

FILED

AUG 26 2013

OSTEOPATHIC MEDICAL BOARD
OF CALIFORNIA

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

In the Matter of the Second Amended Accusation
Against:

Arnold L. Shinder, D.O.
4201 Green Avenue #B
Los Alamitos, CA 90720-3552

Osteopathic Physician's and Surgeon's
Certificate No. 20A5010

Respondent

Case No. 00-2009-002562

OAH No: 2012110529

DECISION AND ORDER

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted by the Osteopathic Medical Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 9, 2013.

It is so ORDERED August 26, 2013.



FOR THE OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
DAVID CONNETT, D.O., PRESIDENT

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8 *Attorneys for Complainant*

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

13 In the Matter of the Second Amended
Accusation Against:

14 **ARNOLD L. SHINDER, D.O.**
15 4201 Green Ave. #B
16 Los Alamitos, CA 90720-3552

17 Osteopathic Physician's and Surgeon's
Certificate No. 20A5010

18 Respondent.

Case No. 00-2009-002562

OAH No. 2012110529

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
21 proceeding that the following matters are true:

22 PARTIES

23 1. Angelina M. Burton (Complainant) is the Executive Director of the Osteopathic
24 Medical Board of California. She brought this action solely in her official capacity and is
25 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
26 Tessa L. Heunis, Deputy Attorney General.

27 2. Arnold L. Shinder, D.O. (Respondent) is representing himself in this proceeding and
28 has chosen not to exercise his right to be represented by counsel.

////

1 Respondent fully understands and agrees that he may not withdraw his agreement or seek to
2 rescind this stipulation prior to the time the Board considers and acts upon it.

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

19 ADDITIONAL PROVISIONS

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

23 15. The parties agree that facsimile copies of this Stipulated Surrender of License and
24 Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original
25 documents and signatures and, further, that facsimile copies shall have the same force and effect
26 as originals.

27 ////

28 ////

Exhibit A

Second Amended Accusation No. 00-2009-002562

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2 THOMAS S. LAZAR
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8 *Attorneys for Complainant*

FILED

MAY 30 2013

**OSTEOPATHIC MEDICAL BOARD
OF CALIFORNIA**

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

13 In the Matter of the Second Amended
14 Accusation Against:

Case No. 00-2009-002562

15 **ARNOLD L. SHINDER, D.O.**
4201 Green Ave #B
16 Los Alamitos, CA 90720-3552

SECOND AMENDED ACCUSATION

17 **Osteopathic Physician's and Surgeon's
18 Certificate No. 20A5010**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Angelina M. Burton (Complainant) brings this Second Amended Accusation solely in
23 her official capacity as the Executive Director of the Osteopathic Medical Board of California,
24 Department of Consumer Affairs (Board).

25 2. On or about September 9, 1985, the Board issued Osteopathic Physician's and
26 Surgeon's Certificate Number 20A5010 to ARNOLD L. SHINDER, D.O. (Respondent). The
27 Osteopathic Physician's and Surgeon's Certificate was in full force and effect at all times relevant
28 to the charges brought herein and will expire on August 31, 2012, unless renewed. On October 8,

1 2012, an Interim Order of Suspension was issued immediately suspending Respondent's
2 Osteopathic Physician's and Surgeon's Certificate Number 20A5010 and, following a noticed
3 hearing on October 26, 2012, Respondent remains suspended from the practice of medicine as of
4 the date of the filing of this Second Amended Accusation.

5 **PRIOR DISCIPLINARY ACTION**

6 3. On or about May 31, 2001, in a case entitled "In the Matter of the Accusation
7 Against: Arnold Shinder, D.O.," OAH Case Number L2001030345, Osteopathic Medical Board
8 Case No. 00-12, the Board issued a decision and order in which Respondent's Osteopathic
9 Physician's and Surgeon's Certificate No. 20A5010 was revoked. The revocation was stayed and
10 Respondent was placed on probation for a period of five (5) years with certain terms and
11 conditions.

12 **JURISDICTION**

13 4. This Second Amended Accusation is brought before the Board under the authority of
14 the following laws. All section references are to the Business and Professions Code (Code)
15 unless otherwise indicated.

16 5. Section 3600 of the Code states that the law governing licentiates of the Board is
17 found in the Osteopathic Act and in Chapter 5 of Division 2, relating to medicine.

