

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

3 * * * * *

4
5 **FILED**

6 **JUN 23 2017**

7 **NEVADA STATE BOARD OF**
8 **MEDICAL EXAMINERS**

9 By: 

6 **In the Matter of the Investigation of**)
7)
8 **MICHAEL KAPLAN, M.D.,**)
9)
10 **License No. 5983**)
_____)

11 **ORDER OF IMMEDIATE SUSPENSION**

12 This Order of Immediate Suspension is issued by Nevada State Board of Medical
13 Examiners (Board) pursuant to NRS 630.3675.¹ Dr. Kaplan is a physician licensed to practice
14 medicine in the state of Nevada (License No 5983) and originally licensed by the Board on
15 December 2, 1989. Based upon the evidence and information in possession of the Board, the
16 Board hereby **IMMEDIATELY SUSPENDS** Dr. Michael Kaplan's license to practice medicine
17 in the state of Nevada based upon the issuance of a Judgment in a Criminal Case for conspiracy to
18 commit adulteration, a felony, against Dr. Kaplan in United States District Court, District of
19 Nevada, Case Number 2:13-cr-003-GMN-CWH-1 on May 5, 2015. *See* Exhibit A. The
20 conviction arose out of Dr. Kaplan's reuse of single-use plastic needle guides during prostate
21 biopsy exams. The felony conviction was affirmed by the Ninth Circuit Court of Appeals on
22 September 9, 2016. The United State Supreme Court denied Dr. Kaplan's petition for writ of
23 certiorari on March 27, 2017. *See* Exhibit B.

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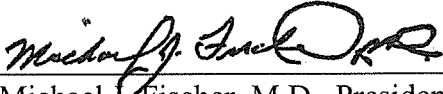
27 _____
28 ¹ **NRS 630.3675 Immediate suspension of license for conviction of felony relating to license holder's practice.**
If the holder of a license that is issued or renewed pursuant to this chapter is convicted of a felony for a violation of
any federal or state law or regulation relating to the holder's practice, the conviction operates as an immediate
suspension of the license.

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IT IS HEREBY ORDERED that Dr. Kaplan's license to practice medicine in the state of Nevada is **HEREBY IMMEDIATELY SUSPENDED** until further order of the Board.

DATED this 23rd day of June 23, 2017.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Michael J. Fischer, M.D., President

EXHIBIT

A

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 & 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

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.

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

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 * * *

5 UNITED STATES OF AMERICA,

6 Plaintiff,

2:13-CR-00377-PMP-CWH

7 v.

8 MICHAEL STANLEY KAPLAN, M.D.,

VERDICT FORM

9 Defendant.

10
11
12 We, the jury in the above-entitled case, upon our oaths, do say:

13
14 1. That we find Defendant Michael Stanley Kaplan, M.D., Guilty
15 of the Conspiracy to Commit Adulteration charge in Count One of the Indictment herein.
(NOT GUILTY - GUILTY)

16 If you find the Defendant not guilty of Count One, do not consider Question Two, and
17 proceed to Question Three below. If you find the Defendant guilty of Count One, proceed to
18 Questions Two and Three.

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

24 a. X Yes.

25 b. _____ No.

EXHIBIT

B

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

March 27, 2017

Clerk
United States Court of Appeals for the Ninth
Circuit
95 Seventh Street
San Francisco, CA 94103-1526


Re: Michael Stanley Kaplan
v. United States
No. 16-1036
(Your No. 15-10241)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk