

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3 In the Matter of

Board Case No. MD-01-0242

4
5 **MICHAEL CARLTON, M.D.**

6 Holder of License No. 21360
7 For the Practice of Medicine
8 In the State of Arizona.

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

(Letter of Reprimand and Probation)

9 This matter was considered by the Arizona Board of Medical Examiners ("Board")
10 at its public meeting on December 6, 2001. Michael Carlton, M.D., ("Respondent")
11 appeared before the Board without legal counsel for a formal interview pursuant to the
12 authority vested in the Board by A.R.S. § 32-1451(I). After due consideration of the facts
13 and law applicable to this matter, the Board voted to issue the following findings of fact,
14 conclusions of law and order.

15 **FINDINGS OF FACT**

- 16 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of allopathic medicine in the State of Arizona.
- 18 2. Respondent is the holder of License No. 21360 for the practice of medicine
19 in the State of Arizona.
- 20 3. The Board initiated case number MD-01-0242 after being informed by the
21 federal Drug Enforcement Agency ("DEA") of concerns that Respondent was prescribing
22 excessive and/or questionable amounts of controlled substances to a particular patient.
- 23 4. A Board investigator accompanied a DEA agent during an interview of
24 Respondent where it was revealed that Respondent was prescribing excessive amounts
25 of controlled substances to a 44 year old male patient ("Patient"). The Patient profile

1 ("Profile") obtained from a local pharmacy revealed excessive prescribing. Specifically,
2 the Profile revealed that during the month of August 2000 Respondent prescribed 1,000
3 doses of hydrocodone with acetaminophen for Patient.

4 5. The medical records revealed that Patient suffered from hepatitis C. In
5 response to a query from the Board, Respondent stated that prescribing 1,000 doses of
6 hydrocodone with acetaminophen was not prudent.

7 6. The Profile also revealed that in November of 2000 Patient received 1500
8 doses of hydrocodone with acetaminophen. Patient was then receiving approximately 16
9 grams of acetaminophen per day. In response to a query from the Board, Respondent
10 stated that this amount of acetaminophen being prescribed to Patient was troublesome.

11 7. Respondent testified that due to elevated liver function tests results he
12 switched Patient to oxycodone in April of 2001.

13 8. In response to the Board noting that Patient's intake of oral narcotics had
14 quadrupled during Respondent's care, Respondent stated that Patient complained of
15 chronic pain interfering with his daily activities.

16 9. Patient's records reveal that a pharmacy contacted Respondent's office and
17 voiced concern about the amount of narcotics Patient was receiving.

18 10. Respondent informed the Board that he had taken education courses in the
19 area of pain management. Respondent also informed the Board that his current practice
20 is to place all of his pain management patients on pain management contracts and to
21 keep a list of chronic medication indicating accurate notations of when refills were given
22 and the amounts of the medication.

23 11. Board staff informed the Board that Respondent had been delinquent in
24 responding to Board staff requests for information.

25

1 2. Respondent is placed on Probation for three years with the following terms
2 and conditions:

3 (a). Respondent shall within one year of the effective date of this Order, obtain
4 20 hours of Board staff pre-approved Category I Continuing Medical Education (CME) in
5 chronic pain management and 20 hours of Board staff pre-approved Category I
6 Continuing Medical Education (CME) in prescribing narcotics/scheduled drugs.
7 Respondent shall provide Board staff with satisfactory proof of attendance. The CME
8 hours shall be in addition to the hours required for biennial renewal of Respondent's
9 medical license.

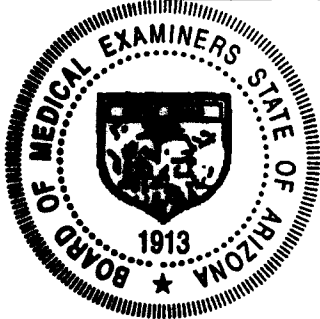
10 (b). Board staff or its agents shall conduct a chart review within 6 months of the
11 completion of the CME. Based on the chart review, the Board retains jurisdiction and
12 make take additional disciplinary or remedial action.

13 **RIGHT TO PETITION FOR REVIEW**

14 Respondent is hereby notified that he has the right to petition for a rehearing.
15 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed
16 with the Board's Executive Director within thirty (30) days after service of this Order and
17 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a
18 rehearing. Service of this order is effective five (5) days after date of mailing. If a motion
19 for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it
20 is mailed to Respondent.

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

1 DATED this 9th day of January, 2002.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

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By Claudia Foutz
CLAUDIA FOUTZ
Executive Director

ORIGINAL of the foregoing filed this
9 day of January, 2002 with:

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

Executed copy of the foregoing
mailed by U.S. Certified Mail this
9 day of January, 2002, to:

Michael Carlton
10827 South 51st Street
Suite 101
Phoenix, Arizona 85044-4309

Copy of the foregoing hand-delivered this
9 day of January, 2002, to:

Christine Cassetta
Assistant Attorney General
Sandra Waitt, Management Analyst
Lynda Mottram, Compliance Officer
Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
Arizona Board of Medical Examiners
9545 East Doubletree Ranch Road
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