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AZ MEDICAL BOARD

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
RALPH PAGANO, M.D.
Holder of License No. 16997
For the Practice of Medicine
In the State of Arizona.

Case No. MD-21-0937A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT TO THE
SAME**

Ralph Pagano, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license number 16997 for the practice of allopathic medicine in the State of Arizona.
3. Respondent's license is subject to an Order for Non-Disciplinary Continuing Medical Education ("CME") issued in MD-21-0299A requiring Respondent to complete a minimum of 2 hours of Board staff pre-approved Category I CME in the proper prescribing of CNS medications to geriatric patients.
4. The Board initiated case number MD-21-0937A after receiving notification of a malpractice settlement regarding Respondent's care and treatment of a 40 year-old female patient ("KS") alleging failure to order proper imaging resulting in a missed diagnosis of a brain tumor that subsequently ruptured resulting in patient death.
5. KS presented to Respondent's office on July 18, 2019, with intractable migraines that had not responded to previous treatment modalities. At her initial visit, Respondent documented a plan including a prescription for low dose topiramate, with

1 follow-up to potentially try a different medication or to consider Botox injections.
2 Respondent saw KS again in August of 2019, for attempted Botox therapy after
3 medications did not relieve her symptoms. Respondent documented a plan for KS to
4 follow-up in three months.

5 6. On December 24, 2019, KS was hospitalized subsequent to collapsing and
6 was found to have an intracranial mass with intraparenchymal hemorrhage. The mass
7 was subsequently excised, but the patient was subsequently paraplegic and non-
8 communicative. KS expired on June 15, 2021 due to complications from her condition.

9 7. A Medical Consultant ("MC") who reviewed Respondent's care and treatment
10 of KS opined that Respondent deviated from the standard of care by failing to order an
11 MRI at the time KS established care with Respondent.

12 8. Respondent requests surrender of licensure in lieu of completing the CME
13 required in MD-21-0299A.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

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

20 3. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)("s") ("Violating a formal order, probation,
22 consent agreement or stipulation issued or entered into by the board or its executive
23 director under this chapter.").

1 4. The Board possesses statutory authority to enter into a consent agreement
2 with a physician and accept the surrender of an active license from a physician who
3 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

4 ORDER

5 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
6 Number 16997, issued to Ralph J. Pagano, M.D., for the practice of allopathic medicine in
7 the State of Arizona, and return his certificate of licensure to the Board.

8 DATED and effective this 4th day of November, 2022.

9
10 ARIZONA MEDICAL BOARD

11 By: Patricia E. McSorley

12 Patricia E. McSorley
13 Executive Director

14 CONSENT TO ENTRY OF ORDER

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

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

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

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

1 5. All admissions made by Respondent in this Order are solely for final
2 disposition of this matter and any subsequent related administrative proceedings or civil
3 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
4 are not intended or made for any other use, such as in the context of another state or
5 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
6 State of Arizona or any other state or federal court.

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

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

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

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

4 10. ***Respondent has read and understands the terms of this agreement.***

5
6 
7 RALPH J. PAGANO, MD.

Dated: SEPT 20, 2022

8
9 EXECUTED COPY of the foregoing mailed by
10 US Mail this 4th day of November 2022 to:

11 ORIGINAL of the foregoing filed this
12 4th_ day of November __, 2022 with:

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

16 
17 _____
18 Board staff