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

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11 In the Matter of the Accusation)	No. 09-93-34741
Against:)	
12)	
DENNIS R. L'ARDENT)	<u>DEFAULT DECISION</u>
13 P.O. Box 71137)	
Las Vegas, Nevada 89170)	[Gov. Code §11520]
14)	
Physician's and Surgeon's)	
15 Certificate No. G31487)	
16)	
Respondent.)	

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FINDINGS OF FACT

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1. On or about May 17, 1995, Complainant Dixon Arnett, in his official capacity as Executive Director of the Medical Board of California, Department of Consumer Affairs, State of California ("Board"), filed Accusation No. 09-93-34741 against Dennis R. L'Ardent ("respondent"). A copy of the Accusation is submitted herewith as Exhibit A.

2. On or about May 17, 1995, Christine A. Isenagle, an employee of the Office of the Attorney General, sent by first class mail, a copy of Accusation No. 09-93-34741, Statement to

1 Respondent, Government Code sections 11507.5, 11507.6, and
2 11507.7, two copies of the Notice of Defense form, and a Request
3 for Discovery, to respondent's address of record with the Board
4 which was and is P.O. Box 71137, Las Vegas, Nevada 89170. The
5 same day, copies of the foregoing documents were sent, by first
6 class mail, to Laurence Wilson, an attorney who represented
7 respondent in connection with an interim suspension hearing
8 relating to some of the same charges alleged in the Accusation.
9 Subsequently, the aforementioned documents, which had been mailed
10 to respondent at his address of record on May 17, 1995, were
11 returned to the Office of the Attorney General by the U.S. Postal
12 Service, marked "BOX CLOSED UNABLE TO FORWARD RETURN TO SENDER" .
13 The above-described service was effective as a matter of law
14 pursuant to the provisions of California Government Code section
15 11505, subdivision (c).

16 3. On or about May 25, 1995, counsel for complainant
17 advised Laurence Wilson, counsel for respondent in connection
18 with the interim suspension proceeding, that the documents
19 mailed to respondent at his address of record had been returned.
20 Mr. Wilson advised counsel for respondent that a current valid
21 address for respondent was P.O. Box 19529, Jean, Nevada 89019.
22 Accordingly, on or about May 25, 1995, Christine A. Isenagle, an
23 employee of the Office of the Attorney General, sent by certified
24 mail, a copy of Accusation No. 09-93-34741, Statement to
25 Respondent, Government Code sections 11507.5, 11507.6, and
26 11507.7, two copies of the Notice of Defense form, and a Request
27 for Discovery, to respondent at P.O. Box 19529, Jean, Nevada

1 89019. On June 15, 1995, the aforementioned documents were
2 returned, to the Office of the Attorney General by the U.S.
3 Postal Service, marked "Unclaimed".

4 4. On or about June 2, 1995, Christine A. Isenagle, an
5 employee of the Office of the Attorney General, sent by certified
6 mail, a copy of Accusation No. 09-93-34741, Statement to
7 Respondent, Government Code sections 11507.5, 11507.6, and
8 11507.7, two copies of the Notice of Defense form, and a Request
9 for Discovery, to respondent's address of record with the Board
10 which was and is P.O. Box 71137, Las Vegas, Nevada 89170.
11 Subsequently, the aforementioned documents, which had been
12 mailed, certified, to respondent at his address of record on
13 June 2, 1995, were returned to the Office of the Attorney General
14 by the U.S. Postal Service, marked "RETURN TO SENDER BOX CLOSED
15 NO ORDER" . The above-described service was effective as a
16 matter of law pursuant to the provisions of California Government
17 Code section 11505, subdivision (c). A copy of each envelope of
18 the returned mailing is submitted herewith as Exhibit B
19 cumulatively.

20 5. On February 18, 1976, the Board issued Physician's
21 and Surgeon's Certificate No. G31487 to respondent. At all times
22 relevant herein, said Physician's and Surgeon's Certificate was
23 in full force and effect, except until May 9, 1995, when,
24 following a hearing before an Administrative Law Judge, an
25 interim order suspending respondent's license was entered. A
26 copy of the interim order and some of the documents and

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1 declarations filed in support thereof and opposition thereto are
2 submitted herewith cumulatively as Exhibit C.

