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

ln	the	Matter	of	the	Accusation
Αç	gain	st:			

Arthur L. Dick, M.D.

Case No. 800-2018-044706

Physician's and Surgeon's Certificate No. A 20825

Respondent.

## **DECISION**

The attached Stipulated Surrender of License and Disciplinary 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 October 26, 2021.

IT IS SO ORDERED October 19, 2021.

**MEDICAL BOARD OF CALIFORNIA** 

William Prasifka

**Executive Director** 

1	ROB BONTA	
2	Attorney General of California MATTHEW M. DAVIS	
3	Supervising Deputy Attorney General LEANNA E. SHIELDS	
4	Deputy Attorney General State Bar No. 239872	
5	600 West Broadway, Suite 1800 San Diego, CA 92101	
6	P.O. Box 85266 San Diego, CA 92186-5266	
7	Telephone: (619) 738-9401 Facsimile: (619) 645-2061	
8	Attorneys for Complainant	
9		
10	BEFOR	
11	MEDICAL BOARD DEPARTMENT OF CO	•
12	STATE OF C.	ALIFORNIA
13	In the Matter of the Accusation Against:	Case No. 800-2018-044706
14	ARTHUR L. DICK, M.D. 1063 Indiangrass Drive	OAH No. 2021070904
15	Hemet, CA 92545	STIPULATED SURRENDER OF LICENSE AND DISCIPLINARY ORDER
16	Physician's and Surgeon's Certificate No. A 20825,	
17	Respondent.	
18	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-
19	entitled proceedings that the following matters are	•
20	PART	
21		Executive Director of the Medical Board of
22	California (Board). He brought this action solely	
23	matter by Rob Bonta, Attorney General of the Sta	
24	Attorney General.	or or own, of 201 min 21 amount, 2 oping
25	,	represented in this proceeding by attorneys
26	Dennis K. Ames, Esq., and Pogey Henderson, Esq.	
27	Ames, whose address is: 2677 N. Main Street, St	
28	7 mice, whose address is. 2077 iv. Main Street, St	200 201, Dunta 1 1110, O11 72100.
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3. On or about August 7, 1963, the Board issued Physician's and Surgeon's Certificate No. A 20825 to 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. 800-2018-044706 and will expire on January 31, 2023, unless renewed.

## **JURISDICTION**

4. On June 2, 2021, Accusation No. 800-2018-044706 was filed before the Board, and is currently pending against Respondent. A true and correct copy of Accusation No. 800-2018-044706 and all other statutorily required documents were properly served on Respondent on June 2, 2021. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2018-044706 is attached hereto as Exhibit A and is incorporated by reference as if fully set forth herein.

## ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2018-044706. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Disciplinary 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. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## **CULPABILITY**

8. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie case with respect to each and every charge and allegation contained in Accusation No. 800-2018-044706, agrees that he has thereby subjected his Physician's and

Surgeon's Certificate No. A 20825 to disciplinary action, and hereby surrenders his Physician's and Surgeon's Certificate No. A 20825 for the Board's formal acceptance.

- 9. Respondent agrees that if he files a petition for reinstatement or relicensure, or an accusation and/or petition to revoke probation is filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 800-2018-044706 shall be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.
- 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 No. A 20825 without further notice to, or opportunity to be heard by, Respondent.

## **CONTINGENCY**

- 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a ... stipulation for surrender of a license."
- 12. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. A 20825 without further notice to, or opportunity to be heard by, Respondent.
- 13. This Stipulated Surrender of License and Disciplinary Order shall be subject to the approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.
- 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the

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Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

#### ADDITIONAL PROVISIONS

- 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.
- 16. The parties agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.
- 17. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

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## **ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 20825, issued to Respondent ARTHUR L. DICK, M.D., is hereby surrendered and accepted by the Medical Board of California.

- 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. A 20825 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 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.
- 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 or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2018-044706 shall be deemed to be true, correct and fully admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2018-044706 shall be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

## ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorneys Dennis K. Ames, Esq., and Pogey Henderson, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 20825. I enter into this Stipulated Surrender of License and Disciplinary Order