18 6. Section 3600-2 of the Code states:

19 "The Osteopathic Medical Board of California shall enforce those portions of the
20 Medical Practice Act identified as Article 12 (commencing with Section 2220), of Chapter
21 5 of Division 2 of the Business and Professions Code, as now existing or hereafter
22 amended, as to persons who hold certificates subject to the jurisdiction of the Osteopathic
23 Medical Board of California, however, persons who elect to practice using the term or
24 suffix "M.D." as provided in Section 2275 of the Business and Professions Code, as now
25 existing or hereafter amended, shall not be subject to this section, and the Medical Board of
26 California shall enforce the provisions of the article as to persons who make the election.

27 After making the election, each person so electing shall apply for renewal of his or her

28 ////

1 certificate to the Medical Board of California, and the Medical Board of California shall
2 issue renewal certificates in the same manner as other renewal certificates are issued by it.”

3 7. Section 2227 of the Code states:

4 “(a) A licensee whose matter has been heard by an administrative law judge of the
5 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or
6 whose default has been entered, and who is found guilty, or who has entered into a
7 stipulation for disciplinary action with the board, may, in accordance with the provisions of
8 this chapter:

9 “(1) Have his or her license revoked upon order of the board.

10 “(2) Have his or her right to practice suspended for a period not to exceed one
11 year upon order of the board.

12 “(3) Be placed on probation and be required to pay the costs of probation
13 monitoring upon order of the board.

14 “(4) Be publicly reprimanded by the board. The public reprimand may include
15 a requirement that the licensee complete relevant educational courses approved
16 by the board.

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

19 “...”

20 8. Section 2234 of the Code states:

21 “The Division of Medical Quality¹ shall take action against any licensee who is
22 charged with unprofessional conduct. In addition to other provisions of this article,
23 unprofessional conduct includes, but is not limited to, the following:

24 ////

25
26 ¹ California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless expressly provided, the term “board” as used in the State
28 Medical Practice Act (Bus. & Prof. Code, §§ 2000, *et seq.*) means the “Medical Board of
California,” and references to the “Division of Medical Quality” and “Division of Licensing” in
the Act or any other provision of law shall be deemed to refer to the Board.

1 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or
2 abetting the violation of, or conspiring to violate, any provision of this chapter.

3 “... ”

4 “(e) The commission of any act involving dishonesty or corruption which is
5 substantially related to the qualifications, functions, or duties of a physician and surgeon.

6 “(f) Any action or conduct which would have warranted the denial of a certificate.

7 “... ”

8 9. Section 2236 of the Code states:

9 “(a) The conviction of any offense substantially related to the qualifications,
10 functions, or duties of a physician and surgeon constitutes unprofessional conduct within
11 the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction
12 shall be conclusive evidence only of the fact that the conviction occurred.

13 “... ”

14 “(c) ... The division may inquire into the circumstances surrounding the commission
15 of a crime in order to fix the degree of discipline or to determine if the conviction is of an
16 offense substantially related to the qualifications, functions, or duties of a physician and
17 surgeon.

18 “... ”

19 10. Section 2239 of the Code states:

20 “(a) The use or prescribing for or administering to himself or herself, of any
21 controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or
22 of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to
23 the licensee, or to any other person or to the public, or to the extent that such use impairs
24 the ability of the licensee to practice medicine safely or more than one misdemeanor or any
25 felony involving the use, consumption, or self-administration of any of the substances
26 referred to in this section, or any combination thereof, constitutes unprofessional conduct.

27 “... ”

28 “... ”

1 11. Section 2238 of the Code states that a violation of any federal statute or federal
2 regulation or any of the statutes or regulations of this state regulating dangerous drugs or
3 controlled substances constitutes unprofessional conduct.

4 12. Section 2261 of the Code states that knowingly making or signing any certificate or
5 other document directly or indirectly related to the practice of medicine or podiatry which falsely
6 represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.

7 13. Section 2262 of the Code states:

8 "Altering or modifying the medical record of any person, with fraudulent intent, or
9 creating any false medical record, with fraudulent intent, constitutes unprofessional
10 conduct.

11 "In addition to any other disciplinary action, the Division of Medical Quality or the
12 California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars
13 (\$500) for a violation of this section."

14 14. Section 2266 of the Code states:

15 "The failure of a physician and surgeon to maintain adequate and accurate records
16 relating to the provision of services to their patients constitutes unprofessional conduct."