3 6. California Business and Professions Code section
4 11506 provides, in pertinent part:

5 "(a) Within 15 days after service upon him of the
6 accusation, the respondent may file with the agency a notice
7 of defense"

8 "(b) The respondent shall be entitled to a hearing
9 on the merits if he files a notice of defense, and any such
10 notice shall be deemed a specific denial of all parts of the
11 accusation not expressly admitted. Failure to file such
12 notice shall constitute a waiver of respondent's right to a
13 hearing, but the agency in its discretion may nevertheless
14 grant a hearing...."

15 7. Respondent failed to file a Notice of Defense
16 within 15 days after service upon him of the Accusation, both at
17 his address of record with the Board and at an address provided
18 by his counsel in connection with the interim suspension
19 proceeding, and therefore waived his right to a hearing on the
20 merits of Accusation No. 09-93-34741.

21 8. California Government Code section 11520 provides,
22 in pertinent part:

23 "(a) If the respondent fails to file a notice of
24 defense or to appear at the hearing, the agency may take
25 action based upon the respondent's express admissions or
26 upon other evidence and affidavits may be used as evidence
27 without any notice to respondent;..."

1 9. The Medical Board of California, Division of
2 Medical Quality, Department of Consumer Affairs, is authorized to
3 revoke respondent's Physician's and Surgeon's Certificate
4 pursuant to the following provisions of the California Business
5 and Professions Code:

6 a. Section 2227 provides that the Board may
7 revoke, suspend for a period not to exceed one year, or
8 place on probation, the license of any licensee who has been
9 found guilty under the Medical Practice Act.

10 b. Section 2234 provides that unprofessional
11 conduct includes, but is not limited to, the following:

12 "(a) Violating or attempting to violate,
13 directly or indirectly, or assisting in or
14 abetting the violation of, or conspiring to
15 violate, any provision of this chapter.

16 (b) Gross negligence.

17 (c) Repeated negligent acts.

18 (d) Incompetence.

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

23 c. Section 726 provides that the commission of
24 any act of sexual abuse, misconduct, or relations with a
25 patient, client, or customer which is substantially related
26 to the qualifications, functions, or duties of the
27 occupation for which a license was issued constitutes

1 unprofessional conduct and grounds for disciplinary action
2 for any person licensed under this division.

3 DETERMINATION OF VIOLATIONS

4 10. Pursuant to its authority under Government Code
5 section 11520, and based on the evidence before it, the Board
6 finds:

7 A. In connection with his treatment and care of
8 patient J.F., respondent violated Business and Professions
9 Code section 2234(b) - gross negligence;

10 B. In connection with his treatment and care of
11 patient J.F., respondent violated Business and Professions
12 Code section 2234(d) - incompetence;

13 C. In connection with his treatment and care of
14 patient J.F., respondent violated Business and Professions
15 Code section 726 - sexual misconduct;

16 D. In connection with his treatment and care of
17 patient C.H., respondent violated Business and Professions
18 Code section 2234(b) - gross negligence;

19 E. In connection with his treatment and care of
20 patient C.H., respondent violated Business and Professions
21 Code section 2234(d) - incompetence;

22 F. In connection with his treatment and care of
23 patient J.F., respondent violated Business and Professions
24 Code section 726 - sexual misconduct;

25 G. In connection with his treatment and care of
26 patient S.M., respondent violated Business and Professions
27 Code section 2234(b) - gross negligence;

1 H. In connection with his treatment and care of
2 patient S.M., respondent violated Business and Professions
3 Code section 2234(d) - incompetence;

4 I. In connection with his treatment and care of
5 patient S.M., respondent violated Business and Professions
6 Code section 726 - sexual misconduct;

7 J. In connection with his treatment and care of
8 patients J.F., C.H. and S.M., respondent violated Business
9 and Professions Code section 2234(c) - repeated negligent
10 acts; and,

11 K. In connection with his declaration filed in
12 the Interim Suspension proceeding, respondent violated
13 Business and Professions Code section 2234(e) - dishonesty.

