist to order appropriate medical tests based
6 upon the findings revealed by the complete history and physical examination of the patient.

7 22. The standard of care requires the podiatrist to notify physicians of findings revealed
8 by the complete history and physical examination of the patient.

9 23. The standard of care requires the podiatrist to notify the residential care facility
10 responsible for the patient's care of findings revealed by the complete history and physical
11 examination of the patient.

12 FIRST CAUSE FOR DISCIPLINE

13 (Gross Negligence)

14 24. Respondent is subject to disciplinary action under section 2234, subdivision (b), of
15 the Code in that he was grossly negligent when he engaged in the conduct described above in
16 paragraphs 15 through 17, and paragraphs 19 through 23, including but not limited to, the
17 following:

18 A. Respondent failed to review the documentation of R. L.'s current treatment.

19 B. Respondent failed to assess R. L.'s right heel lesion with a culture and
20 sensitivity examination.

21 C. Respondent failed to prepare a written report of his findings after his
22 examination of patient R. L.

23 D. Respondent failed to communicate his findings after his examination of patient
24 R. L. to R.L.'s primary care physician.

25 E. After Respondent's examination of patient R. L., Respondent failed to refer R.
26 L. to R.L.'s primary care physician for treatment.

27 F. After Respondent's examination of patient R. L., Respondent failed to refer R.
28 L. for a consultation to a physician who specialized in vascular care.

1 G. Respondent failed to appreciate the nature and extent of R.L.'s dementia, which
2 resulted in the patient's inability to both (1) understand the gravity of his right heel ulcer, and (2)
3 to then seek appropriate follow up medical care.

4 H. Respondent failed to appreciate the nature and extent of R.L.'s dementia and to
5 therefore enlist R.L.'s family to seek appropriate follow up medical care of R.L.'s right heel
6 ulcer.

7 25. Respondent's acts and/or omissions as set forth in paragraphs 15 through 17, and
8 paragraphs 19 through 23, above, whether proven individually, jointly, or in any combination
9 thereof, constitute gross negligence pursuant to section 2234, subdivision (b), of the Code.
10 Therefore, cause for discipline exists.

11 SECOND CAUSE FOR DISCIPLINE

12 (Repeated Negligent Acts)

13 26. Respondent is subject to disciplinary action under section 2234, subdivision (c), of
14 the code in that he was negligent in his care and treatment of patient R.L. The circumstances are
15 as follows:

16 27. Complainant refers to and, by this reference, incorporates paragraphs 15 through 17,
17 and paragraphs 19 through 23, above, as though set forth fully herein.

18 28. The allegations of the First Cause for Discipline are incorporated herein by reference
19 as if fully set forth.

20 29. Respondent's acts and/or omissions as set forth in paragraphs 27 and 28, above,
21 whether proven individually, jointly, or in any combination thereof, constitute repeated negligent
22 acts, pursuant to section 2234, subdivision (c), of the Code. Therefore, cause for discipline exists.

23 THIRD CAUSE FOR DISCIPLINE

24 (Incompetence)

25 30. Respondent's license is subject to disciplinary action under section 2234, subdivision
26 (d), of the Code in that he displayed incompetence in his care and treatment of patient R.L. The
27 circumstances are as follows:

28 31. Complainant refers to and, by this reference, incorporates paragraphs 15 through 17,

1 and paragraphs 19 through 23, above, as though set forth fully herein.

2 32. The allegations of the First and Second Causes for Discipline are incorporated herein
3 by reference as if fully set forth.

4 33. Respondent's acts and/or omissions as set forth in paragraphs 31 and 32, and
5 paragraphs 19 through 23, above, whether proven individually, jointly, or in any combination
6 thereof, constitute incompetence, pursuant to section 2234, subdivision (d), of the Code.
7 Therefore, cause for discipline exists.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Podiatric Medicine issue a decision:

11 1. Revoking or suspending Doctor of Podiatric Medicine License Number E4173, issued
12 to Arkady Kaplansky, D.P.M.;

13 2. Ordering Arkady Kaplansky, D.P.M. to pay the Board of Podiatric Medicine the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 2497.5;

16 3. Ordering Arkady Kaplansky, D.P.M., if placed on probation, to pay the costs of
17 probation monitoring; and,

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

19
20
21 DATED: February 8, 2017



BRIAN NASLUND
Executive Officer
Board of Podiatric Medicine
Department of Consumer Affairs
State of California
Complainant

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