17 15. Section 11152 of the Health and Safety Code states that no person shall write, issue,
18 fill, compound, or dispense a prescription that does not conform to Division 10 of that Code.²

19 16. Section 11153 of the Health and Safety Code states:

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

27
28 ² Uniform Controlled Substances Act.

1 legitimate and authorized research; or (2) an order for an addict or habitual user of
2 controlled substances, which is issued not in the course of professional treatment or as part
3 of an authorized narcotic treatment program, for the purpose of providing the user with
4 controlled substances, sufficient to keep him or her comfortable by maintaining customary
5 use.

6 “(b) Any person who knowingly violates this section shall be punished by
7 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county
8 jail not exceeding one year, or by a fine not exceeding twenty thousand dollars (\$20,000),
9 or by both that fine and imprisonment.

10 “...”

11 17. Section 11157 of the Health and Safety Code states that no person shall issue a
12 prescription that is false or fictitious in any respect.

13 18. Section 11171 of the Health and Safety Code states that no person shall prescribe,
14 administer, or furnish a controlled substance except under the conditions and in the manner
15 provided by Division 10 of that Code.

16 19. Section 11173 of the Health and Safety Code states:

17 “(a) No person shall obtain or attempt to obtain controlled substances, or procure or
18 attempt to procure the administration of or prescription for controlled substances, (1) by
19 fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

20 “(b) No person shall make a false statement in any prescription, order, report, or
21 record, required by this division.

22 “...”

23 20. Section 11174 of the Health and Safety Code states that no person shall, in
24 connection with the prescribing, furnishing, administering, or dispensing of a controlled
25 substance, give a false name or false address.

26 21. Section 11175 of the Health and Safety Code states:

27 “No person shall obtain or possess a prescription that does not comply with this
28 division, nor shall any person obtain a controlled substance by means of a prescription

1 which does not comply with this division or possess a controlled substance obtained by
2 such a prescription.”

3 22. Section 11180 of the Health and Safety Code states that no person shall obtain or
4 possess a controlled substance obtained by a prescription that does not comply with Division 10
5 of that Code.

6 23. Section 4022 of the Code states, in pertinent part:

7 “‘Dangerous Drug’ or ‘dangerous device’ means any drug or device unsafe
8 for self use in humans or animals, and includes the following:

9 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits
10 dispensing without prescription,’ ‘Rx only,’ or words of similar import.

11 “... ”

12 “(c) Any other drug or device that by federal or state law can be lawfully
13 dispensed only on prescription or furnished pursuant to Section 4006.”

14 24. Title 21, United States Code Controlled Substances Act, section 843, states:

15 “(a) Unlawful acts

16 “It shall be unlawful for any person knowingly or intentionally --

17 “... ”

18 “(3) to acquire or obtain possession of a controlled substance by misrepresentation,
19 fraud, forgery, deception, or subterfuge;

20 “... ”

21 25. Title 21, United States Code Controlled Substances Act, section 844, states:

22 “(a) Unlawful acts; penalties

23 “It shall be unlawful for any person knowingly or intentionally to possess a
24 controlled substance unless such substance was obtained directly, or pursuant to a valid
25 prescription or order, from a practitioner, while acting in the course of his professional
26 practice, or except as otherwise authorized by this subchapter or subchapter II of this
27 chapter. ...

28 “... ”

1 26. Unprofessional conduct under Business and Professions Code section 2234 is conduct
2 which breaches the rules or ethical code of the medical profession, or conduct which is
3 unbecoming to a member in good standing of the medical profession, and which demonstrates an
4 unfitness to practice medicine.³

5 27. Section 125.3 of the Code states, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of a Crime)**

11 28. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
12 by section 2236, subdivision (a), of the Code, in that he has been convicted of a crime
13 substantially related to the qualifications, functions, or duties of a physician and surgeon. The
14 circumstances are as follows.

15 29. On or about April 26, 2013, in the case entitled *People of the State of California v.*
16 *Arnold Louis Shinder*, Superior Court of California, County of Orange, Case No. 12WF2044,
17 respondent was convicted on his plea of guilty to one count of Penal Code section 459-460,
18 subdivision (a) (burglary, first degree), a felony, for which he was sentenced to three years'
19 formal probation and 363 days' jail, suspended, on terms and conditions.

