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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. 02-2010-210809

14 **ARNALDO SOLIS, M.D.**  
15 **2298 N. Main Street, Apt. #94**  
**Salinas, CA 93906**

**DEFAULT DECISION  
AND ORDER**

16 Physician's and Surgeon's Certificate  
17 No. A 19908

[Gov. Code, §11520]

18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about September 19, 1961, the Medical Board of California, Department of  
21 Consumer Affairs (Board), issued Physician's and Surgeon's Certificate No. A 19908 to Arnaldo  
22 Solis, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on October 31,  
23 2011, and has not been renewed. Pursuant to California Business and Professions Code ("Code"),  
24 section 118, subdivision (b), the expiration of respondent's Physicians' and Surgeon's Certificate  
25 does not deprive the Board of its authority to institute or continue a disciplinary proceeding  
26 against respondent upon any ground provided by law or to enter an order suspending or revoking  
27 the license or otherwise taking disciplinary action against the license on any such ground. A true  
28 and correct copy of a Certificate of Licensure for respondent, including his address of record

1 history with the Board, is attached to the simultaneously submitted "Default Decision Evidence  
2 Packet" as Exhibit A and is incorporated herein by reference.

3 2. On or about August 1, 2012, Complainant Linda K. Whitney, in her then official  
4 capacity as the Executive Director of the Board, filed Accusation No. 02-2010-210809 against  
5 respondent before the Board. Since the filing of the Accusation, Kimberly Kirchmeyer, in her  
6 current capacity as the Interim Executive Director of the Board, has succeeded Ms. Whitney as  
7 the Complainant in this matter.

8 3. Under the provisions of the California Business and Professions Code ("Code"),  
9 section 2021, respondent is, and was at all times relevant to Accusation No. No. 02-2010-210809,  
10 required to furnish the Board with his address of record, and to report to the Board each and every  
11 change of address within 30 days after each change, giving both the old and new address. If an  
12 address so reported to the Board is a post office box, respondent is (and was) also required to  
13 provide the Board with a street address.

14 4. Since on or about April 20, 2011, to the present, respondent has had the following  
15 address of record on file with the Board: 784 Northridge Court, #338, Salinas, CA 93906-2015  
16 ("respondent's address of record").

17 5. On or about August 1, 2012, Teresa Schaeffer, an employee of the Board, served by  
18 Certified Mail (tracking number 7009 2820 0001 6531 9214) and First Class Mail a true and  
19 correct copy of Accusation No. 02-2010-210809, Statement to Respondent, Notice of Defense  
20 (two copies), Request for Discovery, and Government Code sections 11507.5, 11507.6, and  
21 11507.7 (collectively, referred to as "the Accusation Package"), to respondent's address of  
22 record. A true and correct copy of Accusation No. 02-2010-210809, related documents, and  
23 Declaration of Service are attached to the Default Decision Evidence Packet as Exhibit B and  
24 incorporated herein by reference.

25 6. On or about August 6, 2012, the Board received a Certified Mail Return Receipt  
26 signed by an unknown person, acknowledging receipt of the Accusation Package at respondent's  
27 address of record. A true and correct copy of the Certified Mail Return Receipt is attached to the  
28 Default Decision Evidence Packet as Exhibit C and incorporated herein by reference.

1           7.     On or about June 27, 2013, it was discovered that respondent's address of record may  
2 belong to a mailbox at a UPS store. Upon enquiry, it was discovered that mailbox number 338 is  
3 not currently rented by anyone. On or about the same date, Nellia Amansec, an employee of the  
4 Office of the Attorney General, served by Certified Mail and First Class Mail a letter dated June  
5 27, 2013, to two other addresses the Board learned might be more current for respondent: 2298  
6 North Main Street, Apartment 94, Salinas, CA 93906 (with tracking number 7196 9008 9111  
7 9705 0706), and 1538 Second Avenue, San Francisco, CA 94122-3338 (with tracking number  
8 7196 9008 9111 9705 6063). A true and correct copy of the letter dated June 27, 2013, and  
9 Declaration of Service showing service of the letter on each of the addresses is attached to the  
10 Default Decision Evidence Packet as Exhibit D and incorporated herein by reference.

