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6 Attorneys for Complainant

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8 **BEFORE THE**
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11 ARNOLD SHINDER, DO
12 16720 Corrington Avenue
Cerritos, CA 90703
13 Osteopathic Physician and Surgeon License No.
14 20A5010
15 Respondent.

Case No. 00-12
OAH No. L2001030345
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

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20 PARTIES

- 21 1. Complainant Linda J. Bergmann is the Executive Director of the
22 Osteopathic Medical Board of California. She brought this action solely in her official capacity
23 and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by
24 William L. Marcus, Deputy Attorney General.
- 25 2. Respondent fully understands that he has the right to be represented by
26 counsel in this proceeding, at his own expense; respondent has chosen to represent himself in this
27 proceeding.
- 28 3. On or about September 9, 1985, the Osteopathic Medical Board of

1 California issued Osteopathic Physician and Surgeon License Number 20A5010 to Arnold
2 Shinder, DO ("Respondent"). The Osteopathic Physician and Surgeon License expired on
3 August 31, 1998, and has not been renewed.

4 JURISDICTION

5 4. Accusation No. 00-12, was filed before the Osteopathic Medical Board of
6 California ("Board"), and is currently pending against Respondent. The Accusation, together
7 with all other statutorily required documents, was duly served on Respondent on January 23,
8 2001, and Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
9 Accusation No. 00-12 is attached as Exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read the Accusation and service packet in Case
12 No. 00-12 and fully understands the nature of the charges and allegations in the Accusation and
13 the effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel, at his own expense, the right to confront and cross-examine the witnesses against him,
17 the right to present evidence and to testify on his own behalf, the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents, the right to
19 reconsideration and court review of an adverse decision, and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent freely, voluntarily, knowingly and intelligently waives and
22 gives up each and every right set forth above.

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in the
25 Accusation, if proven at a hearing, constitute cause for imposing discipline upon his Osteopathic
26 Physician and Surgeon License.

27 9. Respondent admits the truth of each and every charge and allegation in the
28 Accusation No. 00-12.

1 all the conditions of probation.

2
3 **3. Probation Surveillance Program.** Respondent shall comply with the
4 Board's probation surveillance program. Respondent shall, at all times, keep the Board informed
5 of his addresses of business and residence which shall both serve as addresses of record.
6 Changes of such addresses shall be immediately communicated in writing to the Board. Under
7 no circumstances shall a post office box serve as an address of record.

8 Respondent shall also immediately inform the Board, in writing, of any travel to
9 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than
10 thirty (30) days.

11 **4. Interviews With Medical Consultants.** Respondent shall appear in
12 person for interviews with the Board's medical consultants upon request at various intervals and
13 with reasonable notice.

14 **5. Cost Recovery.** The Respondent is hereby ordered to reimburse the
15 Board the amount of \$8,729.50 within 90 days from the effective date of this decision for its
16 investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation and
17 prosecution shall constitute a violation of the probation order, unless the Board agrees in writing
18 to payment by an installment plan because of financial hardship.

19 **6. License Surrender.** Following the effective date of this decision, if
20 Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy
21 the terms and conditions of probation, Respondent may voluntarily tender his certificate to the
22 Board. The Board reserves the right to evaluate the Respondent's request and to exercise its
23 discretion whether to grant the request, or to take any other action deemed appropriate and
24 reasonable under the circumstances. Upon formal acceptance of the tendered license,
25 Respondent will no longer be subject to the terms and conditions of probation.

26 **7. Tolling for Out-of-State Practice or Residence, or In-State Non-**
27 **Practice (Inactive License).** In the event Respondent should leave California to reside or to
28 practice outside the State or for any reason should Respondent stop practicing medicine in

1 California, Respondent shall notify the board or its designee in writing within ten days of the
2 dates of departure and return or the dates of non-practice within California. Non-practice is
3 defined as any period of time exceeding thirty days in which Respondent is not engaging in any
4 activities defined in Section 2051 and/or 2052 of the Business and Professions Code. All time
5 spent in an intensive training program approved by the Board or its designee in or out of state
6 shall be considered as time spent in the practice of medicine. Periods of temporary or permanent
7 residence or practice outside California or of non-practice within California, as defined in this
8 condition, will not apply to the reduction of the probationary period.

9 8. **Diversion Program - Alcohol and Drugs.** Within 30 days of the
10 effective date of this decision, at Respondent's cost, Respondent shall enroll and participate in
11 the Board's Diversion Program until the Board determines that further treatment and
12 rehabilitation is no longer necessary. Quitting the program without permission or being expelled
13 for cause shall constitute a violation of probation by Respondent.

14 9. **Biological Fluid Testing.** Respondent shall immediately submit to
15 biological fluid testing, at Respondent's cost, upon the request of the Board or its designee.

16 10. **Drugs - Abstain from Use.** Respondent shall abstain completely from the
17 personal use or possession of controlled substances as defined in the California Uniform
18 Controlled Substances Act, and dangerous drugs as defined by the Business and Professions
19 Code, or any drugs requiring a prescription except for ordering or possessing medications
20 lawfully prescribed to Respondent for a bona fide illness or condition by another practitioner.

21 11. **Medical Ethics Course.** Within 60 days of the effective date of this
22 decision, Respondent shall submit to the Board for its prior approval a course in medical ethics
23 which Respondent shall successfully complete during the first year of probation.