20 30. The facts which gave rise to the conviction are as follows:

21 (a) At all relevant times, T.C. was both a neighbor and a patient of respondent, and had
22 legitimate prescriptions for Hydrocodone/APAP⁴ and Carisoprodol⁵ tablets, respectively.

23 ³ *Shea v. Board of Medical Examiners*, (1978) 81 Cal.App.3d 564, 575.

24 ⁴ Hydrocodone/APAP is a combination of a narcotic (hydrocodone) and a non-narcotic
25 (acetaminophen). It is a schedule III controlled substance under the Controlled Substances Act
26 (CSA). Hydrocodone, when legally prescribed for a legitimate medical purpose, is typically used
for the relief of mild to moderate pain and can be habit-forming. Hydrocodone is also known by
its brand names *Vicodin*®, *Norco*® and *Lortab*®.

27 ⁵ Carisoprodol is a Schedule IV drug under the Uniform Controlled Substances Act and is
28 prescribed by doctors in the U.S. as a muscle relaxant. Recreational users of carisoprodol, better
(continued...)

1 (b) Respondent, who was aware of T.C.'s prescriptions and medications, frequently
2 asked for, and received, Hydrocodone/APAP and/or Carisoprodol tablets from T.C.

3 (c) In addition to the tablets he was given by T.C., Respondent also unlawfully broke into
4 and entered T.C.'s apartment on several occasions in order to steal and, in fact, stole, T.C.'s
5 Hydrocodone/APAP and/or Carisoprodol tablets.

6 (d) On or about April 19, 2012 and April 20, 2012, Respondent was captured on video on
7 a hidden camera, entering T.C.'s apartment and taking Hydrocodone/APAP and/or Carisoprodol
8 tablets from inside T.C.'s bedroom. Respondent was arrested and charged with two felony counts
9 of violating Penal Code section 459-460, subdivision (a) (burglary; first degree).

10 (e) On or about April 26, 2013, Respondent pleaded guilty to one count of felony
11 burglary in the first degree with the other charge being dismissed against him.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Violation of Drug Statutes)**

14 31. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
15 defined by Section 2238, of the Code, in that he violated federal statutes or regulations and/or
16 statutes or regulations of this State regulating dangerous drugs or controlled substances, to wit,
17 sections 11152, 11153, 11157, 11171, 11173, 11174, 11175 and 11180 of the Health and Safety
18 Code, and Title 21, United States Code Controlled Substances Act, sections 843 and 844, as more
19 particularly alleged hereinafter.

20 32. Respondent has a sister, R.K., who is married to Respondent's brother-in-law, A.K.

21 33. Respondent is married to F.S., but has been separated from her since approximately
22 October, 2007.

23 34. On or about the dates listed in column B of Table 1, below, Respondent wrote and
24 filled one or more prescriptions for the controlled substance and strength listed in columns C and

25 ////

26
27 known by its brand name, Soma, usually seek its potentially heavy sedating, relaxant, and
28 anxiolytic effects. Also, because of its potentiating effects on narcotics, it is often abused in
conjunction with many opioid drugs.

1 D, respectively, in quantities listed in column E, purportedly for the persons listed in column A of
 2 Table 1, below:

3 Table 1:

A	B	C	D	E
F.S.	3/19/2008	Apap/Hydrocodone Bitartrate	500 mg – 10 mg	60
	6/3/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
	6/21/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
	7/02/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
	7/16/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
	8/08/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
	8/29/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
F.S. contd.	1/28/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	2/23/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	3/17/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	4/09/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	5/02/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	5/26/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	6/18/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	8/03/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	8/27/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	9/22/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	10/22/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	11/16/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	12/14/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	1/11/2010	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120

A	B	C	D	E
R.K.	5/14/2008	Propoxyphene Napsylate and Acetaminophen ⁶	650 mg – 100 mg	60
	6/04/2008	Apap/Propoxyphene Napsylate	650 mg – 100 mg	60
	6/18/2008	Apap/Propoxyphene Napsylate	650 mg – 100 mg	60
	9/11/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
	10/06/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	90
	11/07/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	11/29/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	11/29/2008	Alprazolam	0.5 mg	60
	1/20/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	2/14/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	3/10/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
R.K. contd.	4/6/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	5/7/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	6/2/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	8/25/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	7/18/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	8/11/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	9/4/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
A.K.	4/03/2008	Apap/Propoxyphene Napsylate	650 mg – 100 mg	12
	10/02/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	100
	10/28/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	11/24/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	12/19/2008	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	1/13/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120

⁶ Propoxyphene Napsylate and Acetaminophen is commonly prescribed under its brand name, Darvocet N-100, and is a schedule IV narcotic under the Controlled Substances Act.

