

1 that Respondent should be documenting all drug screen results including monitoring for
2 Suboxone.

3 28. The standard of care prohibits a physician from prescribing high-dose
4 Suboxone without a clinical justification and to refer a patient for an elevated level of care
5 and/or terminate treatment when necessary. Respondent deviated from this standard of
6 care by prescribing high-dose Suboxone without a clinical justification and by failing to
7 recognize the need for LM to receive a higher level of care or termination after multiple
8 aberrant UDS results.

9 29. During a Formal Interview on these matters, Respondent testified regarding
10 his care and treatment of the patients at issue, and his efforts at improving his practice
11 during his period of probation.

12 30. During that same Formal Interview, Review Committee members recognized
13 the good intentions of the Respondent, but expressed concern that Respondent's practice
14 continued to fall below the standard of care. Committee members agreed that while there
15 had been progress in Respondent's practices, the public would be best protected if
16 Respondent was prohibited from prescribing controlled substances for a period of time.

17 **CONCLUSIONS OF LAW**

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

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

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

1 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
2 non-practice within Arizona, will not apply to the reduction of the probationary period.

3 **d. Probation Termination**

4 Prior to the termination of Probation, Respondent must submit a written request to
5 the Board for release from the terms of this Order. Respondent's request for release will
6 be placed on the next pending Board agenda, provided a complete submission is received
7 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for
8 release must provide the Board with evidence establishing that he has successfully
9 satisfied all of the terms and conditions of this Order. The Board may require any
10 combination of examinations and/or evaluations in order to determine whether or not
11 Respondent is safe to prescribe controlled substances. The Board may continue the
12 Practice Restriction and Probation or take any other action consistent with its statutory and
13 regulatory authority.

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

16 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

3 DATED AND EFFECTIVE this 11th day of February, 2021.
4

5 ARIZONA MEDICAL BOARD

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

9 EXECUTED COPY of the foregoing mailed
10 this 11th day of February, 2021 to:

11 Kathleen Rogers
12 Slutes, Sakrison & Rogers PC
13 4801 E Broadway Blvd, Suite 301
Tucson, Arizona 85711
Attorney for Respondent

14 ORIGINAL of the foregoing filed
15 this 11th day of February, 2021 with:

16 Arizona Medical Board
17 1740 West Adams, Suite 4000
Phoenix, Arizona 85007

18 Michelle Hobbs
19 Board staff