

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

In the Matter of the Accusation
Against:

Arthur L. Dick, M.D.

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

Respondent.

Case No. 800-2018-044706

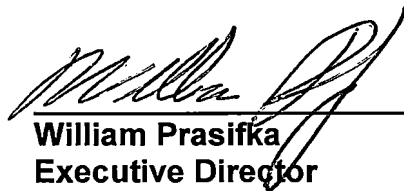
DECISION

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
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
4 State Bar No. 239872
600 West Broadway, Suite 1800
5 San Diego, CA 92101
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6 San Diego, CA 92186-5266
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8 *Attorneys for Complainant*

9

10

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

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13

In the Matter of the Accusation Against:

Case No. 800-2018-044706

14

ARTHUR L. DICK, M.D.
1063 Indiangrass Drive
15 Hemet, CA 92545

OAH No. 2021070904

15

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16

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

17

Respondent.

18

19

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

20

21

PARTIES

22

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 Rob Bonta, Attorney General of the State of California, by LeAnna E. Shields, Deputy Attorney General.

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2. Arthur L. Dick, M.D. (Respondent) is represented in this proceeding by attorneys Dennis K. Ames, Esq., and Poge Henderson, Esq., with La Follette, Johnson, DeHaas, Fesler & Ames, whose address is: 2677 N. Main Street, Suite 901, Santa Ana, CA 92705.

27

28

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

3 9. Respondent agrees that if he files a petition for reinstatement or relicensure, or an
4 accusation and/or petition to revoke probation is filed against him before the Medical Board of
5 California, all of the charges and allegations contained in Accusation No. 800-2018-044706 shall
6 be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or
7 any other licensing proceeding involving Respondent in the State of California.

8 10. Respondent understands that by signing this stipulation he enables the Board to issue
9 an order accepting the surrender of his Physician's and Surgeon's Certificate No. A 20825
10 without further notice to, or opportunity to be heard by, Respondent.

11 CONTINGENCY

12 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
13 part, that the Medical Board "shall delegate to its executive director the authority to adopt a ...
14 stipulation for surrender of a license."

15 12. Respondent understands that, by signing this stipulation, he enables the Executive
16 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
17 Physician's and Surgeon's Certificate No. A 20825 without further notice to, or opportunity to be
18 heard by, Respondent.

19 13. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
20 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
21 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
22 consideration in the above-entitled matter and, further, that the Executive Director shall have a
23 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
24 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
25 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
26 time the Executive Director, on behalf of the Medical Board, considers and acts upon it:

27 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order
28 shall be null and void and not binding upon the parties unless approved and adopted by the

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

17 **ADDITIONAL PROVISIONS**

18 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
19 herein to be an integrated writing representing the complete, final and exclusive embodiment of
20 the agreements of the parties in the above-entitled matter.

21 16. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
22 Order, including copies of the signatures of the parties, may be used in lieu of original documents
23 and signatures and, further, that such copies shall have the same force and effect as originals.

24 17. In consideration of the foregoing admissions and stipulations, the parties agree the
25 Executive Director of the Board may, without further notice to or opportunity to be heard by
26 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

27 ///

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1 **ORDER**

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

5 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. A 20825
6 and the acceptance of the surrendered license by the Board shall constitute the imposition of
7 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
8 become a part of Respondent's license history with the Board.

9 2. Respondent shall lose all rights and privileges as a physician and surgeon in
10 California as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
12 issued, his wall certificate on or before the effective date of the Decision and Order.

13 4. If Respondent ever files an application for licensure or a petition for reinstatement in
14 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
15 comply with all the laws, regulations and procedures for reinstatement of a revoked or
16 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
17 contained in Accusation No. 800-2018-044706 shall be deemed to be true, correct and fully
18 admitted by Respondent when the Board determines whether to grant or deny the petition.

19 5. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 800-2018-044706 shall
22 be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement
23 of Issues or any other proceeding seeking to deny or restrict licensure.

24 **ACCEPTANCE**

25 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
26 have fully discussed it with my attorneys Dennis K. Ames, Esq., and Pogey Henderson, Esq. I
27 fully understand the stipulation and the effect it will have on my Physician's and Surgeon's
28 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 the
2 Medical Board of California.

3
4 DATED: October 4, 2021 Arthur L. Dick, M.D.
5 ARTHUR L. DICK, M.D.
6 Respondent

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: 10/4/21 Pogey Henderson
12 DENNIS K. AMES, ESQ.
13 POGEY HENDERSON, ESQ.
14 Attorneys for Respondent

15 **ENDORSEMENT**

16 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
17 respectfully submitted for consideration by the Medical Board of California of the Department of
18 Consumer Affairs.