A	B	C	D	E
	1/20/2009	Alprazolam ⁷	1 mg	100
	2/10/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	3/5/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	3/31/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	4/23/2009	Alprazolam	1 mg	100
	4/28/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	5/21/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	6/15/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	7/8/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	7/31/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	8/24/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120
	8/24/2009	Alprazolam	1 mg	90
	9/21/2009	Apap/Hydrocodone Bitartrate	325 mg – 10 mg	120

35. In an interview conducted by the Medical Board as part of its investigation into this matter, F.S. stated that she had no knowledge of any of the prescriptions in her name as listed in Table 1, above, and had never received nor taken any of the drugs obtained pursuant to those prescriptions.

36. Respondent has no patient charts and/or treatment records for F.S.

37. All the prescriptions issued in the name of R.K. and A.K. were filled at the Costco store located at 5401, Katella Avenue, Cypress, CA 90630 ("the Costco pharmacy"), and picked up by Respondent in person.

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⁷ Alprazolam (commonly sold under the brand name, Xanax,) is one of the most widely-used of the class Benzodiazepines, which are classified as schedule IV depressants under the Controlled Substances Act. Benzodiazepines are a class of drugs that produce central nervous system (CNS) depression and that are most commonly used to treat insomnia and anxiety. There is the potential for dependence on and abuse of benzodiazepines particularly by individuals with a history of multi-substance abuse.

1 document directly or indirectly related to the practice of medicine which falsely represented the
2 existence or nonexistence of a state of facts, as more particularly described in paragraphs 32
3 through 41, above, which are hereby incorporated by reference and realleged as if fully set forth
4 herein.

5 **SEVENTH CAUSE FOR DISCIPLINE**

6 **(Failure to Maintain Adequate and Accurate Medical Records)**

7 50. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
8 defined by section 2266, of the Code, in that he failed to maintain adequate and accurate records
9 in regard to his care and treatment of R.K. and A.K, as more particularly described in paragraphs
10 32 through 41, above, which are hereby incorporated by reference and realleged as if fully set
11 forth herein.

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 **(General Unprofessional Conduct)**

14 51. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
15 by section 2234, in that he has engaged in conduct which breaches the rules or ethical code of the
16 medical profession, or conduct which is unbecoming of a member in good standing of the
17 medical profession, and which demonstrate an unfitness to practice medicine, as more particularly
18 described in paragraphs 29 through 50, above, which are hereby incorporated by reference and
19 realleged as if fully set forth herein.

20 **DISCIPLINE CONSIDERATIONS**

21 52. To determine the degree of discipline, if any, to be imposed on Respondent,
22 Complainant alleges that on or about May 31, 2001, in a prior disciplinary action entitled "In the
23 Matter of the Accusation Against: Arnold Shinder, D.O." before the Board in Osteopathic
24 Medical Board Case No. 00-12, Respondent's license was revoked, the revocation was stayed,
25 and Respondent was placed on probation for a period of five (5) years with certain terms and
26 conditions. That decision is now final and is hereby incorporated by reference as if fully set forth
27 herein.

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1 P R A Y E R

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

4 1. Revoking or suspending Osteopathic Physician's and Surgeon's Certificate Number
5 20A5010, issued to Respondent ARNOLD L. SHINDER, D.O.;

6 2. Revoking, suspending or denying approval of Respondent ARNOLD L. SHINDER,
7 D.O.'s, authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. Ordering Respondent ARNOLD L. SHINDER, D.O., to pay the Osteopathic Medical
9 Board of California the reasonable costs of the investigation and enforcement of this case
10 pursuant to Business and Professions Code section 125.3 and, if placed on probation, the costs of
11 probation; and

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

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15 DATED: May 30, 2013

for Angelina M. Burton

16 ANGELINA M. BURTON
17 Executive Director
18 Osteopathic Medical Board of California
19 Department of Consumer Affairs
20 State of California
21 Complainant
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