

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

In the Matter of the Accusation
Against:

William Caswell Arnold, M.D.

Case No. 800-2020-067072

Physician's and Surgeon's
Certificate No. A 149305

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 DEC 29 2020.

IT IS SO ORDERED DEC 22 2020.

MEDICAL BOARD OF CALIFORNIA


REJI VARGHESE
DEPUTY DIRECTOR
For: William Prasifka
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
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6 *Attorneys for Complainant*

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2020-067072

12 **WILLIAM CASWELL ARNOLD, M.D.**
13 2499 Carnegie Ln.
Lexington KY 40511-8449

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Physician's and Surgeon's Certificate No. A
15 149305

16 Respondent.

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. William Prasifka (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon,
24 Supervising Deputy Attorney General.

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

1 Complainant could establish a factual basis for the charges in the Accusation and that those
2 charges constitute cause for discipline. Respondent hereby gives up his right to contest that
3 cause for discipline exists based on those charges.

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

7 **CONTINGENCY**

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

23 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 149305,
24 issued to Respondent William Caswell Arnold, M.D., is surrendered and accepted by the Board.

25 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
27 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
28 of Respondent's license history with the Board.

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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: December 1, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California



JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-067072

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6 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-067072

13 **William Caswell Arnold, M.D.**
2499 Carnegie Ln.
14 Lexington, KY 40511-8449

ACCUSATION

15 Physician's and Surgeon's Certificate
16 No. A 149305,

Respondent.

17
18 **PARTIES**

19 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
21 (Board).

22 2. On May 12, 2017, the Medical Board issued Physician's and Surgeon's Certificate
23 Number A 149305 to William Caswell Arnold, M.D. (Respondent). The Certificate is in
24 delinquent status, having expired on August 31, 2020, and is SUSPENDED by virtue of an Order
25 issued on August 12, 2020 pursuant to Business and Professions Code section 2319(a).

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JURISDICTION

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2 3. This Accusation is brought before the Medical Board of California under the
3 authority of the following sections of the California Business and Professions Code (Code) and/or
4 other relevant statutory enactment:

5 A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a
6 period not to exceed one year, or place on probation, the license of any licensee who has
7 been found guilty under the Medical Practice Act, and may recover the costs of probation
8 monitoring.

9 B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other
10 discipline, restriction or limitation imposed by another state upon a license to practice
11 medicine issued by that state, or the revocation, suspension, or restriction of the authority
12 to practice medicine by any agency of the federal government, that would have been
13 grounds for discipline in California under the Medical Practice Act, constitutes grounds for
14 discipline for unprofessional conduct.

15 C. Section 141 of the Code provides:

16 “(a) For any licensee holding a license issued by a board under the
17 jurisdiction of a department, a disciplinary action taken by another state, by any
18 agency of the federal government, or by another country for any act
19 substantially related to the practice regulated by the California license, may be
20 a ground for disciplinary action by the respective state licensing board. A
certified copy of the record of the disciplinary action taken against the licensee
by another state, an agency of the federal government, or by another country
shall be conclusive evidence of the events related therein.”

21 “(b) Nothing in this section shall preclude a board from applying a
22 specific statutory provision in the licensing act administered by the board that
23 provides for discipline based upon a disciplinary action taken against the
24 licensee by another state, an agency of the federal government, or another
25 country.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Discipline, Restriction, or Limitation Imposed by Another State)**

3 4. On April 14, 2020, the Kentucky Board of Medical Licensure issued an Interim
4 Agreed Order (Treatment) prohibiting Respondent from practicing medicine.

5 On August 25, 2020, the Kentucky Board of Medical Licensure issued an Agreed Order.
6 The Agreed Order included findings that evaluations conducted in March and April 2020,
7 determined Respondent met the criteria for Alcohol Use Disorder, and required treatment in order
8 to safely practice medicine. Respondent underwent residential treatment, and in June 2020,
9 entered into a contract with the Kentucky Physicians Health Foundation (KPHF)¹. In August
10 2020, the Kentucky Board permitted Respondent to resume the practice of medicine. Under the
11 terms of the August 2020 Agreed Order, Respondent's license was placed on probation for five
12 years. Respondent is required to maintain his contract with the KPHF, abstain from mood-
13 altering substances, including alcohol, submit to random biological testing, and his work situation
14 must be approved by the KPHF.

