

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

Case No. MD-18-0218A

3 **SCOT G. FECHTEL, M.D.**

4 Holder of License No. 25410  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**ORDER FOR LETTER OF  
REPRIMAND AND PROBATION;  
AND CONSENT TO THE SAME**

7 Scot G. Fechtel, M.D. ("Respondent") elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;  
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of  
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of  
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 25410 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-18-0218A after receiving a complaint  
17 regarding Respondent's care and treatment of a 48 year-old female patient ("LT") alleging  
18 inappropriate and/or excessive prescribing of controlled medications.

19 4. LT was a 48 year-old female with a medical history of migraines, chronic low  
20 back pain, degenerative disc disease, and right leg pain suggestive of radiculopathy, who  
21 established care with Respondent on March 20, 2015. Respondent continued to treat LT  
22 through March 19, 2018, with medications including oxycodone at up to 410 morphine  
23 milligram equivalents ("MME") and alprazolam at up to 1.7mg per day.

24 5. RH was a 61 year-old male patient with a diagnosis of complex regional pain  
25 syndrome and diabetic neuropathy who established care with Respondent on July 19,  
2017. RH was intolerant to gabapentin, pregabalin, and duloxetine, and had a history of

1 failed treatments in the past. Respondent continued to treat RH through July 19, 2019, and  
2 prescribed RH an average of 660 MMEs of opiates per day. In June of 2018, Respondent  
3 referred RH to a pain management specialist who endorsed a plan of care that included  
4 80mg of methadone and 150mg of OxyContin (225 MMEs).

5 6. ST was a 56 year-old female patient with diagnoses of chronic migraine and  
6 ADHD, who established care with Respondent on July 19, 2019. Respondent's treatment  
7 of ST included oxycodone 20mg, diazepam 25mg, alprazolam 1.25mg,  
8 dextroamphetamine-amphetamine 60mg, and zolpidem 20mg.

9 7. The standard of care prohibits a physician from overprescribing opioids for  
10 chronic pain. Respondent deviated from this standard of care by overprescribing opioids to  
11 patients LT and RH.

12 8. The standard of care prohibits a physician from prescribing a combination of  
13 opioids and benzodiazepines for long term use. Respondent deviated from this standard of  
14 care by prescribing a combination of opioids and benzodiazepines for two years for  
15 patients LT and ST.

16 9. Actual patient harm was identified in that patient LT experienced a  
17 hospitalization for altered mental status.

18 10. There was the potential for patient harm in that patients LT and ST were at  
19 risk for respiratory depression. All three patients were at risk of addiction, tolerance and  
20 death.

21 11. On March 10, 2020, Respondent entered into an Interim Consent Agreement  
22 for Practice Restriction prohibiting Respondent from prescribing controlled substances  
23 pending completion of intensive, in-person Continuing Medical Education ("CME") in  
24 controlled substance prescribing and proof of entering into a contract with a Board-  
25 approved monitoring company to perform periodic chart reviews.

1 12. On April 4-5, 2020, Respondent completed Board staff pre-approved CME in  
2 Opioids, Pain Management and Addiction totaling 21 Category I credit hours.

3 13. Effective April 5, 2020, Respondent entered into a contract with a Board-  
4 approved monitoring company ("Monitor") for periodic chart reviews.

5 14. Effective April 30, 2020 the Executive Director terminated the Interim  
6 Consent Agreement based on Respondent's completion of the CME and agreement with  
7 the Monitor.

8 **CONCLUSIONS OF LAW**

9 a. The Board possesses jurisdiction over the subject matter hereof and over  
10 Respondent.

11 b. The conduct and circumstances described above constitute unprofessional  
12 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is  
13 or might be harmful or dangerous to the health of the patient or the public.").

14 **ORDER**

15 IT IS HEREBY ORDERED THAT:

16 1. Respondent is issued a Letter of Reprimand.

17 2. Respondent is placed on Probation for a period of two (2) years with the  
18 following terms and conditions:

19 a. **Chart Reviews**

20 The Monitor shall perform periodic chart reviews at Respondent's expense. The  
21 chart reviews shall involve current patients' charts for care rendered after the date  
22 Respondent returned to practice as stated herein. Based upon the chart review, the Board  
23 retains jurisdiction to take additional disciplinary or remedial action.

