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. Physician's and Surgeon's Certificate No. A 149305 Respondent.	Case No. 800-2020-067072

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

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
Attorneys for Complainant

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.** 2499 Carnegie Ln. Lexington KY 40511-8449 Physician's and Surgeon's Certificate No. A 149305 Respondent.	Case No. 800-2020-067072 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

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

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

3. On May 12, 2017, the Board issued Physician's and Surgeon's Certificate No. A 149305 to Respondent. The Physician's and Surgeon's Certificate expired on August 31, 2020, and has not been renewed.

JURISDICTION

4. Accusation No. 800-2020-067072 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. A copy of Accusation No. 800-2020-067072 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2020-067072. Respondent also has carefully read, 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 be represented by counsel, at his own expense; 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.

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2020-067072, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, based on the Agreed Order issued by the Kentucky Board of Medical Licensure, and not on any acts or omissions that occurred in California,

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

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 without further process.

CONTINGENCY

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

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

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

ORDER

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

1. The surrender of Respondent's Physician's and Surgeon's Certificate 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. Respondent understands that he may not petition for reinstatement as a physician and surgeon for a period of two (2) years from the effective date of his surrender. 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. 800-2020-067072 shall be deemed to be true, correct and 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. 800-2020-067072 shall be deemed to be true, correct, and 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 Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/1/2020

WILLIAM CASWELL ARNOLD, M.D.
Respondent

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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

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-067072

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
Attorneys for Complainant

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.** 2499 Carnegie Ln. Lexington, KY 40511-8449 Physician's and Surgeon's Certificate No. A 149305, Respondent.	Case No. 800-2020-067072 **ACCUSATION**

PARTIES

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

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

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JURISDICTION

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

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

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

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be 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."
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

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FIRST CAUSE FOR DISCIPLINE

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

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

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

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

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

PRAYER

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

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

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

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

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

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

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

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1972

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

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