

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ROBERT M. ROWLETT, M.D.**

4 Holder of License No. 52559
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-19-1068A

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

7 Robert M. Rowlett, 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 52559 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-1068A after receiving a report
17 stating that Respondent may have diverted controlled substances while on duty at a
18 Hospital where he holds privileges. The Board concurrently received a self-report from
19 Respondent and information from the Board's Physician Health Program ("PHP")
20 Contractor that Respondent had requested approval for an inpatient treatment program.

21 4. On November 8, 2019, Respondent experienced a medical event while on
22 duty at the Hospital that required emergent medical attention. Respondent reported that
23 he had diverted controlled substances, and controlled substances from the Hospital were
24 found in his possession by Hospital staff. Prior to the event, Respondent treated four
25 patients (KN, SL, WR, and MM).

1 5. The standard of care prohibits an anesthesiologist from diverting medications
2 for self-administration. Respondent deviated from the standard of care by diverting
3 anesthetic agents and other medications for self-administration.

4 6. There was potential for patient harm in that patients KN, SL, WR and MM
5 were at risk of inadequate treatment of their surgical pain, and Respondent's impairment
6 could have caused substandard patient care.

7 7. Respondent entered into an Interim Consent Agreement for Practice
8 Restriction, effective November 15, 2019 ("Interim Practice Restriction").

9 8. Respondent subsequently completed inpatient treatment at a Board-
10 approved facility ("Facility") and was discharged with staff approval on December 11,
11 2019.

12 9. Respondent subsequently entered into a private monitoring agreement with
13 the Board's PHP Contractor, and enrolled in an Intensive Outpatient Treatment Program
14 ("IOP"). Respondent was discharged from the IOP with staff approval on June 4, 2020.

15 10. Respondent completed a post-treatment Assessment with the PHP
16 Contractor, who opined that Respondent was safe to practice, provided he enter into a
17 monitoring agreement with the Board, and comply with recommendations for aftercare.

18 11. On August 18, 2020, Respondent entered into an Interim Consent
19 Agreement to Participate in the Physician Health Program ("ICA for PHP") that vacated the
20 Interim Practice Restriction. Respondent is in compliance with the terms of his PHP
21 monitoring.

22 12. On August 31, 2021, in Maricopa County Superior Court case CR2020-
23 001412-001 DT, Respondent pled guilty to Criminal Possession of a Forgery Device, a
24 class 6 undesignated felony. Respondent was subsequently sentenced to two years of
25

1 probation. Respondent is in compliance with his probation. Respondent failed to timely
2 report the charges that gave rise to this conviction.

3 **CONCLUSIONS OF LAW**

4 a. The Board possesses jurisdiction over the subject matter hereof and over
5 Respondent.

6 b. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws or rules
8 and regulations applicable to the practice of medicine."). Specifically, Respondent's
9 conduct violated A.R.S. § 32-3208(A) ("A health professional who has been charged with a
10 misdemeanor involving conduct that may affect patient safety or a felony after receiving or
11 renewing a license or certificate must notify the health professional's regulatory board in
12 writing within ten working days after the charge is filed.").

13 c. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(d) ("Committing a felony, whether or not
15 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,
16 conviction by any court of competent jurisdiction or a plea of no contest is conclusive
17 evidence of the commission.").

18 d. The conduct and circumstances described above constitute unprofessional
19 conduct pursuant to A.R.S. § 32-1401(27)(f) ("Exhibiting a pattern of using or being under
20 the influence of alcohol or drugs or a similar substance while practicing medicine or to the
21 extent that judgment may be impaired and the practice of medicine detrimentally
22 affected.").

23 e. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(g) ("Using controlled substances except if
25 prescribed by another physician for use during a prescribed course of treatment.").

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

4 **ORDER**

5 IT IS HEREBY ORDERED THAT:

6 1. Respondent is issued a Letter of Reprimand.

7 2. Respondent is placed on Probation for a period of five years¹ with the
8 following terms and conditions:

9 3. Respondent shall not consume alcohol or any food or other substance
10 containing poppy seeds or alcohol.

11 4. Respondent shall not take any illegal drugs or mood altering medications
12 unless prescribed for a legitimate therapeutic purpose.

13 5. Respondent shall attend the PHP's relapse prevention group therapy
14 sessions one time per week for the duration of this Order, unless excused by the relapse
15 prevention group facilitator for good cause. Individual relapse therapy may be substituted
16 for one or more of the group therapy sessions, if PHP pre-approves substitution. The
17 relapse prevention group facilitators or individual relapse prevention therapist shall submit
18 monthly reports to the PHP regarding attendance and progress.