11           8.     On or about July 8, 2013, and July 26, 2013, respectively, the aforementioned  
12 documents were returned by the U.S. Postal Service marked "Forward Time Expired Return to  
13 Sender" and "Unclaimed," respectively. A copy of the each of the envelopes returned by the post  
14 office are attached to the Default Decision Evidence Packet as Exhibits E and F, respectively, and  
15 are incorporated herein by reference.

16           9.     On or about July 30, 2013, Elsa Valdez, an employee of the Office of the Attorney  
17 General, served by First Class Mail a letter dated July 30, 2013, to 12965 Mohawk Way, Oroville,  
18 CA 95965-9719, an address the Board learned might be more current for respondent. (See  
19 Exhibit E.) A true and correct copy of the letter dated July 30, 2013, is attached to the Default  
20 Decision Evidence Packet as Exhibit G and incorporated herein by reference. No response to the  
21 letter dated July 30, 2013 was received.

22           8.     Service on respondent of a true and correct copy of Accusation No. 02-2010-210809,  
23 together with copies of all statutorily required documents, was effective as a matter of law under  
24 the provisions of Government Code section 11505, subdivision (c), when the Accusation Package  
25 was served on respondent's address of record.

26           9.     Government Code section 11506 states, in pertinent part:

27                   “(c) The respondent shall be entitled to a hearing on the merits if the  
28                   respondent files a notice of defense, and the notice shall be deemed a specific denial

1 of all parts of the accusation not expressly admitted. Failure to file a notice of  
2 defense shall constitute a waiver of respondent's right to a hearing, but the agency in  
3 its discretion may nevertheless grant a hearing."

4 Respondent failed to file a Notice of Defense within 15 days after service upon him of the  
5 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 02-2010-  
6 210809.

7 6. California Government Code section 11520 states, in pertinent part:

8 "(a) If the respondent ... fails to file a notice of defense ..., the agency may  
9 take action based upon the respondent's express admissions or upon other evidence  
10 and affidavits may be used as evidence without any notice to respondent."

11 7. Pursuant to its authority under Government Code section 11520, the Board finds  
12 respondent is in default. Exercising its discretion, the Board will take action without further  
13 hearing. Based on respondent's express admissions by way of default and the evidence before the  
14 Board in the accompanying Default Decision Evidence Packet, the Board finds that the following  
15 allegations in Accusation No. 02-2010-210809 are true and correct:

16 **A. Cause for Discipline – Gross Negligence, Patient T.W.**

17 1. Section 2234 of the Code provides, in pertinent part, that the Board shall take  
18 action against any licensee who is charged with unprofessional conduct, which includes, but  
19 is not limited to, gross negligence.

20 2. Respondent is subject to disciplinary action under sections 2227 and 2234, as  
21 defined by section 2234, subdivision (b), of the Code, in that he committed gross  
22 negligence in his care and treatment of patient T.W. as follows:

23 (a) Respondent, a psychiatrist, treated patient T.W. from on or about March 4,  
24 2008, through April 14, 2010. Patient T.W. suffers from Bipolar I disorder, Post Traumatic  
25 Stress Disorder ("PTSD"), Attention Deficit Hyperactivity Disorder ("ADHD") and  
26 possibly Borderline Personality Disorder. In May 2008, patient T.W. informed respondent  
27 that she may be pregnant, and she subsequently delivered in January 2009. Patient T.W.

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1 did not want to take medications during breastfeeding and, consequently, did not see  
2 respondent from January 2009 until May 2009, and thereafter not until April 2010.

3 (b) During her pregnancy, respondent asked patient T.W. inappropriate, personal  
4 questions about patient T.W.'s sex life, and made inappropriate personal comments about  
5 patient T.W.'s physical appearance, including comments about her breasts, weight, and  
6 stretch marks. Respondent lifted patient T.W.'s shirt without permission, touched her hair  
7 without permission, and asked whether he could deliver patient T.W.'s baby. At almost  
8 every session, respondent would hug patient T.W. uncomfortably long, and kiss her on the  
9 cheek.

10 (c) At an interview with respondent, held by the Board as part of its investigation  
11 into this matter, respondent admitted giving patient T.W. a "peck on the cheek" at  
12 approximately half of their sessions, and described his hugs of patient T.W. as a "quick  
13 squeeze." Respondent also admitted telling patient T.W. that she was "very attractive" a  
14 few times, and that she should feel proud of how she looks. He said that he had asked  
15 patient T.W. to lift her blouse so that he could see her stretch marks on her abdomen and  
16 that it was she, not he, who had lifted her blouse. Respondent did not admit that he had  
17 offered to deliver patient T.W.'s baby, but said that he had been discussing home births  
18 with her. Patient T.W. was under the care of an OBGYN during her pregnancy.

