

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**  
2 **OF THE STATE OF NEVADA**

3 \* \* \* \* \*

4  
5  
6 **In the Matter of Charges and** ) **Case No. 15-8547-1**  
7 **Complaint Against** )  
8 **MICHAEL KAPLAN, M.D.,** ) **FILED**  
9 **Respondent.** ) **SEP 24 2015**  
10 ) **NEVADA STATE BOARD OF**  
11 ) **MEDICAL EXAMINERS**  
12 ) **By: \_\_\_\_\_**

12 **COMPLAINT**

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board)  
14 hereby issues this formal Complaint (Complaint) against Michael Kaplan, M.D. (Respondent), a  
15 licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to  
16 believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) chapter 630 and  
17 Nevada Administrative Code (NAC) chapter 630 (collectively Medical Practice Act). The IC  
18 alleges the following facts:

19 1. Respondent was licensed by the Board on December 2, 1989 (License No. 5983),  
20 pursuant to the provisions of the Medical Practice Act, and is currently licensed in active status.

21 2. On October 2, 2013, a United States District Court, District of Nevada, Grand Jury  
22 returned a two-count Indictment against Respondent, charging him with one count of Knowingly  
23 and Willfully Conspiring, Confederating and Agreeing with Others to Commit the Crime of  
24 Adulteration, in violation of Title 21, United States Code, Sections 331(k), 333(a)(2) and  
25 351(a)(2)(A), and one count of Knowingly and Willfully Making and/or Causing to be Made a  
26 Materially False, Fictitious and Fraudulent Statement and Representation in a Matter Within the  
27 Jurisdiction of a Federal Agency, in violation of Title 18, United States Code, Section 1001. (See  
28 a true and correct copy of the Indictment attached hereto as Exhibit 1.)



1 11. NRS 630.301(11)(g) provides that conviction of any offense involving moral  
2 turpitude is grounds for disciplinary action.

3 12. Respondent violated NRS 630.301(11)(g) when he was convicted of Conspiracy to  
4 Commit Adulteration, a violation of Title 21, United States Code, Sections 331(k), 333(a)(2) and  
5 351(a)(2)(A).

6 13. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
7 Board of Medical Examiners as provided in NRS 630.352.

8 **COUNT III**

9 14. All of the allegations in the above paragraphs are incorporated herein as if set forth in  
10 full.

11 15. NRS 630.301(1) provides that the conviction of a felony relating to the practice of  
12 medicine is grounds for disciplinary action.

13 16. Respondent violated NRS 630.301(1) when he was convicted of Conspiracy to  
14 Commit Adulteration, a violation of Title 21, United States Code, Sections 331(k), 333(a)(2) and  
15 351(a)(2)(A).

16 17. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
17 Board of Medical Examiners as provided in NRS 630.352.

18 **WHEREFORE**, the Investigative Committee prays:

19 1. That the Board give Respondent notice of the charges herein against him and give  
20 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)  
21 within twenty (20) days of service of the Complaint;

22 2. That the Board set a time and place for a formal hearing after holding an  
23 Early Case Conference pursuant to NRS 630.339(3);

24 3. That the Board determine the sanctions it will impose if it finds Respondent  
25 violated the Medical Practice Act;

26 4. That the Board make, issue and serve on Respondent, in writing, its findings of  
27 fact, conclusions of law and order, which shall include the sanctions imposed; and

28 ///

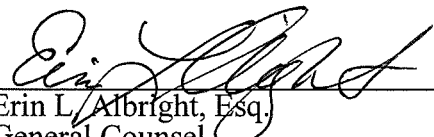
OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
1105 Terminal Way #301  
Reno, Nevada 89502  
(775) 688-2559

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 24<sup>th</sup> day of September, 2015.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
Erin L. Albright, Esq.  
General Counsel  
Attorney for the Investigative Committee


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 24<sup>th</sup> day of September 2015; I served a file stamp copy of COMPLAINT w/exhibits and FINGERPRINT INFORMATION via USPS e-certified return receipt mail to the following:

Michael Kaplan, M.D.  
c/o Patricia Daenhke, Esq.  
2300 W. Sahara Ave., Ste. 680 Box 32  
Las Vegas, NV 89102

Dated this 24<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Angelia L. Donohoe  
Legal Assistant

**EXHIBIT “1”**

**EXHIBIT “1”**

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT 2 - 2013	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

1 DANIEL G. BOGDEN  
 United States Attorney  
 2 CRANE M. POMERANTZ  
 Assistant United States Attorney  
 3 333 South Las Vegas Blvd., Suite 5000  
 Las Vegas, Nevada 89101  
 4 (702) 388-6336

5  
 6 UNITED STATES DISTRICT COURT  
 7 DISTRICT OF NEVADA

8 -oOo-

9 UNITED STATES OF AMERICA,	)	INDICTMENT
10 PLAINTIFF,	)	2:13-CR- 377
11 VS.	)	<b>VIOLATIONS:</b>
12 MICHAEL STANLEY KAPLAN, MD,	)	18 U.S.C. § 371 - Conspiracy to Commit
13 DEFENDANT.	)	Adulteration
14	)	18 U.S.C. § 1001 - False Statements

15 THE GRAND JURY CHARGES THAT:

16 At all times relevant:

17 Introduction

18 1. Beginning on or about December 20, 2010, and continuing to in and around March  
 19 2011, the defendant, Michael Stanley Kaplan, MD ("Kaplan"), a physician, re-used needle guides  
 20 during invasive prostate procedures. To enrich himself, defendant Kaplan ignored product use  
 21 specifications and placed his patients at significant risk by re-using needle guides designed for one  
 22 use each.

23 2. A prostate needle biopsy is a surgical procedure in which a small sample of  
 24 tissue is removed from the prostate gland and examined for disease. The procedure is performed in  
 25 conjunction with a transrectal ultrasound. A transducer, or probe, enters the rectal cavity and  
 26

1 transmits sound waves. The return echoes are recorded, which enables the physician performing  
2 the procedure to "see" where the biopsy needles are being placed into the prostate.

3 3. A long, hollow needle is injected through the rectal wall, into the prostate,  
4 from which it removes tissue for analysis. The needle guide serves to stabilize the needle during the  
5 entire course of the biopsy and sits right up against the wall of the rectum.

6 4. When the biopsy is performed, both the inside and outside of the needle are  
7 contaminated with debris, such as human tissue, blood, bacteria and viruses. As the needle is pulled  
8 back into the channel of the needle guide, it brings the debris with it.

9 5. Needle guides can be single- or multi-use. Multi-use needle guides are made  
10 of a sturdy material, such as stainless steel, and are disinfected before each use. There is no limit on  
11 the amount of times a multi-use needle guide can be re-used.

12 6. Single-use needle guides are similar to multi-use needle guides, except they are made  
13 of plastic or other disposable material and are intended to be used for one procedure only. Single  
14 use needle guides made of plastic are prone to scratching by the needle it houses. These scratches  
15 create nooks and crannies on the inner plastic surface of the needle guide in which debris can get  
16 trapped.

17 7. Civco Medical Solutions ("Civco") manufactures and distributes single-use needle  
18 guides which are made of plastic. Among other warnings contained in the packaging of Civco's  
19 single-use needle guides, each individually wrapped needle guide has the number "2" inside of a  
20 circle with a line through it, denoting that it should not be used more than once.

21 8. The Food and Drug Administration ("FDA") regulates medical devices. The  
22 federal Food, Drug, and Cosmetic Act ("FDCA") defines a medical device, in pertinent part, as an  
23 instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar  
24 or related article, including any component, part, or accessory, which is intended for use in the  
25 diagnosis of disease or other conditions, or in the cure, treatment, or prevention of a disease, in  
26



1 man or in animals, or intended to affect the structure or any function of the body of man or other  
2 animals. 21 U.S.C. § 321(h). A needle guide was a medical device.

3 9. Under the FDCA, a device was adulterated if it was prepared, packed, or held  
4 under insanitary conditions whereby it may have been contaminated with filth, or whereby it may  
5 have been rendered injurious to health. 21 U.S.C. c 351(a)(2)(A).

6 10. The FDCA made it unlawful to do any act or cause any act to be done with respect to  
7 a device while the device was held for sale after shipment in interstate commerce, if such act  
8 resulted in the device being adulterated. 21 U.S.C. § 331(k). Such conduct is a felony when  
9 performed with the intent to defraud or mislead. 21 U.S.C. § 333(a)(2).

10 11. Defendant **Kaplan** was a urologist licensed to practice medicine in the State  
11 of Nevada. He operated a medical practice known as Green Valley Urology ("GVU"). GVU has  
12 two separate offices, one on Sunset Way in Henderson, NV, at which defendant Kaplan practiced,  
13 and one on West Arby Street in Las Vegas, NV, at which another physician(s) worked. In the  
14 course of his practice, defendant Kaplan performed prostate needle biopsies and other procedures  
15 requiring needle guides.

16 **Count One**  
17 **Conspiracy**  
(Title 18, United States Code, Section 371)

18 12. The Grand Jury further charges and incorporates by reference the allegations of  
19 paragraphs 1 through 11 above, as though fully set forth herein.