14 DETERMINATION OF ISSUES

15 11. Respondent is subject to disciplinary action
16 pursuant to section 2227, 2234 and 726 of the California Business
17 and Professions Code by reason of the finding of facts in
18 paragraphs 1 through 9, above, and by reason, separately and
19 severally, of each of the violations in paragraph 10 above.

20 ORDER OF THE BOARD

21 Physician's and Surgeon's Certificate number G31487,
22 heretofore issued to respondent Dennis R. L'Ardent, is hereby
23 revoked for each of the violations set forth in paragraph 10
24 above, separately and severally. An effective date of
25 August 31, 1995, has been assigned to this Order.

26 Pursuant to California Government Code section 11520,
27 subdivision (b), respondent is entitled to make any showing by

1 way of mitigation; however, such showing must be made in writing
2 to the Medical Board of California, 1426 Howe Avenue, Suite 54,
3 Sacramento, CA 95825-3236, prior to the effective date of this
4 decision.

5 Made this 1st day of August, 1995.

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8 **IRA LUBELL, Chair**
9 **FOR THE MEDICAL BOARD OF CALIFORNIA**
10 **Division of Medical Quality**

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

11 In the Matter of the Accusation) Case No. 09-93-34741
12 Against:)
13 DENNIS R. L'ARDENT)
14 P.O. Box 71137)
Las Vegas, Nevada 89170)
15 Physician's and Surgeon's) A C C U S A T I O N
Certificate No. G31487)
16 Respondent.)
17

18 Complainant Dixon Arnett, who as cause for disciplinary
19 action, alleges:

20 PARTIES

21 1. Complainant is the Executive Director of the
22 Medical Board, Department of Consumer Affairs, California State
23 ("Board") and makes and files this Accusation solely in his
24 official capacity.

25 2. On or about February 18, 1976, Physician's and
26 Surgeon's Certificate No. G31487 was issued by the Board to
27 Dennis R. L'Ardent ("respondent"), and at all times relevant

1 herein, said Physician's and Surgeon's Certificate was in full
2 force and effect. On May 9, 1995, in response to the Petition of
3 Dixon Arnett for Interim Order, respondent's Certificate was
4 suspended pending the outcome of the proceedings upon this
5 Accusation.

6 STATUTES

7 3. This accusation is made in reference to the
8 following statutes of the California Business and Professions
9 Code:

10 A. Section 2227 provides that the Board
11 may revoke, suspend for a period not to exceed one year, or
12 place on probation, the license of any licensee who has been
13 found guilty under the Medical Practice Act.

14 B. Section 2234 provides that the Division of
15 Medical Quality shall take action against any licensee who
16 is charged with unprofessional conduct.

17 C. Section 2234 provides that unprofessional
18 conduct includes, but is not limited to, the following:

- 19 "(b) Gross negligence;
20 (c) Repeated negligent acts;
21 (d) Incompetence; and
22 (e) Dishonesty or corruption."

23 D. Section 726 provides that the commission of
24 any act of sexual abuse, misconduct, or relations with a
25 patient, client, or customer which is substantially related
26 to the qualifications, functions, or duties of the
27 occupation for which a license was issued constitutes

1 unprofessional conduct and grounds for disciplinary action
2 for any person licensed under this division.

3 FACTS

4 4. Respondent Dennis R. L'Ardent is subject to
5 disciplinary action on account of the following:

6 A. On February 10, 1994, J.F., an eighteen year
7 old female, sought counseling from respondent because she
8 was being sexually abused by her husband. She told
9 respondent she needed to get out of the situation with her
10 husband, and needed to become independent. Respondent gave
11 her \$70.00 to get away. Respondent scheduled J.F. for
12 another appointment, and told her to call him if she had to
13 leave.

14 B. On February 14, 1994, J.F. left her husband,
15 called respondent, and, at respondent's direction, went to
16 respondent's office. On February 16, 1994, respondent told
17 J.F. that he could get her into a shelter on February 17,
18 1994, but that he would have to take her to a hotel that
19 night. Respondent told J.F. that she could not bring her
20 daughter, so she decided not to go.

21 C. On February 21, 1994, J.F. called respondent
22 and told him that she wanted to go to the shelter.
23 Respondent told her to come to his office and he would help
24 her get there. J.F. arrived at respondent's office at
25 approximately 3:30 p.m. that day. Respondent gave J.F.
26 \$20.00 and told her to go have dinner. In addition,

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1 respondent gave J.F. three pills to relax. She took the
2 pills.

