

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

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4 **In The Matter of an Investigation of**)
5)
6 **MICHAEL KAPLAN, M.D.,**)
7)
8 **License No. 5983**)

Case No. 11-12859-1
FILED

MAR 14 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9 **ORDER OF SUMMARY SUSPENSION**

10 On March 14, 2011, Board staff presented evidence and information to the Investigative
11 Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D.,
12 Chair, Theodore B. Berndt, M.D., Member, and Valerie Clark, BSN, RHU, LUTCF, Member,
13 regarding Michael Kaplan, M.D. Upon review of the evidence and information presented by Board
14 staff, the Investigative Committee hereby **IMMEDIATELY SUSPENDS** the license to practice
15 medicine of Dr. Michael Kaplan (hereinafter "Dr. Kaplan") pursuant to NRS 630.326(1) based upon
16 the following preliminary findings:

17 1. Dr. Kaplan is a physician licensed to practice medicine in the state of Nevada and
18 was originally licensed on December 2, 1989. Dr. Kaplan practices medicine in the Las Vegas area
19 and his primary specialty is listed with the Board as urology.

20 2. Through a joint investigation with the Food and Drug Administration (FDA), it was
21 discovered that from on or about December 20, 2010 until the beginning of March 2011, Dr. Kaplan
22 directed his staff to re-use endocavity needle guides used during the performance of prostate/rectal
23 biopsies.

24 3. The endocavity needle guides are single-use-only medical devices, however staff
25 members have verified that per Dr. Kaplan's directives, the needle guides were used on an average
26 of three to five times before being discarded after becoming too bloody.

27 4. Upon completion of a procedure, the endocavity needle guides would be washed in
28 hot water, scrubbed for tissue matter and soaked in Cidex, a solution utilized to disinfect and
sterilize medical devices, and then re-used for the next procedure.

1 5. During investigation of the matter, Dr. Kaplan admitted to investigative staff and to
2 FDA investigators that he had re-used the endocavity needle guides during biopsy procedures.

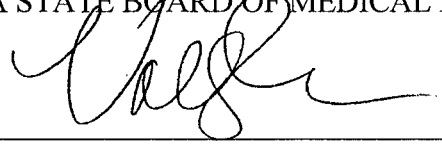
3 The Investigative Committee believes that that the health, safety and welfare of the public is
4 at imminent risk of harm by Dr. Kaplan's verified and admitted re-use of single-use-only medical
5 devices, namely endocavity needle guides, during the performance of prostate biopsies and that a
6 summary suspension of Dr. Kaplan's medical license is necessary to remove said risk of imminent
7 harm to the health, safety and welfare of the public. Accordingly, pursuant to NRS 630.326(1):

8 **IT IS HEREBY ORDERED** that the license to practice medicine in the state of Nevada of
9 Michael Kaplan, M.D., (License No. 5983) is hereby suspended until further order of the
10 Investigative Committee or Board; and

11 **IT IS FURTHER ORDERED** that a hearing be set within forty-five (45) days of this Order
12 regarding this matter pursuant to NRS 630.326(2) to determine whether this suspension may
13 continue unless the parties mutually agree to a longer period of time.

14 DATED this 14th day of March, 2011.

15 INVESTIGATIVE COMMITTEE OF
16 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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18 By: 
19 Valerie Clark, BSN, RHU, LUTCF
20 Investigative Committee Member
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