20 13. From on or about December 20, 2010 and continuing through in or about May 2011,  
21 in the State and federal District of Nevada,

22 **Michael Stanley Kaplan, M.D.,**

23 defendant herein, knowingly and willfully conspired, confederated, and agreed with others known  
24 and unknown to the Grand Jury, to commit the crime of Adulteration, in violation of Title 21,  
25 United States Code, Sections 331(k), 333(a)(2) and 351(a)(2)(A).  
26

1  
2 **The Object of the Conspiracy**

3 14. The object of the conspiracy was to re-use needle guides which were  
4 intended for single use for the purpose of enriching the defendant and to re-use them in a manner that  
5 caused them to become adulterated and rendered injurious to health, in violation of Title 21, United  
6 States Code, Sections 331(k), 333(a)(2) and 351(a)(2)(A).

7 **Manner and Means of the Conspiracy**

8 15. Beginning on or about December 20, 2010 and continuing to in or about March  
9 2011, defendant **Kaplan** obtained through interstate commerce, and thereafter used at GVU,  
10 adulterated needle guides.

11 16. It was part of the conspiracy that defendant Kaplan re-used and directed, and  
12 authorized and tolerated the medical staff at GVU to re-use single-use needle guides multiple times  
13 prior to disposal. As a result of this re-use, the needle guides were held under insanitary  
14 conditions that rendered them injurious to the health of his patients undergoing procedures  
15 requiring a needle guide.

16 **Overt Acts**

17 17. In furtherance of the conspiracy, defendant **Kaplan** committed the following overt  
18 acts, among others:

19 A. On or about December 9, 2010, defendant **Kaplan** purchased or caused to be  
20 purchased a refurbished ultrasound machine from an Ohio company known as Providian Medical  
21 Equipment ("Providian") when his existing machine broke. It arrived at GVU one or two days later.  
22 Although Kaplan ordered a stainless steel needle guide to use with the Providian ultrasound, the  
23 needle guide that arrived was not the appropriate one for that machine.

24 B. On or about December 15, 2010, Providian caused CIVCO to send one box of  
25 twenty-four (24) plastic, single-use needle guides, via overnight mail, to GVU. Because of the  
26

1 broken machine and, subsequently, the lack of an appropriate needle guide, GVU did not perform  
2 any procedures requiring the use of a needle guide for approximately one week in the middle of  
3 December 2010.

4 C. When the supply of plastic, single-use needle guides began to run low at  
5 GVU, defendant **Kaplan** instructed his medical staff, or caused them to be instructed, to re-use the  
6 plastic, single-use needle guides on multiple patients. Defendant Kaplan instructed his medical  
7 staff, or caused them to be instructed, to use each plastic, single-use needle guide three (3) to five (5)  
8 times prior to disposal.

9 D. Between on or about December 15, 2010 and on or about March 11, 2011,  
10 defendant **Kaplan** performed approximately 120 procedures requiring a needle guide.

11 E. Between on or about December 15, 2010 and on or about March 11, 2011,  
12 defendant Kaplan used approximately less than 10 needle guides for the 120 procedures he  
13 performed.

14 F. Between on or about December 15, 2010 and on or about March 11, 2011,  
15 Kaplan concealed, and caused to be concealed from his patients, that they were undergoing  
16 procedures with re-used needle guides.

17 G. On or about March 11, 2011, defendant **Kaplan** made false representations to  
18 federal investigators regarding the duration of his re-use of needle guides to conceal his lengthy and  
19 unsafe re-use of needle guides.

20 H. On or about March 23, 2011, defendant **Kaplan** took out a paid  
21 advertisement in the Las Vegas Review-Journal newspaper containing false representations  
22 regarding the duration of his re-use of the single use needle guides and the efforts he and his medical  
23 staff purportedly took to disinfect re-used needle guides in an effort to conceal his lengthy and  
24 unsafe re-use of needle guides.

25 I. In or about April 2011 and May 2011, defendant **Kaplan** made false  
26 representations to the Nevada State Board of Medical Examiners, pursuant to inquiries from that

1 Board, regarding the duration of his re-use of the single use needle guides and the efforts he and his  
2 medical staff purportedly took to disinfect re-used needle guides in order to conceal his lengthy and  
3 unsafe re-use of needle guides.

4  
5 Count Two

(False Statement to a Government Agency)

6 18. On or about March 11, 2011, in the State and Federal District of Nevada,

7 **Michael Stanley Kaplan, M.D.,**

8 defendant herein, did knowingly and willfully make and cause to be made a materially false,  
9 fictitious, and fraudulent statement and representation in a matter within the jurisdiction of a  
10 federal agency, the Food and Drug Administration - Office of Criminal Investigations; that is,  
11 during an interview, defendant **Kaplan** told investigators that re-use of single use needle guides at  
12 GVV stopped in February 2011. That statement and representation was false because, as defendant  
13 **Kaplan** then and there knew, re-use continued at the GVV practice into March 2011. Indeed,  
14 defendant **Kaplan** did not instruct his medical staff to stop re-using single use needle guides until  
15 his medical license was summarily suspended by the Nevada State Board of Medical Examiners on  
16 March 14, 2011; all in violation of Title 18, United States Code, Section 1001.  
17  
18

