

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **A. HAROLD MEYEROWITZ, M.D.**

5 Holder of License No. 13263
6 For the Practice of Medicine
7 In the State of Arizona.

Board Case No. MD-00-0809

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

(Probation)

8 On June 6, 2002, A. Harold Meyerowitz, M.D., ("Respondent") appeared before a
9 Review Committee ("Review Committee") of the Arizona Board of Medical Examiners
10 ("Board") with legal counsel, Dan Jantsch, for a formal interview pursuant to the authority
11 vested in the Review Committee by A.R.S. § 32-1451(Q). The matter was referred to the
12 Board for consideration at its public meeting on August 8, 2002. After due consideration
13 of the facts and law applicable to this matter, the Board voted to issue the following
14 findings of fact, conclusions of law and order.
15

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of License No. 13263 for the practice of medicine
20 in the State of Arizona.

21 3. The Board initiated case number MD-00-0809 after a Board investigator
22 reviewed the charts of eight of Respondent's patients and found it almost impossible to
23 read the charts.

24 4. A pharmacy survey drew the Board's attention to another 20 patients to
25 whom it appeared Respondent had over-prescribed. During an investigational interview
Respondent indicated that he was not familiar with Board policy regarding chronic pain

1 management and opiate usage; Respondent could not justify the amount of medication
2 that was prescribed to patients; Respondent indicated that he relied heavily on charts or
3 evaluations completed by other physicians; and Respondent indicated that he had been
4 audited by healthcare maintenance organizations because of concerns over his charting.

5 5. During the formal interview Respondent was questioned regarding the chart
6 entries of particular patients. Respondent was unable to explain how another physician
7 who was looking at patient's chart would know that there had not been a change in a
8 patient's condition when Respondent had not documented such a change.

9 6. In regard to a patient chart that contained a recitation of medicine the
10 patient was taking and occasionally another sentence relating to headaches, Respondent
11 was asked if the Board should assume the patient was being treated for headaches.
12 Respondent indicated that the patient had come to him with a diagnosis of migraines.
13 Respondent indicated that another physician had diagnosed the patient with migraines,
14 but that it was not reflected in her chart.

15 7. Respondent indicated that if a patient has supporting notes from a previous
16 physician and nothing has changed about the patient's condition he would not doubt the
17 veracity of the other physician's notes.

18 8. However, Respondent also indicated that there was no description of the
19 character or location of the patient's headaches, nor was there any discussion of the
20 frequency of the headaches.

21 9. The Board's Medical Consultant ("Medical Consultant") noted that the
22 transcript of the investigational interview, page 4, discussed one of Respondent's patients
23 being on Methadone, Trazodone, Klonopin Ativan, Lortabs and Celexa. The transcript
24 indicated that when Respondent was asked about the combination of these medications
25 he stated that the patient had not been on all the medications at the same time, but the

1 chart does not reveal which medication the patient was still on and which medication had
2 been discontinued.

3 8. Respondent indicated that his recordkeeping in the records being reviewed
4 by the Board was substandard.

5 9. Respondent testified that he was implementing changes as a result of the
6 Board's investigation. Respondent indicated that he currently dictates his notes and is
7 more circumspect and careful with regard to patients with chronic pain. Respondent also
8 indicated that he had attended numerous continuing medical education seminars in the
9 last year and that he was well ahead of the required minimum hours.

10 **CONCLUSIONS OF LAW**

11 1. The Board of Medical Examiners of the State of Arizona possesses
12 jurisdiction over the subject matter hereof and over Respondent.

13 2. The Board has received substantial evidence supporting the Findings of
14 Fact described above and said findings constitute unprofessional conduct or other
15 grounds for the Board to take disciplinary action.

16 3. The conduct and circumstances above in paragraphs 3, 5, 6, and 8
17 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e) "[f]ailing or
18 refusing to maintain adequate records on a patient."

19 **ORDER**

20 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS
21 HEREBY ORDERED that:

22 Respondent is placed on probation for two years with the following terms and
23 conditions:

24 a) Respondent shall within 60 days of the effective date of this Order, at
25 Respondent's own expense, undergo an evaluation by the Physician Assessment and

1 Clinical Education Program ("PACE") at the University of California, San Diego. Any and
2 all reports, assessments or other documents generated by PACE shall be forwarded by
3 PACE to the Board for review. The Board retains jurisdiction and may initiate a new
4 action based upon the results of the PACE evaluation.

5 b) Board Staff or its agents shall conduct a chart review not less than every six
6 months during the two-year probation period. The Board retains jurisdiction and may
7 initiate a new action based upon the results of the chart review.

8 c) Respondent shall obtain 15 hours of Board Staff pre-approved Category I
9 Continuing Medical Education ("CME") in pain management and prescribing
10 pharmacology and provide Board Staff with satisfactory proof of attendance. The CME
11 shall be in addition to the hours required for biennial renewal of medical license.

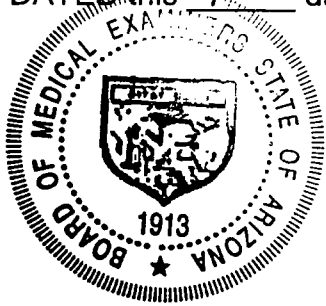
12 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

13 Respondent is hereby notified that he has the right to petition for a rehearing or
14 review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or
15 review must be filed with the Board's Executive Director within thirty days after service of
16 this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons
17 for granting a rehearing or review. Service of this order is effective five days after date of
18 mailing. If a motion for rehearing or review is not filed, the Board's Order becomes
19 effective thirty-five days after it is mailed to Respondent.

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

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1 DATED this 9th day of August, 2002.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

6 By *Barry Cassidy*
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

7
8 ORIGINAL of the foregoing filed this
9 day of August, 2002 with:

9 The Arizona Board of Medical Examiners
10 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

11 Executed copy of the foregoing
12 mailed by U.S. Certified Mail this
13 9 day of August, 2002, to:

14 Dan Jantsch, Esq.
15 Olson Jantsch & Bakker
7243 North 16th Street
Phoenix, Arizona 85020-5203

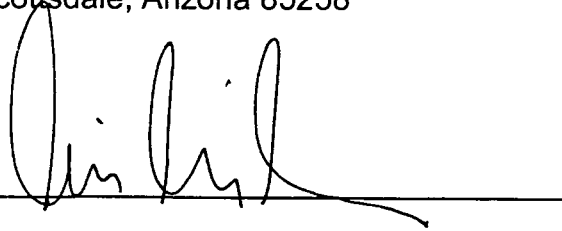
16 Executed copy of the foregoing
17 mailed by U.S. Mail this
18 9 day of August, 2002, to:

19 A. Harold Meyerowitz, M.D.
6245 W Chandler Blvd Ste E-4
20 Chandler AZ 85226-3443

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22
23
24
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1 Copy of the foregoing hand-delivered this
2 9 day of August, 2002, to:

3 Christine Cassetta
4 Assistant Attorney General
5 Sandra Waitt, Management Analyst
6 Lynda Mottram, Senior Compliance Officer
7 Investigations (Investigation File)
8 Arizona Board of Medical Examiners
9 9545 East Doubletree Ranch Road
10 Scottsdale, Arizona 85258

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