19 (d) Respondent's sexualized behavior to patient T.W. was unwanted, and  
20 contributed to patient T.W. feeling very uncomfortable, upset, and that her trust in her  
21 psychiatrist (respondent) had been betrayed. This led to patient T.W. avoiding needed  
22 treatment.

23 (e) Supporting Evidence: Exhibit H (Declaration of Bruce L. Berg, M.D.);  
24 Exhibit I (Declaration of Adam Brearley, Medical Board Investigator); Exhibit J  
25 (Declaration of T.W.).

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1           **B. Cause for Discipline – Gross Negligence, Patient C.B.**

2           1. Section 2234 of the Code provides, in pertinent part, that the Board shall take  
3 action against any licensee who is charged with unprofessional conduct, which includes, but  
4 is not limited to, gross negligence.

5           2. Respondent is subject to disciplinary action under sections 2227 and 2234, as  
6 defined by section 2234, subdivision (b), of the Code, in that he committed gross  
7 negligence in his care and treatment of patient C.B. as follows:

8           (a) Respondent treated patient C.B. from on or about September 19, 2005, until on  
9 or about May 26, 2010. Patient C.B. was treated for depression, ADHD, rule out PTSD and  
10 rule out personality disorder. In January 2010, patient C.B. became involved in a  
11 relationship, and respondent began asking questions of a personal, inappropriate and sexual  
12 nature. Although patient C.B. felt that respondent was asking these questions purely to  
13 satisfy his own personal curiosity, she nonetheless felt obligated to answer them since  
14 respondent was her doctor.

15           (b) At the end of their sessions, respondent would put out her hand for a handshake  
16 but respondent would pull her in for what felt to patient C.B. like a “sensual hug.”  
17 Respondent would try to kiss her on the lips. At times, while being hugged, patient C.B.  
18 could feel that respondent had an erection. She also noticed that he had an erection at  
19 times, during their sessions. On one occasion, respondent cradled patient C.B.’s face with  
20 his hands and told her, “you are pretty.” When she spoke to respondent about not having a  
21 father figure, respondent told her, “I’ll be your daddy.”

22           (c) Respondent’s sexualized behavior to patient C.B. was unwanted, and  
23 contributed to patient C.B. feeling very uncomfortable, upset, and that her trust in her  
24 psychiatrist (respondent) had been betrayed. This led to patient C.B. avoiding needed  
25 treatment.

26           (d) Supporting Evidence: Exhibit H (Declaration of Bruce L. Berg, M.D.);  
27 Exhibit I (Declaration of Adam Brearley, Medical Board Investigator); Exhibit K  
28 (Declaration of C.B.).

1           **C. Cause for Discipline – Gross Negligence, Patient J.L.**

2           1. Business and Professions Code section 2230.5, subdivision (e), provides, in  
3           pertinent part, that an accusation filed against a licensee alleging sexual misconduct shall be  
4           filed within three years after the board, or a division thereof, discovers the act or omission  
5           alleged as the ground for disciplinary action, or within 10 years after the act or omission  
6           alleged as the ground for disciplinary action occurs, whichever occurs first.

7           2. The acts alleged against respondent in regard to his care and treatment of  
8           patient J.L. occurred more than 10 years before the filing of Accusation No. 02-2010-  
9           210809 and, consequently, fall outside the statute of limitations and cannot be considered  
10          by the Board as grounds for disciplinary action against respondent.

11          **D. Cause for Discipline – Gross Negligence, Patient R.S.**

12          1. Section 2234 of the Code provides, in pertinent part, that the Board shall take  
13          action against any licensee who is charged with unprofessional conduct, which includes, but  
14          is not limited to, gross negligence.

15          2. Respondent is subject to disciplinary action under sections 2227 and 2234, as  
16          defined by section 2234, subdivision (b), of the Code, in that he committed gross  
17          negligence in his care and treatment of patient R.S. as follows:

18          (a) Patient R.S. was the patient of respondent during 2001. When patient R.S. met  
19          respondent, she was 20 years old and he was approximately 65 years old. During her  
20          treatment sessions with respondent, he asked her questions about her sex life and, at the end  
21          of their sessions, respondent would hug patient R.S. When patient R.S. needed \$300 to rent  
22          a room, respondent lent her the money.