3 D. J.F. returned to respondent's office that
4 evening. Respondent told J.F. that he would get her a hotel
5 room that night and put her in a shelter the next day,
6 February 22, 1994. Respondent and J.F. went to the GoodNite
7 Inn. He had J.F. take her things to Room 237. There,
8 respondent told J.F. to shower. In addition, he told her
9 that he was going out, would return with pizza, and would
10 put her in her own room. Respondent left the room.

11 E. When respondent returned, he told J.F. that he
12 hoped she did not mind staying in the room with him because
13 he wanted to save money to spend on her, and there were no
14 other rooms available. In fact, respondent lied about there
15 being no other rooms available. 62 of 110 rooms in the
16 GoodNite Inn were available that night.

17 F. Respondent also told J.F. that he did not
18 usually have company so he did not have any pajamas.
19 Respondent then took off all of his clothes, and gave J.F.
20 another pill. She asked what it was. He told her not to
21 worry, it was for sleep. When she was reluctant to take it,
22 respondent put the pill in her mouth. Respondent then asked
23 J.F. if she had any "GYN" problems, if she needed to be
24 checked, and if she needed a morning after pill because he
25 did not want her to be "P.G." She replied that she did not
26 and was on her period. Respondent told J.F. that he could

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1 be her doctor for everything, and that he did not trust
2 anyone else with her.

3 G. While J.F. was laying on the bed face-down and
4 clothed, respondent, still naked, started pressing on her
5 back with his fingers. Next, respondent got on top of her.
6 He told her not to worry, he was "just doing traction and
7 sexual favors [were not] required." Respondent put his
8 hands on J.F.'s lower back and pushed with all his weight.
9 He rubbed himself on J.F. He had an erection at the time.
10 J.F. started crying because respondent was hurting her.
11 J.F., who had been fully awake up to that time, started to
12 feel groggy and dizzy. Her words became slurred and she
13 could not pick her head up off the pillow. She passed out.

14 H. The next morning, respondent gave J.F. \$20.00
15 and insisted that she get her pants cleaned. He told her to
16 go to the library and do research on tampons for him. J.F.
17 did the research and presented it to respondent. Respondent
18 got mad at her and told her that it was not what he wanted.
19 He told her to do more research. In addition, he gave her
20 the key to the room, told her buy a swimming suit, and sit
21 in the jacuzzi or swim. J.F. went back to the room and fell
22 asleep. Respondent returned to the room, and he and J.F.
23 went to dinner.

24 I. Following dinner, respondent and J.F. returned
25 to the room. While J.F. showered, "Steve" a person whom
26 J.F. had met during the day, called and respondent answered
27 the telephone. When J.F. finished showering, respondent,

1 who was very mad, confronted her about the telephone call.
2 J.F. suggested to respondent it was time for him to take her
3 to the shelter. Respondent offered J.F. pills to relax.
4 She declined to take them. She started to panic and said
5 she wanted her mother to come and take her home. Respondent
6 suggested he call J.F.'s mother and tell her mother that
7 J.F. was in the shelter. J.F., who was crying, said no.
8 Respondent then let her call her mother. J.F. told her
9 mother that respondent would not let her go. Respondent
10 came on the line and spoke with J.F.'s mother. J.F.'s
11 mother told respondent that she would call the police if
12 respondent did not let J.F. go. Respondent then told J.F.
13 she could leave. After J.F. left, respondent again spoke
14 with J.F.'s mother. He tried to convince her that J.F. had
15 mental problems and needed protection from her husband.
16 Respondent asked J.F.'s mother to bring J.F. back to him so
17 that he could take her to Nevada to work for him.

18 J. After leaving, J.F. went to her mother's
19 house, told her mother the story, and the police were
20 called. J.F. was afraid of respondent because he sexually
21 abused her.

