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

In the Matter of the Accusation Against:	)	
	)	
	)	
CHARLES MORI ARAKAKI, M.D.	)	File No. 800-2016-028205
	)	
Physician's and Surgeon's Certificate No. C 145133	)	
	)	
Respondent	)	
	)	

DECISION AND ORDER

The attached Stipulated Settlement 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 13, 2017.

IT IS SO ORDERED September 13, 2017.

MEDICAL BOARD OF CALIFORNIA

By: _____
Jamie Wright, J.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
CAROLYNE EVANS (State Bar No. 289206)
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-1211
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the Accusation Against **Charles Mori Arakaki, M.D.** **500 Ala Moana Blvd, Bldg 1** **Honolulu, HI 96813** **Physician's and Surgeon's Certificate No. C145133,** Respondent.	Case No. 800-2016-028205 **STIPULATED SETTLEMENT AND DISCIPLINARY 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. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Carolyne Evans, Deputy Attorney General.

2. Respondent Charles Mori Arakaki, M.D. (Respondent) is represented in this proceeding by Oregon attorney Michael D. Crew, of the firm Dunn Carney Allen Higgins & Tongue LLP, whose address is: 851 SW Sixth Avenue, Suite 1500, Portland, OR 97204.

3. On or about September 15, 2016, the Board issued Physician's and Surgeon's Certificate No. C145133 to Charles Mori Arakaki, M.D. (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. 800-2016-028205, and will expire on March 31, 2018, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-028205 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 6, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-028205 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with his Oregon counsel, and understands the charges and allegations in Accusation No. 800-2016-028205. Respondent has also carefully read, fully discussed with his Oregon counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

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

CULPABILITY

9. This stipulation is the result of a compromise between the Board and Respondent. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2016-

028205, if proven at hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. Respondent stipulates that the Board has jurisdiction to impose a public reprimand upon his certificate to practice medicine pursuant to section 2227 of the Business and Professions Code. Respondent agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. 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 Settlement 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 Settlement and Disciplinary 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 Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Charles Mori Arakaki, M.D., Physician's and Surgeon's Certificate No. C145133, shall be and hereby is publically reprimanded pursuant to California Business and Professions Code section 2227, subdivision

(a)(4). This public reprimand which is issued in connection with Respondent's unprofessional conduct, as set forth in Accusation No. 800-2016-028205, is as follows: On or about February 4, 2016, the Oregon Medical Board granted Respondent an Oregon medical license after entering into a stipulated order with him due to advertisements insinuating that he was authorized to practice medicine in Oregon when he was not so licensed. The Oregon Order included a reprimand and an assessment of a $5000.00 civil penalty.

On or about November 10, 2016, the Arizona Medical Board issued an "Order for Letter of Reprimand and Probation and Consent to the Same" (Arizona Order). The Arizona Order found that Respondent engaged in unprofessional conduct in that he was subjected to out of state discipline by the Oregon Medical Board. As a result of Respondent's unprofessional conduct, the Arizona Medical Board issued a letter of reprimand and placed Respondent on 6 months probation with the requirement that he complete no less than 5 hours of CME in ethics.

B. <u>PROFESSIONALISM PROGRAM (ETHICS COURSE)</u>

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

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

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my Oregon attorney Michael Crew. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 8/22/2017

Charles Mori Arakaki, M.D.
Respondent

I have read and fully discussed with Respondent Charles Mori Arakai, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/23/17

MICHAEL CREW, ESQ.
Oregon Counsel for Respondent

ENDORSEMENT

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

Dated: 8/23/17

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

CAROLYNE EVANS
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

Accusation No. 800-2016-028205

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 6 2017
BY: K. Vong ANALYST

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
CAROLYNE EVANS
Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **Charles Mori Arakaki, M.D.** **500 Ala Moana Blvd Bldg 1** **Honolulu, HI 96813** **Physician's and Surgeon's Certificate No. C145133,** Respondent.	Case No. 800-2016-028205 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about September 15, 2016, the Medical Board issued Physician's and Surgeon's Certificate Number C145133 to Charles Mori Arakaki, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2018, 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 unless otherwise indicated.

4. Section 2227 of the Code provides, in part, that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2305 of the Code states:

The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate 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 of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

6. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the 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 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 that 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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CAUSE FOR DISCIPLINE

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

7. On or about February 4, 2016, the Oregon Medical Board granted Respondent an Oregon medical license after entering into a stipulated order with him due to advertisements insinuating that he was authorized to practice medicine in Oregon when he was not so licensed. The Oregon Order included a reprimand and assessment of a $5000.00 civil penalty.

On or about November 10, 2016, the Arizona Medical Board issued an "Order for Letter of Reprimand and Probation and Consent to the Same" (Arizona Order). The Arizona Order found that Respondent engaged in unprofessional conduct in that he was subjected to out of state discipline by the Oregon Medical Board. As a result of Respondent's unprofessional conduct, the Arizona Medical Board issued a letter of reprimand and placed Respondent on 6 months probation with the requirement that he complete no less than 5 hours of CME in ethics.

