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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of  
**JOSE MANUEL PISCOYA, M.D.,**  
Holder of License No. 25569  
for the Practice of Allopathic Medicine  
in the State of Arizona.

Case No. 20A-25569-MDX

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

On February 11, 2021, this matter came before the Arizona Medical Board (“Board”) for consideration of Administrative Law Judge (“ALJ”) Thomas Shedden’s proposed Findings of Fact, Conclusions of Law and Recommended Order. Jose Manuel Piscoya, M.D., (“Respondent”) was not present; Assistant Attorney General Carrie Smith represented the State. Assistant Attorney General Elizabeth A. Campbell was available to provide independent legal advice to the Board.

The Board, having considered the ALJ’s Decision and the entire record in this matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

**BACKGROUND AND PROCEDURE**

1. The Arizona Medical Board (“Board”) is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
2. On September 29, 2020 the Board issued a Complaint and Notice of Hearing setting this matter for hearing at 9:00 a.m. November 13, 2020.
3. Through the Complaint the Board alleges that Jose Manuel Piscoya, M.D committed unprofessional conduct because he failed to comply with the Board’s May 17, 2018 Interim Order for Psychosexual Re-Evaluation issued in case MD-17-0083A. The Interim Order is in evidence as Board Exhibit 2.

1           4.       No representative appeared for Dr. Piscoya at the scheduled hearing-time and  
2 the matter was convened in his absence at about 9:17 a.m.

3           5.       The Board presented the testimony Raquel Rivera, its investigations manager,  
4 and Monica Faria, M.D.

5           6.       Dr. Faria is board certified in general psychiatry and addiction psychiatry.  
6 Addiction psychiatry deals with chemical addictions and process addictions, which involve  
7 pathological behaviors such as gambling and compulsive sexual behavior.

8           7.       Dr. Faria interviewed Dr. Piscoya on March 30, 2018 and spoke to him again  
9 in April, she reviewed his treatment records, she spoke to the current outpatient program  
10 director at one of the facilities in which Dr. Piscoya had received treatment, and she spoke  
11 to the therapist who had been treating Dr. Piscoya in December 2018.

12          8.       Dr. Piscoya holds License No. 25569; in December 2017, he was put under a  
13 practice restriction that prohibits him from practicing until he has undergone a  
14 neuropsychological evaluation and been found to be safe to practice, which has not  
15 happened. Dr. Piscoya's license was set to expire on May 31, 2019, at which time the  
16 investigation in this matter was active. Dr. Piscoya did not renew his license, which was  
17 therefore suspended by operation of law.

18          9.       On December 8, 2017, in case number MD-17-0083A the Board issued  
19 "Findings of Fact, Conclusions of Law and Order for Decree of Censure and Probation with  
20 Practice Restriction" (the "Decree"), through which it found that Dr. Piscoya had violated  
21 Ariz. Rev. Stat. section 32-1401(27)(z)(engaging in sexual conduct with a patient or former  
22 patient).

23          10.       The Decree is in evidence as Board's Exhibit 1 and provides Findings of Fact  
24 detailing the conduct at issue, including information about a prior evaluation and related  
25 treatment of Dr. Piscoya.

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1           11.     The terms of the Decree prohibited Dr. Piscoya from practicing medicine until  
2 he had undergone a neuropsychological evaluation and been found to be safe to practice, at  
3 which time he could apply to the Board for authorization to begin practicing. The Decree  
4 requires Dr. Piscoya to comply with the recommendations made as a result of the required  
5 evaluation.

6           12.     Dr. Piscoya was evaluated by H. Daniel Blackwood, Ph. D. on February 14,  
7 2018.

8           13.     On April 2, 2018, Dr. Piscoya requested the Board's approval to return to  
9 practice. The Board was unwilling to consider that request until it received a report from Dr.  
10 Piscoya's psychiatric evaluation.

11          14.     Dr. Piscoya contacted Greenburg and Sucher PC, where Dr. Farina then  
12 worked, requesting treatment and explaining his need for an evaluation to comply with the  
13 Board's Decree.