19 6. Respondent shall continue to participate in any personalized aftercare
20 programs or activities as recommended by the Contractor in his post-treatment
21 assessment report including, but not limited to group therapy as approved by the PHP
22 Contractor and continued care with a medical specialist. Respondent shall report on those
23 activities as requested by the PHP, including executing any releases necessary to allow
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¹ Respondent's probation shall be retroactive to August 18, 2020.

1 the PHP to monitor his participation and communicate directly with and obtain records
2 from the treating providers for those aftercare activities. Respondent shall be responsible
3 for all costs of aftercare, including costs associated with compliance of this Board Order.

4 7. If not already completed, Respondent shall comply with return to work
5 recommendations of the PHP Contractor and medical specialist, if any. If requested by the
6 PHP, Respondent shall report on those activities, including executing any releases
7 necessary to allow the PHP to monitor his compliance with this requirement and
8 communicate directly with and obtain records from his employer(s) and worksite monitor.
9 Respondent shall be responsible for all costs of compliance with this term, including the
10 cost of complying with the reporting requirements.

11 8. If requested by the PHP and not already completed, Respondent shall attend
12 ninety 12-step meetings or other self-help group meetings appropriate for substance
13 abuse and approved by the PHP, for a period of ninety days. Upon completion of the
14 ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
15 program or other self-help program appropriate for substance abuse as recommended by
16 the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
17 meetings per week. Two meetings per month must be Caduceus meetings. Respondent
18 must maintain a log of all self-help meetings.

19 9. Respondent shall promptly obtain a Primary Care Physician ("PCP") and
20 shall submit the name of the physician to the PHP Contractor in writing for approval.
21 Except in an Emergency, Respondent shall obtain medical care and treatment only from
22 the PCP and from health care providers to whom the PCP refers Respondent. Respondent
23 shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all
24 other health care providers who provide medical care or treatment that Respondent is
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1 participating in the PHP. "Emergency" means a serious accident or sudden illness that, if
2 not treated immediately, may result in a long-term medical problem or loss of life.

3 10. Respondent shall enter treatment with a PHP Contractor approved addiction
4 psychiatrist or addiction medicine specialist as recommended by the Contractor in his
5 post-treatment assessment report, and shall comply with any and all treatment
6 recommendations, including taking any and all prescribed medications. Respondent shall
7 instruct the treating professional to submit quarterly written reports to the PHP regarding
8 diagnosis, prognosis, current medications, recommendation for continuing care and
9 treatment, and ability to safely practice medicine. The reports shall be submitted quarterly
10 to the PHP, the commencement of which to be determined by the PHP Contractor.
11 Respondent shall provide the psychiatrist with a copy of this Stipulated Rehabilitation
12 Agreement. Respondent shall pay the expenses for treatment and be responsible for
13 paying for the preparation of the quarterly reports. At the expiration of one year or anytime
14 thereafter, Respondent may submit a written request to the PHP Contractor requesting
15 termination of the requirement that Respondent remain in treatment with a psychiatrist.
16 The decision to terminate will be based in part upon the treating psychiatrist's
17 recommendation for continued care and treatment.

18 11. All prescriptions for controlled substances shall be approved by the PHP
19 Contractor prior to being filled except in an Emergency. Controlled substances prescribed
20 and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall
21 take no Medication unless the PCP or other health care provider to whom the PCP refers
22 Respondent prescribes and the PHP Contractor approves the Medication. Respondent
23 shall not self-prescribe any Medication. "Medication" means a prescription-only drug,
24 controlled substance, and over-the counter preparation, other than plain aspirin, plain
25 ibuprofen, and plain acetaminophen.

1 12. Respondent shall submit to random biological fluid, hair and/or nail testing for
2 the remainder of this Order (as specifically directed below) to ensure compliance with the
3 PHP.

4 13. Respondent shall provide the PHP Contractor in writing with one telephone
5 number that shall be used to contact Respondent on a 24 hour per day/seven day per
6 week basis to submit to biological fluid, hair, and/or nail testing to ensure compliance with
7 the PHP. For the purposes of this section, telephonic notice shall be deemed given at the
8 time a message to appear is left at the contact telephone number provided by
9 Respondent. Respondent authorizes any person or organization conducting tests on the
10 collected samples to provide testing results to the PHP Contractor. Respondent shall
11 comply with all requirements for biological fluid, hair, and/or nail collection. Respondent
12 shall pay for all costs for the testing.

13 14. Respondent shall provide the PHP Contractor with written notice of any plans
14 to travel out of state.

15 15. Respondent shall successfully complete a PHP approved 36 hour
16 alcohol/drug awareness education class.

17 16. Respondent shall immediately notify the Board and the PHP Contractor in
18 writing of any change in office or home addresses and telephone numbers.

19 17. Respondent provides full consent for the PHP Contractor to discuss the
20 Respondent's case with the Respondent's PCP or any other health care providers to
21 ensure compliance with the PHP.