22 K. On February 23, 1994, respondent was arrested
23 at the GoodNite Inn on charges of sexual exploitation and
24 administering stupefying drugs. When interviewed by the
25 police, respondent stated that J.F. was someone he was
26 seeing on a professional basis. When asked by the officer
27 if respondent had been sharing a motel room with J.F.,

1 respondent replied that he wanted an attorney, and that "I'm
2 surprised that she would say anything; I didn't think she
3 was the type." A search of the motel room and of
4 respondent's car revealed items J.F. had told the police she
5 left behind.

6 PATIENT C.H.

7 L. In July, 1991, when she saw respondent for the
8 first time, C.H. was suffering from chronic depression as a
9 result of being sexual abused as a child by her father.
10 Respondent was practicing at the High Desert Mental Health
11 Clinic, 500 Melissa Street, Barstow. C.H.'s psychotherapy
12 sessions with respondent at High Desert Mental Health Clinic
13 occurred once a month for approximately three months and
14 then increased to once a week psychotherapy sessions when
15 respondent began practicing at 900 E. Main St., Barstow.
16 Some of the sessions were scheduled for late afternoon/early
17 evening in order for C.H. to be the last patient so
18 respondent could spend more time with her.

19 M. Prior to October, 1992, and the death of
20 C.H.'s father, respondent began making sexual comments and
21 innuendos. The comments and innuendos increased over time.
22 Respondent kept saying things about sex and constantly asked
23 C.H. about her sexual fantasies. After the death of C.H.'s
24 father in October, 1992, respondent began hugging C.H. and
25 holding her hand. Respondent would touch C.H. on the arms
26 and massaging the center of her back, especially when the
27 sessions were over and they would say goodbye. In addition,

1 respondent made strange comments to her, stating, "Don't
2 keep me guessing I think I know the answer." Respondent
3 also encouraged C.H. to talk about fantasies involving him.

4 N. During two sessions, respondent examined
5 C.H.'s heart with a stethoscope. Respondent did this by
6 unbuttoning her blouse at the top and undoing her bra.

7 O. In early 1993, C.H. went to respondent's
8 office without an appointment. She asked respondent if he
9 wanted to extend the therapeutic relationship. She asked
10 him if he was interested in a sexual relationship.
11 Respondent replied that he was not before, but was now.
12 Respondent scheduled C.H. for a late evening appointment on
13 another day. Prior to having sexual intercourse, respondent
14 ordered an HIV test for C.H. The test was negative.

15 P. On or about February 8, 1993, between 6:30
16 p.m. and 7:00 p.m., C.H. returned to respondent's office at
17 900 Main St., Barstow. As she went into respondent's
18 waiting room, respondent locked the door behind them. The
19 office was closed and all employees had gone home for the
20 day. C.H. and respondent sat on a couch and began talking.
21 C.H. told him that she was nervous. Respondent placed his
22 hand on her knee, and began kissing her. C.H. unhooked her
23 bra and respondent unbuttoned and unzipped her jeans.
24 Respondent placed his hand inside the front of her jeans.
25 He still had his clothes on, but had unzipped his pants.
26 Respondent asked C.H. if she would like to go to a back
27 room. She replied she would, and they went to the back room

1 and laid on a big leather couch. They both removed the rest
2 of their clothes. They engaged in foreplay and in sexual
3 intercourse. C.H. then performed oral sex on respondent,
4 telling him not to ejaculate in her mouth. Nevertheless,
5 respondent became so excited he grabbed her head and held it
6 down until he ejaculated in her mouth. C.H. felt trapped.

7 Q. Following sexual intercourse, C.H. went into
8 one of two restrooms located in the office. While she was
9 urinating, respondent jerked open the door and stared at her
10 while she was sitting on the toilet. She asked respondent
11 what he was doing. He said it was a mistake and closed the
12 door. C.H. got dressed, and she and respondent returned to
13 the waiting room, where respondent stroked her hair.
14 Respondent told her that he would get her some birth control
15 and would take care of her for a while.

16 R. Prior to February 8, 1993, C.H. and respondent
17 had talked about doctor/patient sexual relations.
18 Respondent told C.H. that such a relation was frowned upon
19 by some people. Respondent made C.H. promise not to tell
20 anyone what they did or discussed. C.H. told respondent
21 that she did not want a one night thing. He said "O.K."
22 C. H. asked respondent if he could be objective, being both
23 her lover and psychiatrist. He said that he could. In
24 addition, respondent told her that if she was having any
25 problems with the relationship between them, she should
26 bring it directly to him and not to anyone else.