14          15.     Dr. Faria interviewed Dr. Piscoya on March 30, 2018, at which time he  
15 provided her with a copy of the Decree and Dr. Blackwood's evaluation.

16          16.     Through a letter dated March 30, Dr. Faria provided the Board with her initial  
17 opinions and explained that she had received treatment records for review, she was awaiting  
18 others, and she had placed a call to a facility that had treated Dr. Piscoya, the purpose of  
19 which call was to obtain clarification of his aftercare instructions.

20          17.     The clarification Dr. Faria sought was regarding Dr. Piscoya's representation  
21 that the treatment facility was aware that he had remained in contact with the patient in case  
22 MD-19-0083A and approved of it, which was subsequently proven to be incorrect.

23          18.     Through a letter dated April 23, 2018, Dr. Faria informed the Board she had  
24 completed her review of Dr. Piscoya's treatment records and spoken to the current  
25 outpatient coordinator at one of his treating facilities.

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1           19.     Dr. Faria has had no contact with Dr. Piscoya since the time she prepared the  
2 April 23, 2018 letter to the Board.

3           20.     Dr. Faria's opinion was that Dr. Piscoya had made progress in his treatment,  
4 but she could not conclude that he was safe to practice and she recommended that he  
5 undergo a repeat psychosexual evaluation and further intensive inquiry as to whether he  
6 could uphold appropriate boundaries and safely practice medicine.

7           21.     Among Dr. Faria's concerns were: Dr. Piscoya continued to remain in close  
8 contact with the patient at issue in case MD-17-0083A; he did not appear to understand the  
9 implications of his actions (i.e. staying in contact with the patient); he was not a reliable  
10 historian; and he had contacted Dr. Faria at inappropriate times, raising a concern with  
11 regard to boundaries.

12          22.     During her discussion with the outpatient coordinator, Dr. Faria learned that  
13 the facility did not approve of Dr. Piscoya's remaining contact with the patient and to the  
14 contrary, was of the opinion that continued contact would be counter-therapeutic. Dr. Faria  
15 wrote that when she raised this point with Dr. Piscoya, his response was "well I wouldn't  
16 have told you if it was going to get me into trouble."

17          23.     At the hearing, Dr. Faria confirmed her opinions and provided detailed  
18 testimony explaining the bases for her opinions, which included discussion with the  
19 therapist who had been treating Dr. Piscoya until December 2019 when Dr. Piscoya  
20 "dropped off" and stopped communicating with her office, leading the therapist to drop him.

21          24.     On May 17, 2018, the Board emailed to Dr. Piscoya at his address of record  
22 the Interim Order.

23          25.     The Interim Order required Dr. Piscoya to register for the evaluation no later  
24 than May 31, 2018 and to complete the evaluation by July 17, 2018 (i.e., fourteen and sixty  
25 days from the date of issue). Dr. Piscoya did not respond to the Interim Order.  
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1           26.     On June 1, 2018, Board staff sent a follow-up email to Dr. Piscoya's address  
2 of record requesting the name of the facility that would be conducting the evaluation. Dr.  
3 Piscoya did not respond to that email.

4           27.     On June 14, 2018, Board staff sent another email to Dr. Piscoya's address of  
5 record that included a copy of the Interim Order and an advisement that if he did not  
6 provide the name of the facility by June 18, 2018, the Board would open an investigation.  
7 Dr. Piscoya did not respond to that email.

8           28.     On July 3, 2018, Board staff opened its investigation in this matter based on  
9 Dr. Piscoya's failure to comply with the Interim Order and failure to respond to Board  
10 staff's requests for contact. Notice was provided by email to Dr. Piscoya's email address of  
11 record.

12           29.     On July 17, 2018, the assigned investigator reported that she had left several  
13 messages for Dr. Piscoya via email and telephone and also left multiple messages for staff  
14 at the clinic in which he practiced. Dr. Piscoya did not respond to those emails or telephone  
15 calls.<sup>1</sup>

16           30.     On November 25, 2019, the Board issued to Dr. Piscoya a Request for  
17 Response providing him with the opportunity to respond to the allegations set out in the  
18 Board's investigative report. Dr. Piscoya did not respond and the matter was referred to the  
19 Staff Investigational Review Committee.

20           31.     On December 19, 2019, SIRC recommended that Dr. Piscoya's license be  
21 revoked, but that he should be given the opportunity chance to surrender his license. The  
22 Board Staff provided Dr. Piscoya with a copy of SIRC's Recommendation and a proposed  
23 Consent Order through which he could surrender his license.

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26 <sup>1</sup> The Board's exhibit 10 (SIRC Recommendation) shows that on June 21, 2018, Dr.  
27 Piscoya's staff reported that Dr. Piscoya came into town but left, and they confirmed he was



1           4. Clear and convincing evidence is “[e]vidence indicating that the thing to be  
2 proved is highly probable or reasonably certain.” Black’s Law Dictionary 674 (10th ed.  
3 2014).

4           5. Ariz. Rev. Stat. section 32-1401 provides in part:

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6           27. "Unprofessional conduct" includes the following, whether  
7 occurring in this state or elsewhere:

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9           (s) Violating a formal order, probation, consent agreement or  
10 stipulation issued or entered into by the board or its executive  
11 director under this chapter.

12           \*\*\*

13           (ee) Failing to furnish information in a timely manner to the  
14 board or the board's investigators or representatives if legally  
15 requested by the board.

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17           6. Dr. Piscoya received adequate notice that the Interim Order had been issued  
18 and that the Complainant and Notice of Hearing had been issued because these were sent to  
19 his email address of record. *See* Ariz. Rev. Stat. § 41-1092.04.

20           7. Through the testimony of Dr. Faria and the related exhibits, the Board  
21 presented clear and convincing evidence showing that it was justified in ordering Dr.  
22 Piscoya to undergo the psychosexual re-evaluation. Because Dr. Piscoya has failed to  
23 comply with the Interim Order requiring that evaluation, he has committed unprofessional  
24 conduct under Ariz. Rev. Stat. section 32-1401(27)(s).

25           8. Because Dr. Piscoya has committed an act of unprofessional conduct, the  
26 Board has authority to discipline his license. Ariz. Rev. Stat. § 32-1451(M). This authority  
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1 exists even though Dr. Piscoya did not renew his license when it was due to expire on May  
2 31, 2019. *See* Ariz. Rev. Stat. § 32-3202.

3           9. Clear and convincing evidence shows that Dr. Piscoya is not amenable to  
4 regulation by the Board. Consequently, Dr. Piscoya's license should be revoked.

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**ORDER**

Based on the foregoing, it is **ORDERED** that Jose Manuel Piscoya, M.D.'s License No. 25569 is revoked.

**RIGHT TO PETITION FOR REHEARING OR REVIEW**

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 12<sup>th</sup> day of February, 2021.

THE ARIZONA MEDICAL BOARD

By Patricia E. McSorley  
Patricia E. McSorley  
Executive Director

1 ORIGINAL of the foregoing filed this  
2 this 12<sup>th</sup> day of February, 2021, with:

3 Arizona Medical Board  
4 1740 W. Adams, Suite 4000  
5 Phoenix, Arizona 85007

6 COPY of the foregoing filed this  
7 this 12<sup>th</sup> day of February, 2021, with:

8 Greg Hanchett, Director  
9 Office of Administrative Hearings  
10 1740 W. Adams  
11 Phoenix, AZ 85007

12 EXECUTED COPIES of the foregoing emailed and mailed by U.S. Mail  
13 this 12<sup>th</sup> day of February, 2021, to:

14 Jose Manuel Piscoya, M.D.  
15 Address of Record  
16 Respondent

17 Carrie H. Smith  
18 Assistant Attorney General  
19 Office of the Attorney General  
20 SGD/LES  
21 2005 N. Central Avenue  
22 Phoenix, AZ 85004

23 

24 #9290111  
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