15 5. Copies of the April 14, 2020 Interim Agreed Order and the August 25, 2020 Agreed
16 Order are attached as Exhibit A and Exhibit B.

17 6. Respondent's conduct and the action of the Kentucky Board of Medical Licensure, as
18 set forth above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Medical Board of California issue a decision:

22 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 149305,
23 issued to William Caswell Arnold, M.D.;

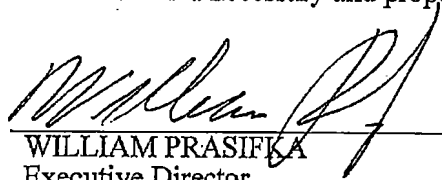
24 2. Revoking, suspending or denying approval of William Caswell Arnold, M.D.'s
25 authority to supervise physician assistants and advanced practice nurses;

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28 ¹ The KPHF is a monitoring and treatment program for physicians with substance use disorders.

1 3. Ordering William Caswell Arnold, M.D., if placed on probation, to pay the Board the
2 costs of probation monitoring; and

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

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5 DATED: Oct 12, 2020



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

FILED OF RECORD

APR 14 2020

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. IAO(T)-085

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY WILLIAM C. ARNOLD, M.D., LICENSE NO. 51794,
2250 LEESTOWN ROAD, LEXINGTON, KENTUCKY 40511

INTERIM AGREED ORDER (TREATMENT)

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and William C. Arnold, M.D. (hereafter "the licensee"), and, based upon their mutual desire to ensure that the public is fully protected while the Board is completing its investigation, hereby ENTER INTO the following INTERIM AGREED ORDER:

1. The licensee shall not engage in any act which would constitute the "practice of medicine," as that term is defined in KRS 311.550(10) – "the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities" – from the date of filing of this Interim Agreed Order until approved to do so by the Inquiry Panel.
2. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. If there is information satisfactory to the Panel or its Chair that the licensee has failed to comply with any condition of this Interim Agreed Order, the Panel or its Chair may immediately terminate this Interim Agreed Order and issue a Complaint and if appropriate, an Emergency Order.
4. While this Interim Agreed Order does not constitute final action on this matter, federal regulations require that it be reported to the National Practitioner's Data Bank. Furthermore, it is subject to release upon request pursuant to the Open Records Act.

5. The licensee understands and agrees that any violation of the terms and conditions of this Interim Agreed Order would constitute a separate violation and may result in disciplinary action against his Kentucky medical license, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 9th day of April, 2020.

FOR THE LICENSEE:



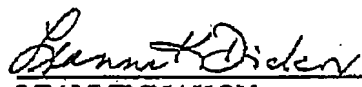
WILLIAM C. ARNOLD, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



KENNETH J. PAYNE, M.D.
CHAIR, INQUIRY PANEL A



LEANNE DIAKOV
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150

EXHIBIT B

FILED OF RECORD

AUG 25 2020

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1972

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY WILLIAM CASWELL ARNOLD, M.D., LICENSE NO. 51794, 2499 CARNEGIE LANE, LEXINGTON, KENTUCKY 40511

AGREED ORDER

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Inquiry Panel A, and William Caswell Arnold, M.D. ("the licensee"), and, based upon their mutual desire to resolve this matter without an evidentiary hearing, hereby enter into the following

AGREED ORDER:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, William Caswell Arnold, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is sleep medicine.
3. On or about November 24, 2019, at approximately 3:50 a.m., the licensee was arrested and charged with operating a motor vehicle while under the influence of alcohol, 0.8 (Agg. Circum.), 1st offense ("DUI"). According to the uniform citation, the licensee appeared manifestly under the influence of alcohol, presenting with strong odor of an alcoholic beverage on his breath and bloodshot watery eyes; he also exhibited signs of impairment on performance of Standard Field Sobriety Tests ("SFST") and Advanced Roadside Impaired Driving Enforcement Field Sobriety Test ("ARIDE FST").

