

1 2. Respondent is the holder of License No. 16305 for the practice of allopathic
2 medicine in the State of Arizona.

3 3. The Board initiated case number MD-96-0068 on November 20, 1995, upon
4 receiving notice from the American Medical Association that the Oklahoma State Board of
5 Medical Licensure ("Oklahoma Board") had taken action against Respondent.

6 4. On January 24, 1996, the Board received from the Oklahoma Board a copy
7 of the "Voluntary Submittal to Jurisdiction and Order" dated May 5, 1995, and the "Final
8 Order" dated May 22, 1995, both issued by the Oklahoma Board.

9 5. Respondent voluntarily signed the agreement, thus admitting to the facts
10 contained within the documents. According to the documents, Respondent, over a period
11 of three years, prescribed controlled substances for reasons other than medically
12 accepted therapeutic purposes. Respondent also prescribed controlled substances to
13 three patients who were addicted, habituated or chemically dependent. The documents
14 further state that Respondent, between 1994 and 1995, engaged in a romantic relationship
15 with patient J.L., who was drug dependant, and Respondent prescribed controlled
16 substance to patient J. L.

17 5. The Oklahoma Board Reprimanded Respondent and placed him on
18 probation for five years which required him to surrender his state and federal prescribing
19 permits, pay all costs associated with the investigation, provide notification to all health
20 care institutions at which he had privileges, and immediately terminate his relationship with
21 patient J.L.

22 6. On September 6, 1996, Board staff submitted the matter to an outside
23 medical consultant for review. The medical consultant found that Respondent admitted to
24 prescribing controlled substances to patient J.L, but denied having a sexual relationship
25

1 with patient J.L. Respondent also admitted to prescribing controlled substances to
2 patients for reasons other than therapeutic purposes.

3 7. During the January 1997 public meeting, the Board voted to offer
4 Respondent an Interim Stipulation and Order not to practice in Arizona until acquiring the
5 Board's approval to do so. On March 11, 1997, Respondent entered into the Interim
6 Stipulation and Order with the Board.

7 8. On March 26, 2001, Respondent requested that the Board remove the
8 restriction on his Arizona license and submitted documentation verifying that his Oklahoma
9 probation ended in May 2000. However, Respondent failed to provide evidence to
10 indicate that he has taken any remedial measures or made any rehabilitation efforts to
11 cure the statutory violations he committed in Oklahoma.

12 9. Richard Zonis, M.D., the Board's Chief Medical Consultant, reviewed this
13 matter and agreed that Respondent has failed to provide any evidence that would warrant
14 the termination of the Interim Stipulation and Order. Dr. Zonis concluded that Respondent
15 should not be allowed to practice medicine in Arizona at this time.

16 10. Respondent engaged in unprofessional conduct as defined by both
17 Oklahoma and Arizona statutes.

18 **CONCLUSIONS OF LAW**

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

21 2. The conduct and circumstances described above in paragraphs 3 to 10
22 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(o) ("[a]ction taken
23 against a doctor of medicine by another licensing or regulatory jurisdiction due to that
24 doctor's mental or physical inability to engage safely in the practice of medicine, his
25 medical incompetence or for unprofessional conduct as defined by that jurisdiction and

1 which corresponds directly or indirectly to an act of unprofessional conduct prescribed by
2 this paragraph. The action taken may include refusing, denying, revoking or suspending a
3 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
4 limiting restricting or monitoring a licensee by that jurisdiction or placing a licensee on
5 probation by that jurisdiction.”).

6 3. The conduct and circumstances described above in paragraphs 3 to 10
7 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(z)(“[s]exual intimacies
8 with a patient.”)

9 4. The conduct and circumstances described above in paragraphs 3 to 10
10 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(j) (“[p]rescribing,
11 dispensing or administering any controlled substance or prescription-only drug for other
12 than accepted therapeutic purposes”).

13 **ORDER**

14 **IT IS HEREBY ORDERED THAT:**

15 1. Respondent shall not practice medicine in the state of Arizona until he meets
16 with the Board and affirmatively receives the Board’s approval to do so.

17 2. Prior to submitting his request to practice medicine in Arizona, Respondent
18 must undergo any combination of staff approved physical examinations, psychiatric and/or
19 psychological evaluations. These evaluations are at the Respondent’s own expense. The
20 evaluators shall provide written confidential reports to the Board. The Board evaluators
21 and the evaluators reports are prepared solely for the benefit of the Board; and therefore
22 the Board evaluators are not treating Respondent as a patient. Respondent shall
23 authorize the release to Board staff and/or Board Evaluators, upon request, all records
24 relating to his previous medical or psychological history. The Board may use the
25 evaluators’ reports to determine Respondent’s ability to practice medicine in Arizona.