8. Respondent's conduct as set forth in paragraph 7 above, and as described within the Arizona Order, attached as Exhibit A, and the Oregon Order, attached as Exhibit B, constitutes unprofessional conduct and 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 C145133, issued to Charles Mori Arakaki, M.D.;

2. Revoking, suspending or denying approval of Charles Mori Arakaki, M.D.'s authority to supervise physician assistants and advanced practice nurses.

3. Ordering Charles Mori Arakaki, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: June 6, 2017

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2017401422

EXHIBIT A

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **CHARLES ARAKAKI, M.D.** Holder of License No. 48611 For the Practice of Allopathic Medicine In the State of Arizona.	Case No. MD-16-0133A **ORDER FOR LETTER OF REPRIMAND AND PROBATION; AND CONSENT TO THE SAME**

Charles Arakaki, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 48611 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-0133A after receiving a Disciplinary Alert Report generated by the Federation of State Medical Boards stating that Respondent was reprimanded by the Oregon Medical Board ("OMB") on January 8, 2016 and was assessed a civil penalty for violation of a statute or rule.

4. On February 4, 2016, the OMB granted Respondent an Oregon medical license after entering into a Stipulated Order with him due to advertisements insinuating that he was authorized to practice medicine in Oregon when he was not. The Stipulated Order included a reprimand and assessment of a $5,000 civil penalty. Respondent currently has an active and unrestricted license in Oregon.

CONCLUSIONS OF LAW

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(o)("Action that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

2. Respondent is placed on Probation for a period of six months with the following terms and conditions:

a. Continuing Medical Education

Respondent shall within 6 months of the effective date of this Order obtain no less than 5 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") in ethics. Respondent shall within thirty days of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical

licensure. The Probation shall terminate upon Respondent's proof of successful completion of the CME.

b. Obey All Laws

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

3. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

DATED AND EFFECTIVE this 10th day of November, 2016.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.

8. If any part of the Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

9. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.

10. ***Respondent has read and understands the conditions of probation.***

DATED: 10/26/2016

CHARLES ARAKAKI, M.D.

1
2 EXECUTED COPY of the foregoing mailed
this 10th day of November, 2016 to:

3 Charles Arakaki, M.D.
4 Address of Record

5 ORIGINAL of the foregoing filed
this 10th day of November, 2016 with:

6
7 Arizona Medical Board
9545 E. Doubletree Ranch Road
8 Scottsdale, AZ 85258

9 Mary Bolter
10 Board staff

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EXHIBIT B

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of CHARLES MORI ARAKAKI, MD APPLICANT	)))))	STIPULATED ORDER

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Charles Mori Arakaki, MD (Applicant) has applied for an active license as a physician to practice medicine in the state of Oregon.

2.

The Board opened an investigation in July of 2015, after receiving a credible report that Applicant's name had been used in advertisements that stated or implied that he was practicing medicine in the State of Oregon. Applicant is not licensed to practice medicine in the State of Oregon. The Board's investigation revealed that Applicant was listed as "Chief of Staff" and "Chief Physician" on advertisements on the internet for the "Universal Men's Clinic" for a Portland, Oregon location, in violation of ORS 677.085. Additionally, Applicant was referred to as "Dr. Arakaki" in radio and television advertisements which aired in Oregon. When the Board's concerns regarding the noted advertising were brought to Applicant's attention, Applicant directed that the advertisements be pulled from further distribution or access.

3.

Applicant and the Board desire to settle this matter by entry of this Stipulated Order. Applicant understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Applicant fully and finally waives the right to any appeal in this case by the signing of and entry of this Order in

1 the Board's records. Applicant denies knowingly or intentionally violating Oregon law, but
2 the Board finds that Applicant engaged in conduct that violated ORS 677.190(17), by
3 willfully violating ORS 677.085. Applicant understands that this Order is a public record and
4 is a disciplinary action that is reportable to the National Data Bank and the Federation of State
5 Medical Boards.
6 4.
7 Applicant and the Board agree to resolve this matter by the entry of this Stipulated
8 Order subject to the following terms
9 4.1 Applicant is reprimanded.
10 4.2 Applicant is assessed a $5,000 civil penalty, payable in full within 60 days
11 from the signing of this Order.
12 4.3 Upon payment of the $5,000 civil penalty in full, and having satisfied the
13 other requirements for licensure, the Board will grant Applicant an unrestricted license to
14 practice medicine in the State of Oregon.
15 4.4 Applicant stipulates and agrees that this Order becomes effective the date it is
16 signed by the Board Chair.
17 4.5 Applicant must obey all federal and Oregon state laws and regulations
18 pertaining to the practice of medicine.
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4.6 Applicant stipulates and agrees that any violation of the terms of this Order shall be grounds for further disciplinary action under ORS 677.190(17).

IT IS SO STIPULATED THIS 5th day of January, 2016.

SIGNATURE REDACTED

CHARLES MORI ARAKAKI, MD

IT IS SO ORDERED THIS 8th day of January, 2016.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, JR., MD
BOARD CHAIR