4. The licensee disclosed the DUI on his 2020 Application for Renewal of Kentucky Medical/Osteopathic License.
5. On or about February 13, 2020, the licensee presented for an evaluation with the Kentucky Physicians Health Foundation ("KPHF") and submitted to testing, the results of which were inconsistent with the history he provided and indicated alcohol use well in excess of what had been indicated. KPHF referred the licensee to undergo a 96-hour evaluation at a facility experienced in working with safety-sensitive professionals, such as Bradford Health Services or Florida Recovery Center.
6. On or about March 16-19, 2020, the licensee was evaluated at Bradford Health Services ("Bradford") and was found to meet the criteria for Alcohol Use Disorder. Bradford opined that the licensee was not cleared for practice and recommended that he enter into treatment.
7. On or about March 30-April 2, 2020, the licensee submitted to a second-opinion evaluation at the Florida Recovery Center ("FRC") and was diagnosed with Alcohol Use Disorder. FRC opined that the licensee was unable to practice with reasonable skill and safety at the time due to neurocognitive testing and recommended that he enter into residential treatment at an institution with expertise in treating healthcare professionals.
8. On or about April 3, 2020, the licensee entered into residential treatment at Bradford.
9. On or about April 14, 2020, the licensee entered into an Interim Agreed Order (Treatment), pursuant to which he agreed not to practice medicine until allowed to do so by the Board.

10. On or about May 27, 2020, the licensee was discharged from residential treatment at Bradford with recommendation that he enter into a monitoring contract with the KPHF. Bradford also recommended that the licensee be allowed to resume the practice of medicine with certain caveats, such as a period of reduced clinical hours and practice location restriction.
11. On or about June 3, 2020, the licensee entered into a contract with the KPHF.
12. In August 2020, the Board allowed the licensee to resume the practice of medicine pursuant to the terms and conditions of this Agreed Order.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee engaged in conduct which violates the provisions of KRS 311.595(7). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the pending matter without an evidentiary hearing by entering into this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve the pending matter without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. The license to practice medicine in the Commonwealth of Kentucky held by William Caswell Arnold, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation to become effective immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order of Probation, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. The licensee SHALL maintain his contractual relationship with the Kentucky Physicians Health Foundation and shall fully comply with all requirements of that contractual relationship;
 - b. The licensee SHALL completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. The licensee shall ensure that any such medical treatment and prescribing is reported directly to the Board in writing by my treating physician within ten (10) days after the date of treatment. The licensee shall inform the treating physician of this responsibility and ensure timely compliance. The licensee's failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order;
 - c. The licensee SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, and under the conditions specified by the Board's testing agent, the purpose being to ensure that the licensee remain drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports shall be paid by the licensee, and the licensee shall pay those costs under the terms fixed by the Board's agent for testing. The licensee's failure to fully reimburse the Board's agent within that time frame shall constitute a violation of this Agreed Order;
 - d. Upon resuming the practice of medicine after the date of entry of this Agreed Order, the licensee SHALL comply with the recommendations made by Bradford in paragraph 6 of its Discharge Recommendations letter, dated May 21, 2020, as follows: "during his first week back he should work no more than 20 hours (he will do mainly administrative work); during his second week he can return to normal work hours at the VA on Monday through Thursday. He is not cleared to work outside of the VA for the first 6 months. Anything outside of the VA after the initial 6 month period must be cleared by the KPHF"; and
 - e. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 24th day of August, 2020.

FOR THE LICENSEE:



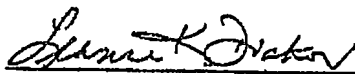
WILLIAM CASWELL ARNOLD, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



KENNETH J. PAYNE, M.D.
CHAIR, INQUIRY PANEL A



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