19 DATED: _____ Respectfully submitted,
20 ROB BONTA
21 Attorney General of California
22 MATTHEW M. DAVIS
23 Supervising Deputy Attorney General
24
25 LEANNA E. SHIELDS
26 Deputy Attorney General
27 Attorneys for Complainant

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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.
6 Respondent

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.
13 POGY HENDERSON, ESQ.
14 Attorneys for Respondent

15 **ENDORSEMENT**

16 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
17 respectfully submitted for consideration by the Medical Board of California of the Department of
18 Consumer Affairs.

19 DATED: Oct. 6, 2021

Respectfully submitted,
20 ROB BONTA
21 Attorney General of California
22 MATTHEW M. DAVIS
23 Supervising Deputy Attorney General

24 
25 LEANNA E. SHIELDS
26 Deputy Attorney General
27 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-044706

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
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3 State Bar No. 202766
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6 Facsimile: (619) 645-2061

7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against: Case No. 800-2018-044706

14 **Arthur L. Dick, M.D.**
1063 Indiangrass Drive
15 Hemet, CA 92545
16 **Physician's and Surgeon's Certificate**
17 **No. A 20825,**

A C C U S A T I O N

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. William Prasifka (Complainant) brings 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 Medical 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.

1 JURISDICTION

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

5 4. Section 2227 of the Code states:

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

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

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

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

27 5. Section 2234 of the Code, states, in pertinent part:

28 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.

///

1 (1) An initial negligent diagnosis followed by an act or omission medically
2 appropriate for that negligent diagnosis of the patient shall constitute a single
negligent act.

3 (2) When the standard of care requires a change in the diagnosis, act, or
4 omission that constitutes the negligent act described in paragraph (1), including, but
5 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
licensee's conduct departs from the applicable standard of care, each departure
constitutes a separate and distinct breach of the standard of care.

6
7 6. Section 2238 of the Code states:

8 A violation of any federal statute or federal regulation or any of the statutes or
9 regulations of this state regulating dangerous drugs or controlled substances
constitutes unprofessional conduct.

10 7. Section 2242 of the Code states, in pertinent part:

11 (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section
12 4022 without an appropriate prior examination and a medical indication, constitutes
unprofessional conduct.

13
14 8. Section 11153 of the Health and Safety Code states, in pertinent part:

15 (a) A prescription for a controlled substance shall only be issued for a
16 legitimate medical purpose by an individual practitioner acting in the usual course of
his or her professional practice. The responsibility for the proper prescribing and
17 dispensing of controlled substances is upon the prescribing practitioner, but a
corresponding responsibility rests with the pharmacist who fills the prescription.
18 Except as authorized by this division, the following are not legal prescriptions: (1) an
order purporting to be a prescription which is issued not in the usual course of
19 professional treatment or in legitimate and authorized research; . . .

20 9. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
21 adequate and accurate records relating to the provision of services to their patients constitutes
22 unprofessional conduct.

23 10. Unprofessional conduct under Business and Professions Code section 2234 is conduct
24 which breaches the rules or ethical code of the medical profession, or conduct which is
25 unbecoming a member in good standing of the medical profession, and which demonstrates an
26 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
27 575.)

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 20825 to
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
5 the Code, in that he committed gross negligence in his care and treatment of Patient A¹ (a family
6 member of Respondent), as more particularly alleged hereinafter.

7 **Patient A**

8 12. In or about March 2015, Patient A's Psychiatrist Dr. W. noted that Patient A, a then
9 77 year old female, was a "neatly dressed female...with good eye contact and appropriate
10 interaction. Mood steady and affect appropriate. Fully oriented, memory intact, concentration
11 good. Has some insight and judgement is good."

12 13. On or about September 19, 2015, Patient A presented to the Loma Linda Hospital
13 Emergency Department and appeared disheveled. Patient A's weight on admission was 130
14 pounds. One year prior Patient A weighed 160 pounds.

15 14. On or about November 5, 2015, Dr. W. noted that patient A was, "uncharacteristically
16 rumped...with reduced concentration and reduced judgment." Dr. W. diagnosed "bipolar
17 disorder, current episode depressed, severe." Respondent reported to Dr. W. that Patient A was
18 withdrawn, spending a lot of time in bed and not taking care of her daily activities.

