BEFORE THE BOARD OF MEDICAL EXAMINERS

IN THE STATE OF ARIZONA

In the Matter of **EUGENE CHANDLER, M.D.** Holder of License No. **7454** For the Practice of Medicine In the State of Arizona.	Board Case No. MD-99-0074 Inv. No. 12535 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** (Letter of Reprimand and Probation)

This matter was considered by the Arizona Board of Medical Examiners ("Board") at its public meeting on October 11, 2001. Eugene Chandler, M.D., ("Respondent") appeared before the Board with legal counsel, Daniel Jantsch, for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(I). After due consideration of the facts and law applicable to this matter, the Board voted to issue the following findings of fact, conclusions of law and order.

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 No. 7454 for the practice of medicine in the State of Arizona.

3. The Board initiated case number MD-99-0074 upon receiving a report from the Phoenix Police Department that Respondent had been arrested.

4. On September 29, 2000, after meeting with Board staff, Respondent signed an Interim Consent Agreement for inpatient evaluation at Rush Behavioral Health in Chicago ("Rush"). Respondent underwent the inpatient evaluation at Rush on October 25, 2000.

5. The evaluators at Rush recommended that Respondent undergo an MRI and a neuropsychological examination. The evaluators also recommended that Respondent cease practicing surgery until the recommended evaluations were complete and the findings assessed.

6. Respondent refused to undergo the recommended evaluations in Chicago and returned to Arizona. On November 17, 2000, during a follow-up interview with Board staff, Respondent indicated that Rush had not informed him of the recommended examinations; that he was reluctant to undergo the examinations at his own expense; that he refused to accept the recommendation that he cease performing surgery until the evaluations were completed and that he would not sign a consent agreement to submit to the recommended evaluations if doing so would mean that he could not perform surgery.

7. On November 29, 2000, the Board received a copy of the history and physical examination performed at Rush.

8. On December 15, 2000, the Board summarily suspended Respondent's license and ordered the matter to formal hearing.

9. December 28, 2000, the Board received the results of the requested neuropsychological evaluation. On January 2, 2001, the Board received the results of the MRI. On January 14, 2001, the Board received the final report from Rush.

10. On March 2, 2001, the Board entered into an Interim Consent Agreement ("Agreement") with Respondent. The Agreement provided that Respondent accept a voluntary surrender of his license until he met with the Board and received Board approval to return to practice; that the Summary Suspension was vacated; and that Respondent undergo both a physical examination and a psychological/psychometric evaluation and provide the results to the Board by May 11, 2001.

11. Respondent failed to comply with the term of the Agreement that required he undergo a physical examination and submit the results to the Board by May 11, 2001.

12. At the formal interview before the Board, Respondent indicated that the Board ordered testing at Rush had cost him considerable money and he did not see why any testing had to be repeated. Respondent also indicated that he had retired because the building where he practiced was taken by the City of Scottsdale in an eminent domain proceeding.

CONCLUSIONS OF LAW

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

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

3. The conduct and circumstances above in paragraph 11 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r) "[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter."

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that:

1. Respondent is issued a Letter of Reprimand for failing to comply with the March 2, 2001 Agreement and Board Order that he undergo a physical examination.

2. The terms of the March 2, 2001 Agreement are vacated and Respondent may return to practice.

3. Respondent is placed on Probation for six months with the following terms and conditions:

(a). Respondent shall abstain completely from the use of alcoholic beverages and shall undergo random urine and/or breath alcohol screening at his expense.

4. The Board retains jurisdiction and if Respondent violates any term of his Probation or, if the results of the random screening indicate that Respondent has not abstained from the use of alcoholic beverages, the Board will initiate proceedings to summarily suspend Respondent's license.

RIGHT TO PETITION FOR REVIEW

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

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

DATED this 7th day of November 2001.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ
Executive Director

ORIGINAL of the foregoing filed this
7th day of November 2001 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
7th day of November, 2001, to:

Daniel Jantsch
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Executed copy of the foregoing
mailed by U.S. mail this
7th day of November, 2001, to:

Eugene Chandler
5702 East Camelback Road
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Copy of the foregoing hand-delivered this
7th day of November, 2001, to:

Christine Cassetta
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Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
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