24 12. **Probation Violation/Completion of Probation.** If Respondent violates
25 probation in any respect, the Board may revoke probation and carry out the disciplinary order
26 that was stayed after giving Respondent notice and the opportunity to be heard. If an Accusation
27 and/or Petition to revoke is filed against Respondent during probation, the Board shall have
28 continuing jurisdiction until the matter is final, and the period of probation shall be extended

1 until the matter is final. Upon successful completion of probation, Respondent's certificate will
2 be fully restored.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and I
5 fully understand the terms and conditions and other matters contained therein, I understand the
6 effect this stipulation will have on my Osteopathic Physician and Surgeon License. I enter into
7 this Stipulated Settlement freely, voluntarily, knowingly and intelligently and agree to be bound
8 by the Disciplinary Order and Decision of the Osteopathic Medical Board of California. I further
9 agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including
10 facsimile copies of signatures, may be used with the same force and effect as the originals.

11 DATED: 5-8-01


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13 
14 ARNOLD SHINDER, D.O.
15 Respondent

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17 ENDORSEMENT

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

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21 DATED: May 31, 2001

22 BILL LOCKYER, Attorney General
23 of the State of California

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26 WILLIAM L. MARCUS
27 Deputy Attorney General

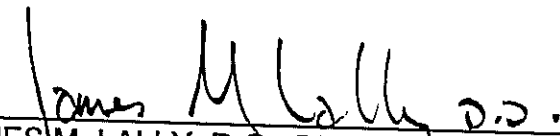
28 Attorneys for Complainant

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2 **DECISION AND ORDER OF THE**
3 **OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA**

4 The foregoing Stipulated Settlement and Disciplinary Order in Case No.
5 00-12 is hereby adopted as the Decision and Order of the Osteopathic Medical Board
6 of California in the above-entitled matter.

7 An effective date of May 31, 2001, has been
8 assigned to this Decision and Order.

9 Made this 31st day of May, 2001.
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14 JAMES M. LALLY, D.O., PRESIDENT
15 OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
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5 Attorneys for Complainant

8 **BEFORE THE**
9 **OSTEOPATHIC MEDICAL**
10 **BOARD OF CALIFORNIA**

11 In the Matter of the Accusation Against:)
12 ARNOLD SHINDER, D.O.) No. 00-12
13 16415 South Colorado Avenue, Suite 401) ACCUSATION
Paramount, California 90273)
14 Osteopathic Physician and)
15 Surgeon License No. 20A5010)
16 Respondent.)

17 Complainant, Linda J. Bergmann, for causes for discipline alleges:
18 1. She is the Executive Director of the Osteopathic Medical Board of
19 the State of California (hereinafter the "Board"), and makes and files this accusation
20 solely in her official capacity.

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22 **LICENSE HISTORY**

23 2. On September 9, 1985, the Osteopathic Medical Board of California
24 issued osteopathic physician and surgeon license number 20A5010 to Arnold Shinder,
25 D. O. (hereinafter "respondent"). At all times relevant herein, the license was in full
26 force and effect and expired on August 31, 1998.

1 FIRST CAUSE FOR DISCIPLINE

2 (Administer of a Controlled Substance to Oneself)

3 8. Respondent has subjected his license to discipline pursuant to
4 section 2234, subdivisions (a) and (f), of the Code on the grounds of unprofessional
5 conduct for violating section 2242(a) of the Code and sections 11170 and 11154(a) of
6 the Health and Safety Code. On or in or about the following dates, Respondent
7 obtained and used the indicated drugs, each of which was a controlled substance
8 pursuant to Schedule II (Health and Safety Code section 11055) Schedule III (Health
9 and Safety Code section 11056) or Schedule IV (Health and Safety Code section
10 11057) of the California Controlled Substances Act, without a prescription and without
11 medical indication or a good faith prior examination and for other than legitimate
12 medical purposes:

- 13 a. In or about 1996, Respondent obtained and used Xanax for himself.
14 b. From about June 1996 to at least February 1997, Respondent
15 obtained and used amphetamines for himself.
16 c. In or about October and November 1997, Respondent obtained and
17 used both opiates and benzodiazepnes for himself.
18 d. In or about February 1998, Respondent obtained and used
19 barbiturates for himself.

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21 SECOND CAUSE FOR DISCIPLINE

22 (Possession of a Controlled Substance)

23 9. Respondent has further subjected his license to discipline pursuant
24 to section 2234, subdivisions (a) and (f) of the Code on the grounds of unprofessional
25 conduct for violating sections 11173(a), 11170 and 11377 of the Health and Safety
26 Code, in the following respects:

- 27 a. On a unknown date, but prior to June 1996, Respondent obtained

1 without a prescription or other legal authorization a bottle of amphetamines for his own
2 use which Respondent thereafter, from at least June 1996 through February 1997,
3 possessed and used without a prescription, medical indication, good faith prior
4 examination, or a legitimate medical purpose. Respondent, at all times mentioned
5 herein, knew he was not authorized to take, possess, or use the bottle of
6 amphetamines without a prescription or other legal authorization.

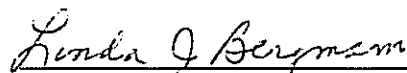
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8 WHEREFORE, Complainant prays that a hearing be held and that
9 following said hearing that the Osteopathic Medical Board of California makes its order:

10 1. Revoking or suspending Osteopathic physician and surgeon license
11 number 20A5010 issued to Arnold Shinder. D.O.

12 2 Issue an order compelling the respondent to reimburse the Board for
13 the reasonable costs and its investigation, enforcement and prosecution of this matter,
14 up to the day of hearing.

15 3. Taking such other and further action as the Board deems proper.

16 DATED: Nov 16, 2000

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19 
20 LINDA J. BERGMANN
21 Executive Officer
22 Osteopathic Medical Board
23 of California

24 Complainant