19 15. On or about November 12, 2015, Patient A was admitted to the Behavioral Health
20 Unit at Loma Linda Hospital where it was observed that Patient A "frequently fall[s] asleep mid-
21 sentence and needed redirection often. Her main issue is neurocognitive decline rather than
22 organic depression."

23 16. On or about December 15, 2015, Dr. W. noted that dementia was likely a contributing
24 factor to Patient A's decline.

25 _____
26 ¹To protect the privacy of all patients involved, patient names have not been included in this
27 pleading. Respondent is aware of the identity of the patient referred to herein.

1 17. Patient A's outpatient psychiatric records indicate Patient A was taking the following
2 medications in 2015: Wellbutrin² 150mg; Buspar³ 10mg; Namenda⁴ 10mg; Restoril⁵ 30mg;
3 Desyrel⁶ 100mg; Viibryd⁷ 10 mg; and Geodon⁸ 80mg.

4 18. On or about March 24, 2016 and June 2, 2016, Dr. W. noted that Patient A was
5 "[s]till spending excess time in bed, possibly sleeping more than usual. Little social interaction.
6 Tolerating medications well and very resistant to reducing any of them even though she is
7 sleeping too much of the time."

8 19. On or about January 27, 2017, Patient A presented to the Loma Linda Hospital
9 Emergency Department with weakness and near syncope. Patient A reported she was taking the
10 following medications: Wellbutrin 150mg; Buspar 10mg; Namenda 10mg; Restoril 30mg;
11 Desyrel 100mg; Viibryd 10 mg; and Geodon 80mg. A social worker noted a concern that
12 Respondent was prescribing to and overmedicating Patient A.

13 20. In 2018, Patient A changed her treating Psychiatrist from Dr. W. to Dr. A.

14 21. On or about February 9, 2018, a report of possible elder abuse was made to the
15 Riverside County Adult Protective Services (APS) concerning Patient A.

16 22. On or about May 22, 2018, the Hemet Police Department assisted APS with a home
17 visit and noted that Patient A had "cradle crap" in her bed due to long hours spent lying down in a
18 heavily medicated state.

19
20
21 ² Wellbutrin (Bupropion) is an antidepressant medication, and a dangerous drug pursuant to
Business and Professions Code section 4022.

22 ³ Buspar (Buspirone) is an anti-anxiety medication, and a dangerous drug pursuant to Business and
Professions Code section 4022.

23 ⁴ Namenda (Memantine) is an anti-dementia medication, and a dangerous drug pursuant to
Business and Professions Code section 4022.

24 ⁵ 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.

25 ⁶ Desyrel (Trazadone) is an antidepressant medication, and a dangerous drug pursuant to Business
and Professions Code section 4022.

26 ⁷ Viibryd (Vilazodone) is an antidepressant medication, and a dangerous drug pursuant to Business
and Professions Code section 4022.

27 ⁸ 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
28 Business and Professions Code section 4022.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Adequate and/or Accurate Records)**

3 30. Respondent has further subjected his Physician's and Surgeon's Certificate No. A
4 20825 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the
5 Code, in that he failed to maintain adequate and/or accurate medical records regarding his care
6 and treatment of Patient A, as more particularly alleged in paragraphs 12 through 27, above,
7 which are hereby incorporated by reference and realleged as if fully set forth herein.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Violation of Provisions of the Medical Practice Act)**

10 31. Respondent has further subjected his Physician's and Surgeon's Certificate No. A
11 20825 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
12 subdivision (a), of the Code, in that he violated provisions of the Medical Practice Act in his care
13 and treatment of Patient A, as more particularly alleged in paragraphs 12 through 30, above,
14 which are hereby incorporated by reference and realleged as if fully set forth herein.

15 **PRAYER**

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

- 18 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 20825, issued
- 19 to Respondent Arthur L. Dick, M.D.;
- 20 2. Revoking, suspending or denying approval of Respondent Arthur L. Dick, M.D.'s
- 21 authority to supervise physician assistants and advanced practice nurses;
- 22 3. Ordering Respondent Arthur L. Dick, M.D., if placed on probation, to pay the Board
- 23 the costs of probation monitoring; and

24 ///

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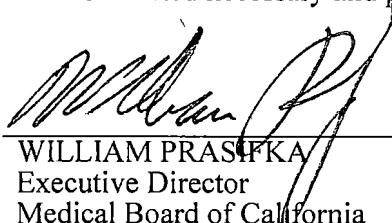
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4. Taking such other and further action as deemed necessary and proper.

DATED: JUN 02 2021



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