1	voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of th
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4	DATED: Office & 300 (Mayer Toll )
5	ARTHUR L. DICK, ND.
6	
7	I have read and fully discussed with Respondent Arthur L. Dick, M.D., the terms and
8	conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
9	Order. I approve its form and content.
10	DATED: 10/4/31 Possy fruderson
11	
1.3	Dennis K. Ames, esq. Pogey henderson, esq.
1.3	Attorneys for Respondent
15	ENDORSEMENT
16	The foregoing Stipulated Surrander of License and Disciplinary Order is hereby
17	respectifully submitted for consideration by the Medical Board of California of the Department of
18	Consumer Affieirs.
19	DATED: Respectfully submitted,
20	Rob Bonta Attorney General of California
21	MATTHEW M. DAVIS Supervising Deputy Attorney General
22	Dispositional Property President Committee
23	T A 73 . D
24	LEANNA E. SHIELDS Deputy Attorney General
25	Attorneys for Complainant
26	
27	L-A2021601706 83068291.docx
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1	voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
2	Medical Board of California.
3	
4	DATED:
5	ARTHUR L. DICK, M.D.  Respondent
6	
7	I have read and fully discussed with Respondent Arthur L. Dick, M.D., the terms and
8	conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
9	Order. I approve its form and content.
10	
11	DATED:
12	DENNIS K. AMES, ESQ. POGEY HENDERSON, ESQ.
13	Attorneys for Respondent
14	<u>ENDORSEMENT</u>
15	The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
16	respectfully submitted for consideration by the Medical Board of California of the Department of
17	Consumer Affairs.
18	DATED: Oct. 6, 2021 Respectfully submitted,
19	ROB BONTA
20	Attorney General of California MATTHEW M. DAVIS
21	Supervising Deputy Attorney General
22	(A)
23	LEANNA E. SHIELDS Deputy Attorney General
24	Attorneys for Complainant
25 26	
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# Exhibit A

Accusation No. 800-2018-044706

1	Rob Bonta	
2	Attorney General of California MATTHEW M. DAVIS	
3	Supervising Deputy Attorney General State Bar No. 202766	
4	600 West Broadway, Suite 1800 San Diego, CA 92101	
5	P.O. Box 85266 San Diego, CA 92186-5266	
6	Telephone: (619) 738-9413 Facsimile: (619) 645-2061	
7	Attorneys for Complainant	
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10	DEEOD	
11	BEFOR MEDICAL BOARD	OF CALIFORNIA
12	DEPARTMENT OF CO STATE OF C	
13	In the Matter of the Accusation Against:	Case No. 800-2018-044706
14	Arthur L. Dick, M.D.	ACCUSATION
15	1063 Indiangrass Drive Hemet, CA 92545	
16	Physician's and Surgeon's Certificate No. A 20825,	
17	Respondent.	**
18		yes and the second
19		
20	Complainant alleges:	
21	PART	<u>ries</u>
22	1. William Prasifka (Complainant) bring	s this Accusation solely in his official capacity
23	as the Executive Director of the Medical Board of	California, Department of Consumer Affairs
24	(Board).	
25	2. On or about August 7, 1963, the Med	ical Board issued Physician's and Surgeon's
26	Certificate No. A 20825 to Arthur L. Dick, 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 January 31, 2023, unless renewed.	
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## **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, in pertinent part:

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.

# FIRST CAUSE FOR DISCIPLINE

# (Gross Negligence)

11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 20825 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient A<sup>1</sup> (a family member of Respondent), as more particularly alleged hereinafter.

# Patient A

- 12. In or about March 2015, Patient A's Psychiatrist Dr. W. noted that Patient A, a then 77 year old female, was a "neatly dressed female...with good eye contact and appropriate interaction. Mood steady and affect appropriate. Fully oriented, memory intact, concentration good. Has some insight and judgement is good."
- 13. On or about September 19, 2015, Patient A presented to the Loma Linda Hospital Emergency Department and appeared disheveled. Patient A's weight on admission was 130 pounds. One year prior Patient A weighed 160 pounds.
- 14. On or about November 5, 2015, Dr. W. noted that patient A was, "uncharacteristically rumpled...with reduced concentration and reduced judgment." Dr. W. diagnosed "bipolar disorder, current episode depressed, severe." Respondent reported to Dr. W. that Patient A was withdrawn, spending a lot of time in bed and not taking care of her daily activities.
- 15. On or about November 12, 2015, Patient A was admitted to the Behavioral Health Unit at Loma Linda Hospital where it was observed that Patient A "frequently fall[s] asleep midsentence and needed redirection often. Her main issue is neurocognitive decline rather than organic depression."
- 16. On or about December 15, 2015, Dr. W. noted that dementia was likely a contributing factor to Patient A's decline.

<sup>&</sup>lt;sup>1</sup>To protect the privacy of all patients involved, patient names have not been included in this pleading. Respondent is aware of the identity of the patient referred to herein.

- 17. Patient A's outpatient psychiatric records indicate Patient A was taking the following medications in 2015: Wellbutrin<sup>2</sup> 150mg; Buspar<sup>3</sup> 10mg; Namenda<sup>4</sup> 10mg; Restoril<sup>5</sup> 30mg; Desyrel<sup>6</sup> 100mg; Viibryd<sup>7</sup> 10 mg; and Geodon<sup>8</sup> 80mg.
- 18. On or about March 24, 2016 and June 2, 2016, Dr. W. noted that Patient A was "[s]till spending excess time in bed, possibly sleeping more than usual. Little social interaction. Tolerating medications well and very resistant to reducing any of them even though she is sleeping too much of the time."
- 19. On or about January 27, 2017, Patient A presented to the Loma Linda Hospital Emergency Department with weakness and near syncope. Patient A reported she was taking the following medications: Wellbutrin 150mg; Buspar 10mg; Namenda 10mg; Restoril 30mg; Desyrel 100mg; Viibryd 10 mg; and Geodon 80mg. A social worker noted a concern that Respondent was prescribing to and overmedicating Patient A.
  - 20. In 2018, Patient A changed her treating Psychiatrist from Dr. W. to Dr. A.
- 21. On or about February 9, 2018, a report of possible elder abuse was made to the Riverside County Adult Protective Services (APS) concerning Patient A.
- 22. On or about May 22, 2018, the Hemet Police Department assisted APS with a home visit and noted that Patient A had "cradle crap" in her bed due to long hours spent lying down in a heavily medicated state.