23          (b) A few months after the termination of their patient/physician relationship,  
24          patient R.S. and respondent started a personal relationship. They subsequently married and  
25          have three children.

26          (c) Establishing a romantic relationship with a former patient is unethical and an  
27          extreme departure from the standard of care.

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1 (d) Supporting Evidence: Exhibit H (Declaration of Bruce L. Berg, M.D.);  
2 Exhibit I (Declaration of Adam Brearley, Medical Board Investigator).

3 **E. Cause for Discipline – Commission of Acts of Sexual Abuse and/or Misconduct**

4 1. Respondent is subject to disciplinary action under section 726 of the Code, in  
5 that he committed sexual abuse and/or misconduct against patients T.W., C.B., and R.S. by  
6 behaving as described in sections A, B, and D, above.

7 2. Pursuant to Business and Professions Code section 2230.5, the acts alleged to  
8 have been committed by respondent against patient J.L. fall outside the statute of  
9 limitations and cannot be considered by the Board as grounds for disciplinary action against  
10 respondent.

11 3. Supporting Evidence: Exhibit H (Declaration of Bruce L. Berg, M.D.); Exhibit  
12 I (Declaration of Adam Brearley, Medical Board Investigator); Exhibit J (Declaration of  
13 T.W.); Exhibit K (Declaration of C.B.).

14 **DETERMINATION OF ISSUES**

15 1. Pursuant to California Government Code section 11520, the Board hereby takes this  
16 action based upon respondent's express admissions and other evidence contained in the separate  
17 accompanying Default Decision Evidence packet filed herewith.

18 2. Pursuant to its authority under Government Code section 11520, and based on the  
19 evidence before it, the Board hereby finds that the charges and allegations in Accusation No. 02-  
20 2010-210809, and the Findings of Fact in paragraphs 1 through 7, above, and each of them,  
21 severally and separately, are true and correct.

22 3. Pursuant to its authority under Government Code section 11520, Business and  
23 Professions Code section 118, and based on the evidence before it, the Findings of Fact contained  
24 in paragraphs 1 through 7, above, and the Determination of Issues 1 and 2, above, the Board  
25 hereby finds that respondent, Arnaldo Solis, M.D., has subjected his physicians' and surgeon's  
26 license No. A 19908 to disciplinary action under the California Business and Professions Code  
27 sections 118, 2234, subdivision (b), and section 726, in that:

28 ////



1 (a) Respondent committed gross negligence in his care and treatment of patient T.W., in  
2 violation of California Business and Professions Code section 2234, subdivision (b);

3 (b) Respondent committed gross negligence in his care and treatment of patient C.B., in  
4 violation of California Business and Professions Code section 2234, subdivision (b);

5 (c) Respondent committed gross negligence in his care and treatment of patient R.S., in  
6 violation of California Business and Professions Code section 2234, subdivision (b); and

7 (d) Respondent committed one or more acts of sexual abuse or misconduct with patients  
8 T.W., C.B., and R.S.

9 **ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 19908,  
11 heretofore issued to respondent Arnaldo Solis, M.D., is revoked for each of the violations,  
12 separately and severally, of the California Business and Professions Code found in the  
13 Determination of Issues, above.

14 Pursuant to Government Code section 11520, subdivision (c), respondent Arnaldo Solis,  
15 M.D., may serve a written motion requesting that the Decision be vacated and stating the grounds  
16 relied on within seven (7) days after service of the Decision on respondent. The agency in its  
17 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in  
18 the statute.

19 This Decision shall become effective on December 13, 2013.

20 It is so ORDERED November 15, 2013

21 

22 FOR THE MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS

23 Kimberly Kirchmeyer  
Interim Executive Director

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7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO August 1, 2012  
BY [Signature] ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 02-2010-210809

12 **ARNALDO SOLIS, M.D.**  
13 784 Northridge Court, #338  
Salinas, CA 93906-2015

**ACCUSATION**

14 Physician's and Surgeon's Certificate  
15 No. A 19908

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Director of the Medical Board of California.