19 **DATED:** this 2<sup>nd</sup> day of October, 2013

20 **A TRUE BILL:**

21  
22 /s/  
FOREPERSON OF THE GRAND JURY

23 DANIEL G. BOGDEN  
United States Attorney

24  
25 CRANE M. HOMERANTZ  
Assistant United States Attorney  
26

**EXHIBIT “2”**

**EXHIBIT “2”**

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP 25 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
DISTRICT OF NEVADA BY: _____	DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\*\*\*

1 UNITED STATES OF AMERICA,

2 Plaintiff,

2:13-CR-00377-PMP-CWH

3 v.

4 MICHAEL STANLEY KAPLAN, M.D.,

VERDICT FORM

5 Defendant.

6 We, the jury in the above-entitled case, upon our oaths, do say:

7 1. That we find Defendant Michael Stanley Kaplan, M.D., Guilty  
8 of the Conspiracy to Commit Adulteration charge in Count One of the Indictment herein. (NOT GUILTY - GUILTY)

9 If you find the Defendant not guilty of Count One, do not consider Question Two, and  
10 proceed to Question Three below. If you find the Defendant guilty of Count One, proceed to  
11 Questions Two and Three.

12 2. We, the jury in the above entitled case, having found the Defendant Michael  
13 Stanley Kaplan, M.D. guilty beyond a reasonable doubt of the offense of Conspiracy to  
14 Commit Adulteration charged in Count One of the Indictment, further find beyond a  
15 reasonable doubt that the Defendant acted with the intent to defraud or mislead (place an X  
16 before the appropriate response):

17 a. X Yes.

18 b. \_\_\_\_\_ No.

1           3. We, the jury in the above entitled case, further find Defendant Michael Stanley  
2 Kaplan, M.D., Not Guilty of making a False Statement to a Government  
3           (NOT GUILTY - GUILTY)  
4 Agency as charged in Count Two of the Indictment herein.

5 DATED: 9/25/14

**EXHIBIT “3”**

**EXHIBIT “3”**



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA  
v.  
MICHAEL STANLEY KAPLAN, MD

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:13-cr-00377-GMN-CWH-1

USM Number: 49455-048

Dennis Riordan, Retained

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s)
- pleaded nolo contendere to count(s) which was accepted by the court.
- was found guilty on count(s) 1 of the Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

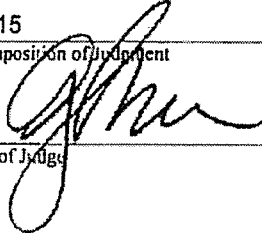
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:331(k), 333(a)(2) and 351(a)(2)(A)	Conspiracy to Commit Adulteration	May, 2011	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) 2 of the Indictment
- Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/5/2015  
Date of Imposition of Judgment

  
Signature of Judge

Gloria M. Navarro  
Name and Title of Judge

Chief US District Judge

May 7, 2015  
Date

DEFENDANT: MICHAEL STANLEY KAPLAN, MD  
CASE NUMBER: 2:13-cr-00377-GMN-CWH

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:  
**48 MONTHS**

The court makes the following recommendations to the Bureau of Prisons:

Defendant be designated to serve his term of incarceration at a facility located as close to Las Vegas, Nevada as possible.

The defendant is remanded to the custody of the United States Marshal.

\*\*\*  The defendant shall surrender to the United States Marshal for this district:

at 12:00  a.m.  p.m. on 8/3/2015

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**\*\*\*Defendant's self-surrender date is STAYED pending appeal.**

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MICHAEL STANLEY KAPLAN, MD  
 CASE NUMBER: 2:13-cr-00377-GMN-CWH

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
 1 YEAR

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The Defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MICHAEL STANLEY KAPLAN, MD  
CASE NUMBER: 2:13-cr-00377-GMN-CWH

### SPECIAL CONDITIONS OF SUPERVISION

1. Debt Obligations - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
2. Community Service - You shall complete 300 hours of community service (100 hours per year of supervised release), to include previously performed community service from the date of arraignment, as approved and directed by the probation officer.
3. Warrantless Search - You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
4. Possession of Weapons - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
5. Report to Probation Officer After Release from Custody - You shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.

### ACKNOWLEDGEMENT

Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation/Designated Witness

\_\_\_\_\_  
Date

DEFENDANT: MICHAEL STANLEY KAPLAN, MD  
CASE NUMBER: 2:13-cr-00377-GMN-CWH

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

- The determination of restitution is deferred until \_\_\_\_\_ . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$	0.00	\$	0.00
--------	----	------	----	------

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MICHAEL STANLEY KAPLAN, MD  
CASE NUMBER: 2:13-cr-00377-GMN-CWH

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.