1                   **b. Obey All Laws**

2                   Respondent shall obey all state, federal and local laws, all rules governing the  
3 practice of medicine in Arizona, and remain in full compliance with any court ordered  
4 criminal probation, payments and other orders.

5                   **c. Tolling**

6                   In the event Respondent should leave Arizona to reside or practice outside the  
7 State or for any reason should Respondent stop practicing medicine in Arizona,  
8 Respondent shall notify the Executive Director in writing within ten days of departure and  
9 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
10 time exceeding thirty days during which Respondent is not engaging in the practice of  
11 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
12 non-practice within Arizona, will not apply to the reduction of the probationary period.

13                   **d. Probation Termination**

14                   After two consecutive favorable chart reviews, Respondent may petition the Board  
15 to terminate the Probation. Respondent's request for release will be placed on the next  
16 pending Board agenda, provided a complete submission is received by Board staff no less  
17 than 30 days prior to the Board meeting. Respondent's request for release must provide  
18 the Board with evidence establishing that he has successfully satisfied all of the terms and  
19 conditions of this Order. The Board has the sole discretion to determine whether all of the  
20 terms and conditions of this Order have been met or whether to take any other action that  
21 is consistent with its statutory and regulatory authority.  
22  
23  
24  
25

1           3.     The Board retains jurisdiction and may initiate new action against  
2 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

3           DATED AND EFFECTIVE this 8<sup>th</sup> day of May, 2020.

4  
5   ARIZONA MEDICAL BOARD

6   By Patricia E. McSorley  
7 Patricia E. McSorley  
8 Executive Director

9   **CONSENT TO ENTRY OF ORDER**

10           1.     Respondent has read and understands this Consent Agreement and the  
11 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
12 acknowledges he has the right to consult with legal counsel regarding this matter.

13           2.     Respondent acknowledges and agrees that this Order is entered into freely  
14 and voluntarily and that no promise was made or coercion used to induce such entry.

15           3.     By consenting to this Order, Respondent voluntarily relinquishes any rights to  
16 a hearing or judicial review in state or federal court on the matters alleged, or to challenge  
17 this Order in its entirety as issued by the Board, and waives any other cause of action  
18 related thereto or arising from said Order.

19           4.     The Order is not effective until approved by the Board and signed by its  
20 Executive Director.

21           5.     All admissions made by Respondent are solely for final disposition of this  
22 matter and any subsequent related administrative proceedings or civil litigation involving  
23 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
24 or made for any other use, such as in the context of another state or federal government  
25

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy thereof)  
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
5 the Order. Respondent may not make any modifications to the document. Any  
6 modifications to this original document are ineffective and void unless mutually approved  
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal  
9 disciplinary action of the Board and will be reported to the National Practitioner's Data  
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the  
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a  
14 defense that the Board's consideration of the Order constitutes bias, prejudice,  
15 prejudgment or other similar defense.

16 10. Any violation of this Order constitutes unprofessional conduct and may result  
17 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,  
18 consent agreement or stipulation issued or entered into by the board or its executive  
19 director under this chapter.") and 32-1451.

20 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16),  
21 Respondent cannot act as a supervising physician for a physician assistant while  
22 Respondent's license is on probation.

23 12. ***Respondent has read and understands the conditions of probation.***

24  
25   
SCOT G. FECHTEL, M.D.

DATED: 5/6/2020

1 EXECUTED COPY of the foregoing mailed  
2 this 8<sup>th</sup> day of May, 2020 to:

3 Scot G. Fechtel, M.D.  
4 Address of Record

5 Stephen W. Myers  
6 Mitchell Stein Carey  
7 One Renaissance Square  
8 2 North Central Avenue, Suite 1450  
9 Phoenix, AZ 85004  
10 Attorney for Respondent

11 ORIGINAL of the foregoing filed  
12 this 8<sup>th</sup> day of May, 2020 with:

13 Arizona Medical Board  
14 1740 West Adams, Suite 4000  
15 Phoenix, Arizona 85007

16 Michelle Probus  
17 Board staff

18  
19  
20  
21  
22  
23  
24  
25