21 2. On or about September 19, 1961, the Medical Board of California issued Physician's  
22 and Surgeon's Certificate Number A 19908 to Arnaldo Solis, M.D. (hereinafter "Respondent").  
23 The Physician's and Surgeon's Certificate expired on October 31, 2011, and has not been  
24 renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Medical Board of California (hereinafter  
27 "Board"), Department of Consumer Affairs, under the authority of the following laws. All  
28 section references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 726 of the Code states:

2           "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,  
3 or customer constitutes unprofessional conduct and grounds for disciplinary action for any  
4 person licensed under this division, under any initiative act referred to in this division and under  
5 Chapter 17 (commencing with Section 9000) of Division 3.

6           This section shall not apply to sexual contact between a physician and surgeon and his or  
7 her spouse or person in an equivalent domestic relationship when that physician and surgeon  
8 provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person  
9 in an equivalent domestic relationship."

10          5.     Section 2227 of the Code provides, in pertinent part, that a licensee who is found  
11 guilty under the Medical Practice Act may have his or her license revoked, suspended for a period  
12 not to exceed one year, placed on probation and required to pay the costs of probation monitoring,  
13 or such other action taken in relation to discipline as the Division<sup>1</sup> deems proper.

14          6.     Section 2234 of the Code provides, in pertinent part, that "the board shall take action  
15 against any licensee who is charged with unprofessional conduct. In addition to other provisions  
16 of this article, unprofessional conduct includes, but is not limited to, the following:

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

19           (b) Gross negligence.

20           ...

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

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

24           ...."

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25           <sup>1</sup> California Business and Professions Code section 2002, as amended and effective  
26 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in  
27 the State Medical Practice Act (Cal. Bus. & Prof. Code, sections 2000, et seq.) means the  
28 "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 **FIRST CAUSE FOR DISCIPLINE**

2 (Gross Negligence - regarding patient T.W.)  
3 (Bus. & Prof. Code §2234(b))

4 7. Respondent is subject to disciplinary action under section 2234(b) of the Code, in that  
5 Respondent was grossly negligent in his treatment of patient T.W.<sup>2</sup>, and this constitutes  
6 unprofessional conduct. The circumstances are as follows:

7 A. Respondent, a psychiatrist, began treating T.W. prior to her becoming pregnant in  
8 April 2008. T.W. suffers from bipolar disorder and depression. T.W. got a boyfriend in March  
9 2008, and became pregnant in April 2008. It was at this time that Respondent asked T.W. if her  
10 boyfriend ever cheated on her. Respondent asked T.W. personal questions about her sex life. For  
11 instance, Respondent asked T.W. if she ever “got her boyfriend off” and “does he ever get you  
12 off.” Respondent told T.W. multiple times that she was pretty. Respondent asked T.W. for a  
13 picture of herself. T.W. would leave Respondent’s office crying because she had never been  
14 asked those questions by a doctor and it made her feel very uncomfortable. T.W. believed  
15 Respondent was too interested in her sex life.

16 B. When T.W. was approximately three months pregnant, Respondent lifted up her shirt,  
17 without permission. In December 2008, Respondent asked T.W. if he could deliver her baby.  
18 T.W. had an OBGYN who was taking care of her pregnancy needs at the time.

19 C. After every session, Respondent would give T.W. a hug and a kiss on her cheek.  
20 Respondent always initiated the hugs. Respondent would also intimately rub T.W.’s arms.

21 D. On one occasion, Respondent pulled T.W.’s arms away from her chest to look at  
22 T.W.’s chest. Respondent then told Respondent that her breasts are going to look great during  
23 T.W.’s pregnancy. T.W. stopped seeing Respondent as her psychiatrist after this incident.

24 E. Respondent’s sexualized behavior to T.W. was unwanted, and contributed to T.W.  
25 feeling a betrayal of trust and led to her avoiding needed treatment.

26  
27 <sup>2</sup> To protect patient confidentiality, initials instead of full names are used throughout this  
28 Accusation to identify patients.





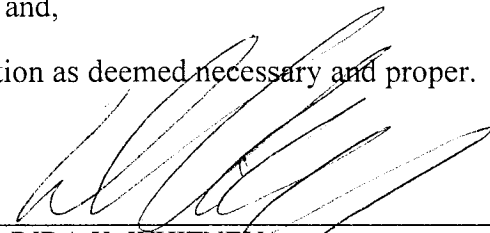


PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 19908, issued to Arnaldo Solis, M.D.;
2. Revoking, suspending or denying approval of Arnaldo Solis, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Arnaldo Solis, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: August 1, 2012



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LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
State of California  
*Complainant*