

1 **BEFORE THE REVIEW COMMITTEE OF THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-19-0424A

3 **REZA A. ROD, M.D.**

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR
PROBATION**

4 Holder of License No. 38069
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 The Review Committee of the Arizona Medical Board ("Board") considered this
8 matter at its public meeting on October 8, 2020. Reza A. Rod, M.D. ("Respondent"),
9 appeared with legal counsel, DeeDee Holden, Esq., before the Review Committee for a
10 Formal Interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(P).
11 The Review Committee voted to issue Findings of Fact, Conclusions of Law and Order
12 after due consideration of the facts and law applicable to this matter.

13 **FINDINGS OF FACT**

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

16 2. Respondent is the holder of license number 38069 for the practice of
17 allopathic medicine in the State of Arizona.

18 3. The Board initiated case number MD-19-0424A pursuant to the terms of
19 Respondent's Order for Probation entered in MD-15-0894A ("Probation Order").

20 4. Pursuant to the Probation Order, a Medical Consultant ("MC") performed a
21 chart review of Respondent's patients. The MC reviewed the care provided by
22 Respondent to six patients. The MC's review identified quality of care concerns with
23 respect to patient HM.

24 5. HM was a 49 year-old female who was seen for a skin consultation by a
25 properly certified Aesthetician and certified Laser Technician ("Aesthetician/Laser
Technician") employed by Respondent on July 6, 2018. HM initialed and signed a consent

1 form for Botox injections which noted the Aesthetician/Laser Technician as the provider.
2 HM returned on July 31, 2018 and signed a consent form for Botox, with the provider again
3 noted as the Aesthetician/Laser Technician. A facial diagram was noted with written
4 comments.

5 6. On October 23, 2018, HM signed another consent form for Botox which
6 included Respondent as the provider, but had the signature of the Aesthetician/Laser
7 Technician noted for the provider's signature. Dysport was noted on the diagram. HM was
8 seen by Respondent on January 11, 2019 and by the Aesthetician/Laser Technician again
9 on April 10, 2019.

10 7. The MC opined that Respondent's recordkeeping with regard to HM was
11 deficient in that it did not indicate that Respondent was involved in the initial diagnosis and
12 treatment plan for HM.

13 8. Respondent reported to the Board during its investigation and again during
14 his testimony at the Formal Interview in this matter that he has since replaced his
15 Aesthetician/Laser Technician with a Registered Nurse who is employed to assist in the
16 care provided to patients such as HM.

17 9. During the Formal Interview, Respondent also testified that he was present in
18 the office at all times when the Aesthetician/Laser Technician saw HM but not present in
19 the treatment room. Respondent also testified that he reviewed patients' medical charts
20 on a weekly basis and not at the time the Aesthetician/Laser Technician completed her
21 assessment of a patient.

22 10. During that same Formal Interview, Review Committee members recognized
23 that Respondent has demonstrated remedial efforts, including hiring a Registered Nurse to
24 perform Botox injections. The Review Committee members, however, expressed concern
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1 that Respondent's insufficient oversight of the Aesthetician/Laser Technician who treated
2 HM was similar to his conduct in case no. MD-15-0894A resulting in the Probation Order.

3 **CONCLUSIONS OF LAW**

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

6 2. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(e) ("Failing or refusing to maintain adequate
8 records on a patient.").

9 3. The conduct and circumstances described above constitute unprofessional
10 conduct pursuant to A.R.S. § 32-1401(27)(jj) ("Exhibiting a lack of or inappropriate
11 direction, collaboration or direct supervision of a medical assistant or a licensed, certified
12 or registered health care provider employed by, supervised by or assigned to the
13 physician....").

14 **ORDER**

15 IT IS HEREBY ORDERED THAT:

16 1. Respondent is placed on Probation for a period of 3 years with the following terms
17 and conditions:

18 **a. Chart Reviews**

19 Within 30 days of the effective date of this Order, Respondent shall enter into a
20 contract with a Board-approved monitoring company to perform periodic chart reviews at
21 Respondent's expense. The chart reviews shall involve patients who have received dermal
22 fillers and Botox injections after the effective date of the Board Order. Based upon the
23 chart review, the Board retains jurisdiction to take additional disciplinary or remedial action.

24 **b. Obey All Laws**

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

4 **c. Tolling**

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

12 **d. Probation Termination**

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

22 2. The Board retains jurisdiction and may initiate new action against
23 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)
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ORIGINAL of the foregoing filed
this 8th day of December, 2020 with:

Arizona Medical Board
1740 West Adams, Suite 4000
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Michelle Probes
Board staff