22 18. The relationship between the Respondent and the PHP Contractor is a direct
23 relationship. Respondent shall not use an attorney or other intermediary to communicate
24 with the PHP Contractor on participation and compliance issues. All inquiries must be
25 directed to Board staff.

1 19. Respondent shall be responsible for all costs, including costs associated with
2 participating in the PHP, at the time service is rendered or within 30 days of each invoice
3 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon
4 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days
5 after invoicing will be reported to the Board by the PHP Contractor and may result in
6 disciplinary action.

7 20. Respondent shall appear in person before with the PHP Contractor for
8 interviews upon request, upon reasonable notice.

9 21. Respondent shall immediately provide a copy of this Order to all employers,
10 hospitals and free standing surgery centers where Respondent currently has or in the
11 future gains or applies for employment or privileges. Within 30 days of the date of this
12 Order, Respondent shall provide the PHP with a signed statement of compliance with this
13 notification requirement. Respondent is further required to notify, in writing, all employers,
14 hospitals and free standing surgery centers where Respondent currently has or in the
15 future gains or applies for employment or privileges of a violation of this Order.

16 22. In the event Respondent resides or practices as a physician in a state other
17 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that
18 state's medical licensing authority or medical society. Respondent shall cause the
19 monitoring state's program to provide written quarterly reports to the PHP Contractor
20 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
21 program and Respondent shall immediately notify the PHP Contractor if Respondent is
22 non-compliant with any aspect of the monitoring requirements or is required to undergo
23 any additional treatment.

24 23. The PHP Contractor shall immediately notify the Board if Respondent is non-
25 compliant with any aspect of this Order or is required to undergo any additional treatment.

1 24. In the event of a chemical dependency relapse by Respondent or
2 Respondent's use of controlled substances or alcohol in violation of this Order,
3 Respondent shall promptly enter into an Interim Consent Agreement for Practice
4 Restriction that requires, among other things, that Respondent not practice medicine until
5 such time as Respondent successfully completes long-term inpatient treatment designated
6 by the PHP Contractor and obtains affirmative approval from the Executive Director, in
7 consultation with the Lead Board Member and Chief Medical Consultant, to return to the
8 practice of medicine. Prior to approving Respondent's request to return to the practice of
9 medicine, Respondent may be required to undergo any combination of physical
10 examinations, psychiatric or psychological evaluations. In no respect shall the terms of this
11 paragraph restrict the Board's authority to initiate and taken disciplinary action for any
12 violation of this Order.

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

16 26. Prior to the termination of Probation, Respondent must submit a written
17 request to the Board for release from the terms of this Order. Respondent's request for
18 release will be placed on the next pending Board agenda, provided a complete submission
19 is received by Board staff no less than 30 days prior to the Board meeting. Respondent's
20 request for release must provide the Board with evidence establishing that he/she has
21 successfully satisfied all of the terms and conditions of this Order. The Board has the sole
22 discretion to determine whether all of the terms and conditions of this Order have been
23 met or whether to take any other action that is consistent with its statutory and regulatory
24 authority.

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

3 6. Notwithstanding any language in this Order, this Order does not preclude in
4 any way any other State agency or officer or political subdivision of this state from
5 instituting proceedings, investigating claims, or taking legal action as may be appropriate
6 now or in the future relating to this matter or other matters concerning Respondent,
7 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
8 acknowledges that, other than with respect to the Board, this Order makes no
9 representations, implied or otherwise, about the views or intended actions of any other
10 state agency or officer or political subdivisions of the State relating to this matter or other
11 matters concerning Respondent.

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

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

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

22 10. If the Board does not adopt this Order, Respondent will not assert as a
23 defense that the Board's consideration of the Order constitutes bias, prejudice,
24 prejudgment or other similar defense.

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1 11. Any violation of this Order constitutes unprofessional conduct and may result
2 in disciplinary action. A.R.S. § § 32-1401(27)(s) (“[v]iolating a formal order, probation,
3 consent agreement or stipulation issued or entered into by the board or its executive
4 director under this chapter.”) and 32-1451.

5 12. **Respondent has read and understands the conditions of Probation.**

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8 ROBERT M. ROWLETT, M.D.

DATED: March 15, 2022

9
10 EXECUTED COPY of the foregoing mailed
11 this 8th day of April, 2022 to:

12 Robert M. Rowlett, M.D.
13 Address of Record

14 Flynn P. Carey
15 Mitchell Stein Carey Chapman, Pc
16 2600 North Central Avenue, Suite 1000
Phoenix, AZ 85004
Attorney for Respondent

17 Physician Health Program
18 Address on File

19 ORIGINAL of the foregoing filed
20 this 8th day of April, 2022 with:

21 Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

22 

23 Michelle Kobles
24 Board staff
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