

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

3 * * * *

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

Case No. 11-12859-1

FILED

APR 12 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9 **STIPULATION AND ORDER**

10 The Investigative Committee of the Nevada State Board of Medical Examiners (hereinafter
11 “Committee”) and Michael Kaplan, M.D. (hereinafter “Dr. Kaplan”), by and through the
12 undersigned counsel, hereby agree and stipulate to the following. The medical license of
13 Dr. Kaplan was summarily suspended on March 14, 2011, pursuant to NRS 630.326(1), by the
14 Committee, based upon preliminary investigation findings that the suspension of the license was
15 necessary to remove a risk of imminent harm to the health, safety and welfare of the public.

16 The imminent risk of harm to the health, safety and welfare of the public having been
17 ameliorated by the following terms of this Stipulation, the parties agree that the license of
18 Dr. Kaplan to practice medicine in the state of Nevada shall be reinstated subject to the following:

- 19 1) Dr. Kaplan may start practicing medicine immediately upon the filing of this
20 Stipulation and Order. Dr. Kaplan may perform the procedures noted in Attachment A
21 to this Stipulation once the following conditions are met by appropriate voluntary
22 monitoring being put in place as set further forth below.
- 23 2) Dr. Kaplan agrees that any procedure noted in Attachment A to this Stipulation,
24 performed in an office setting (rather than a hospital or ambulatory surgery center) will
25 be voluntarily monitored by a third-party monitor. The monitor will check for proper
26 infection control procedures, including but not limited to, the use of disposable, single-
27 use-only medical devices and the appropriate cleaning and sterilization of reusable
28 medical devices. Said voluntary monitoring shall be in place for a period of ninety (90)

1 days which will be counted consecutively beginning from the first date a monitor is in
2 place in Dr. Kaplan's office.

- 3 3) The condition of appropriate voluntary monitoring does not apply to any procedure
4 performed by Dr. Kaplan in a hospital or ambulatory surgery center. It is agreed that
5 procedures performed by Dr. Kaplan in a hospital or ambulatory surgery center are not
6 subject to the condition of voluntary monitoring.
- 7 4) The third party monitor will be subject to approval by the Committee prior to the
8 commencement of voluntary monitoring and all costs associated with said monitoring
9 shall be paid by Dr. Kaplan.
- 10 5) Dr. Kaplan shall, for the period of voluntary monitoring, perform the procedures noted
11 on Attachment A on pre-designated days arranged with and agreed to by the monitor
12 and Dr. Kaplan.
- 13 6) Dr. Kaplan shall submit to random site inspections by Nevada State Board of Medical
14 Examiners staff and/or authorized inspectors/staff of the Nevada State Board of Health
15 and its subdivisions and/or any other authorized third party inspector to ensure that
16 appropriate infection control procedures are followed and inspect any inventories or
17 documentation related to disposable, single-use-only medical devices, appointment
18 calendars and patient records during the pendency of the proceedings related to formal
19 complaint number 11-8547-1 and shall pay any costs associated with such inspections.
- 20 7) Dr. Kaplan does not currently perform any procedures in-office with the use of general
21 anesthesia, conscious sedation or deep sedation. However, should he perform any
22 procedures with the use of general anesthesia, conscious sedation or deep sedation in
23 the future, such will be performed only after obtaining the requisite permit as set forth
24 in NRS 449.435 to 449.448.
- 25 8) Should the Committee find that Dr. Kaplan has violated the terms of this Stipulation, it
26 may suspend his license to practice medicine immediately and shall set a date for a
27 hearing to be held within forty-five (45) days to determine if the suspension should
28 ~~suspension~~ continue while legal case number 11-8547-1 is pending.

FDD

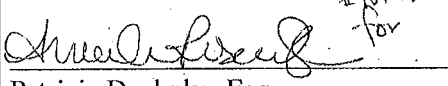
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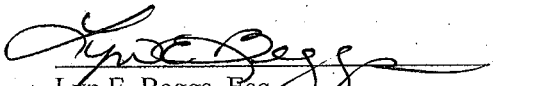
9) The parties stipulate that this agreement does not affect case number 11-8547-1. However, evidence of Dr. Kaplan's good faith compliance with the conditions set forth herein may be considered in connection with any hearing on or resolution of legal case number 11-8547-1. Nothing in this voluntary agreement and stipulation shall constitute an admission of negligence or fault on the part of Dr. Kaplan. It is understood and agreed that the intent of this Stipulation is to allow Dr. Kaplan's license to be reinstated and that he may practice within his area of specialty, urology, without restriction, but subject to the voluntary and temporary conditions set forth above.

10) The parties further stipulate that the Order to Show Cause hearing set for April 13, 2011, in Las Vegas, is vacated based upon the resolution of the suspension of license set forth in this stipulation.

Dated this 13th day of April, 2011.

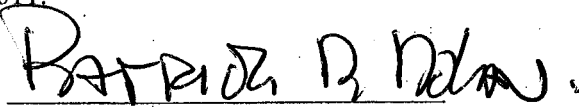
Dated this 13th day of April, 2011.


Patricia Daehnke, Esq.
Attorney for Michael Kaplan, M.D.


Lyn E. Beggs, Esq.
Attorney for the Investigative Committee

IT IS SO ORDERED.

Dated this 12th day of April 2011.


Patrick Dolan, Esq.
Hearing Officer

ATTACHMENT "A"

- Cystoscopy
- Cystoscopy with removal of stent
- Dilation of stricture
- Incision and drainage of abscess, groin or scrotum
- Instillation of medication into the bladder including heparin, lidocaine, sodium bicarbonate and bcg
- Placement of catheter
- Placement of suprapubic catheter
- Placement of fiducial markers
- Removal of scrotal and penile lesions
- Transrectal ultrasound with biopsy of the prostate
- Ultrasound of the scrotum if biopsies are being taken
- Vasectomy