27 ///

1 S. During sessions at respondent's office
2 following February 8, 1993, and continuing to January 1994,
3 C.H. and respondent talked about sex and their relationship.
4 In addition, they hugged, held hands and laid together while
5 she was undressed from the waist up.

6 T. During an evening session after February 8,
7 1993, respondent and C.H., who was undressed from the waist
8 up, were again in the waiting room laying on the couch when
9 respondent said, "I can't, I can't", and "I'm sorry". C.H.
10 got dressed. Respondent vaguely stated that he was sexually
11 attracted to her, and could not promise that it would not
12 happen again.

13 U. C.H. continued to go to respondent's office
14 for treatment, but respondent talked mostly about his
15 problems with his wife and kids, about traveling and about
16 other things, rather than about her problems.

17 V. Several months after they had intercourse,
18 C.H. asked respondent about their relationship, referring
19 back to her not wanting to have a one-night sexual
20 encounter. Respondent told her that he could not be
21 sexually available to her because he had a heart problem and
22 was afraid to have sex for fear it might cause a heart
23 attack. That bothered C.H. because respondent had not
24 previously said anything about having heart problems. C.H.
25 asked respondent if he was not interested in her. He
26 replied that he had small vessel heart disease which was not
27 treatable, he was going to die, and he did not want to put

1 her through that. This made C.H. feel really bad because
2 her father had recently died from a heart problem.
3 Respondent was aware of the fact C.H.'s father had died from
4 heart problems.

5 W. C.H.'s last appointment with respondent
6 occurred in January 1994. During that session, she and
7 respondent went for a walk and talked about their
8 relationship. He was very defensive and compared her to
9 "street people". He said he had compassion for her, just
10 like he had compassion for "street people". He felt that it
11 was unfair for her to chastise him, and he felt pressured by
12 her. When they returned to respondent's office, C.H. told
13 respondent that she could not be objective anymore, but that
14 she would still continue to be his patient, but without any
15 sexual encounters. C.H. could not deal with the mixed
16 messages. There was crying and hugging. C.H. asked
17 respondent not to abandon her. He replied, "you promised
18 you could handle this".

19 X. During a phone conversation with respondent in
20 approximately February 1994, C.H. told respondent that she
21 was seeing another therapist. Respondent said that they
22 could still see each other.

23 Y. Respondent also treated the 13 year-old
24 daughter of C.H. and the mother of C.H. At times,
25 respondent would mention a few things to them about C.H.,
26 and this bothered her. C.H. asked respondent not to talk to
27 her daughter or her mother about any of her problems.

1 Respondent told her not to worry about it.

2 Z. When C.H. first went to respondent for
3 therapy, he signed her disability papers so that she could
4 receive Medicare disability. Respondent helped her with
5 numerous appeals. In November, 1992, C.H. received back
6 payments totalling approximately \$13,000.00 (several
7 checks). One of the checks she received was dated
8 December 1, 1992. It was in the amount of \$7,959.00.
9 Respondent knew C.H. had the money, and told her she should
10 give it to him so that he could keep it in an account for
11 her at his medical office. Respondent told her that he
12 would give her the money a little at a time, so she would
13 not go out and spend it all at once. C.H. signed over the
14 check to respondent so that he could put it in an account
15 for her. Respondent slowly returned some of the money to
16 her, in checks from several of his personal bank accounts.
17 Every time she asked respondent for her money, he asked her
18 how much she really needed and then gave her less than what
19 she asked to get.

20 AA. On March 1, 1994, C.H. called respondent and
21 told him that she wanted the rest of her money back by
22 March 15, 1994. Respondent promised he would, but only sent
23 a \$100.00 check. As of November 11, 1994, respondent still
24 owed C.H. almost \$5,000.00 from the money she gave to him to
25 hold for her.

26 AB. Respondent treated C.H. with Librium, Buspar,
27 Prozac, Synthroid, Restoril and Darvocet.

1 PATIENT S.M.

2 AC. Respondent first saw S.M. in 1991 after he
3 took over the practice of Dr. B. S.M. was in therapy for
4 depression, anxiety and stress.

5 AD. Even though Dr. B had taken S.M.'s off of
6 Xanax, respondent put her back on Xanax and kept increasing
7 her dosages without telling her of the increases.
8 Subsequently, S.M. asked respondent to take her off of the
9 Xanax, but he refused, telling her that she must follow
10 orders given by him or he would not be her doctor.

11 AE. S.M. felt that the medication gave respondent
12 control over her. She felt that she was addicted to the
13 Xanax and had to continue to see respondent in order to keep
14 from going through withdrawal.

15 AF. In addition to Xanax, respondent prescribed
16 other medications including Buspar, Desipramine, Synthroid,
17 Trimox, Erethromycon, Anafranil, Triavil, Meclazyne,
18 Antivert and Vicadin.

19 AG. S.M. told respondent that she did not have
20 any money and that she had female medical problems.
21 Respondent treated S.M. with out charging for his services,
22 telling her that he would help her out any way he could.

23 AH. Respondent offered to perform a vaginal
24 examination on S.M., and scheduled the examination for
25 9 o'clock at night. S.M. showed up for the appointment,
26 but did not let respondent examine her because she felt
27 uncomfortable about the situation. In fact, she brought her

1 boyfriend with her to the office. Respondent became very
2 upset with S.M. when she showed up with her boyfriend.

3 AI. On one occasion between approximately August,
4 1992 and January, 1993, respondent gave S.M. an injection of
5 B-12. Even though S.M. asked that the injection be given in
6 her arm, respondent insisted in giving it to her in the
7 buttocks. S.M. pulled her pants down just below her hip for
8 the shot. Respondent told her that she had not pulled them
9 down far enough. As respondent's instruction, S.M. then
10 pulled her pants and underwear down below the bottom of her
11 buttocks. S.M. felt uncomfortable.

12 AJ. On one occasion, S.M. told respondent about a
13 soreness on her lip, whereupon, respondent immediately got
14 out of his chair, went to her and told her to stand up.
15 Respondent then rubbed and patted S.M.'s leg and buttocks
16 through her clothing. This upset S.M.

17 AK. On many occasions, when S.M. did not have
18 money to pay for drugs prescribed by respondent, respondent
19 went to the drug store, had the prescription filled and paid
20 for it.

21 AL. Respondent, in an effort to receive
22 compensation for his services, instructed S.M. to sign up
23 for Social Security benefits even though she told him that
24 she did not think she qualified. Respondent told her not to
25 worry, that he would take care of it, and that she did
26 qualify.

27 ///

1 AM. Respondent told S.M. that she and her
2 children needed to move to Northern California or Nevada and
3 that he would help her obtain state assistance.

4 FALSE STATEMENTS UNDER OATH

5 AN. On April 17, 1995, respondent filed a
6 declaration executed under penalty of perjury in opposition
7 to the Petition for Interim Order of Suspension, by
8 petitioner Dixon Arnett, dated March 17, 1995. In addition
9 to falsely denying the sexual misconduct alleged in the
10 Petition, respondent made numerous other false or misleading
11 statements, including but not limited to:

12 i. Respondent falsely stated under oath that
13 J.F.'s mother told him that J.F. had been raped at
14 least four times;

15 ii. Respondent falsely or misleadingly stated
16 under oath that C.H. was a known former prostitute;

17 iii. Respondent falsely stated under oath
18 that, at the time of his arrest in connection with the
19 allegations of J.F., he was not read his rights; and,

20 iv. Respondent falsely or misleadingly stated
21 under oath that he did offer to do a pelvic examination
22 for a female patient at 9:00 p.m.

23 CHARGES AND ALLEGATIONS

24 5. Respondent's conduct, as described in paragraphs
25 4(A) through 4(AM) above, which paragraphs are incorporated
26 herein by reference, constitutes gross negligence, repeated
27 negligent acts, incompetence, dishonesty and corruption, and acts

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3. Taking such other and further action as the deems appropriate to protect the public health, safety and welfare.

DATED: 5/17/95

DIXON ARNETT
by Sajou Jedd, DAG

Dixon Arnett
Executive Director
Medical Board
State of California

Complainant

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