<sup>&</sup>lt;sup>2</sup> Wellbutrin (Bupropion) is an antidepressant medication, and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>&</sup>lt;sup>3</sup> Buspar (Buspirone) is an antianxiety medication, and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>&</sup>lt;sup>4</sup> Namenda (Memantine) is an antidementia medication, and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>&</sup>lt;sup>5</sup> Restoril (Temazepam) is used to treat insomnia and is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>&</sup>lt;sup>6</sup> Desyrel (Trazadone) is an antidepressant medication, and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>&</sup>lt;sup>7</sup> Viibryd (Vilazadone) is an antidepressant medication, and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>&</sup>lt;sup>8</sup> Geodon (Ziprasidone) is an atypical antipsychotic used to treat symptoms of schizophrenia and acute manic or mixed episodes associated with bipolar disorder, and a dangerous drug pursuant to Business and Professions Code section 4022.

23. Between on or about January 2017 and October 22, 2019, Respondent, a board
certified urologist, wrote multiple prescriptions for Trazodone, Temazepam, Viibyrd, Bupropior
Ziprasidone, Memantine, and Triazolam for Patient A that overlapped and mirrored the
prescriptions Patient A was receiving from her treating Psychiatrists, Dr. W. and Dr. A.
Respondent did not consult with or in any way coordinate his prescribing with Drs. W. and A.
Respondent's surreptitious and simultaneous prescribing to Patient A resulted in her being
overmedicated:

- 24. On or about February 10, 2021, Respondent admitted prescribing to Patient A without consulting with her treating physicians. Respondent confirmed he ordered prescriptions for Patient A, but he "only continued what other doctors ordered for her." Respondent said he did this as a convenience instead of having to track down Patient A's other physicians. Respondent also admitted that he did not maintain a medical record for his prescribing to Patient A.
- 25. Respondent committed gross negligence in his care and treatment of Patient A, which included but was not limited to, the following:
  - A. Paragraphs 12 through 24, above, are hereby incorporated by reference and realleged as if fully set forth herein;
  - B. Respondent surreptitiously prescribed medication to Patient A, without consulting with Patient A's treating Psychiatrists;
  - C. Respondent prescribed medication outside his area of expertise and beyond his scope of practice; and
  - D. Respondent improperly prescribed medication to a family member.

## SECOND CAUSE FOR DISCIPLINE

## (Repeated Negligent Acts)

26. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 20825 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient A, as more particularly alleged hereinafter.

- 27. Respondent committed repeated negligent acts in his care and treatment of Patient A, which included but was not limited to, the following:
  - A. Paragraphs 12 through 25, above, are hereby incorporated by reference and realleged as if fully set forth herein;
  - B. Respondent surreptitiously prescribed medication to Patient A, without consulting with Patient A's treating Psychiatrists;
  - C. Respondent prescribed medication outside his area of expertise and beyond his scope of practice;
  - D. Respondent improperly prescribed medication to a family member; and
  - E. Respondent failed to appropriately document and/or maintain appropriate documentation of his care and treatment provided to Patient A.

# THIRD CAUSE FOR DISCIPLINE

# (Violation of State Statute or Regulation Regulating Drugs)

28. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 20825 to disciplinary action under Health and Safety Code section 11153 and sections 2227 and 2234, as defined by section 2238, of the Code, in that he has violated a federal or state statute or regulation regulating dangerous drugs or controlled substances, as more particularly alleged in paragraphs 12 through 27, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

## **FOURTH CAUSE FOR DISCIPLINE**

# (Prescribing Dangerous Drugs or Controlled Substances Without an Appropriate Prior Examination)

29. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 20825 to disciplinary action under sections 2227 and 2234, as defined by section 2242, of the Code, in that he prescribed, dispensed, or furnished dangerous drugs as defined by Section 4022 of the Code, without an appropriate prior examination and a medical indication, as more particularly alleged in paragraphs 12 through 27, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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1	4. Taking such other and	d further action as deemed necessary and proper.
2	Taking basis outer and	a ratifier action as accorded necessary and proper.
3	DATED: JUN 0 2 2021	Miller H
4	DATED.	WILLIAM PRASTRA
5		Executive Director Medical Board of California Department of Consumer Affairs State of California
6		State of California  Complainant
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