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BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of

GARY BLASS, M.D.

Holder of License No. **22064**
For the Practice of Medicine
In the State of Arizona.

Board Case No. MD-01-0018

**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 February 6, 2002. Gary Blass, M.D., (“Respondent”) appeared before the Board with legal counsel, Paul Giancola, 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. 22064 for the practice of medicine in the State of Arizona.
3. The Board initiated case number MD-01-0018 after being contacted by pharmacies regarding Respondent’s prescribing activities. The pharmacies expressed concern that Respondent might be over-prescribing.

1 4. The Board questioned Respondent regarding his prescribing a large
2 amount of medication to Patient JM. Respondent informed the Board that he had
3 prescribed a large amount of medication because she was leaving the country to work in
4 Africa.

5 5. Respondent acknowledged that he had not documented the reason for
6 prescribing a large amount of medication to JM in her file. Respondent testified that both
7 his prescribing to JM and not documenting the reason for doing so was inappropriate.

8 6. The Board also queried Respondent regarding the allegation made by the
9 pharmacies that Respondent personally picked up the medications he prescribed to
10 certain patients. Respondent indicated that he did so only in the case of a patient who
11 was minimally ambulatory because of injuries sustained in a plane crash.

12 7. Respondent informed the Board that he no longer treats anyone he
13 considers a personal friend and that he no longer picks up medication for his patient.
14 Respondent also indicated that he is much more conservative about treating pain
15 management patients and when he encounters a chronic pain patient he refers the
16 patient to a pain management specialist.

17 8. Respondent informed the Board that in his current practice he does strictly
18 house calls and provides free medical care for patients at a drug and alcohol
19 rehabilitation facility. Respondent also indicated that he keeps detailed and accurate
20 records of his current practice.

21 9. Respondent acknowledged the inappropriateness of his prescribing to JM
22 and in general over-prescribing of narcotics and non-steroidal anti-inflammatory
23 combinations for chronic pain.

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1 10. Respondent indicated that he does not dispense from his home nor does he
2 have any drug supply, other than samples of non-controlled substances. Respondent
3 testified that he does not dispense controlled substances under any circumstances.

4 **CONCLUSIONS OF LAW**

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

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

10 3. The conduct and circumstances above in paragraphs 4, 5, 6 and 9
11 constitute unprofessional conduct pursuant to A.R.S. § § 32-1401(25)(e) "[f]ailing or
12 refusing to maintain adequate records on a patient;" and 32-1401(25)(j) "[p]rescribing,
13 dispensing or administering any controlled substance or prescription-only drug for other
14 than accepted therapeutic purposes."

15 **ORDER**

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

17 IT IS HEREBY ORDERED that:

18 1. Respondent is issued a Letter of Reprimand for the inappropriate
19 prescribing of scheduled medications and poor recordkeeping.

20 2. Respondent is placed on probation for three years with the following terms
21 and conditions:

22 a) Within one year, Respondent shall obtain 40 hours of Board staff pre-
23 approved Category I Continuing Medical Education (CME) as follows: 10 hours in
24 medical ethics, to include boundary issues; 10 hours in recordkeeping; and 20 hours in
25 chronic pain management. Respondent shall provide Board staff with satisfactory proof

1 of attendance. The CME hours shall be applied toward satisfaction of the hours required
2 for biennial renewal of Respondent's medical license.

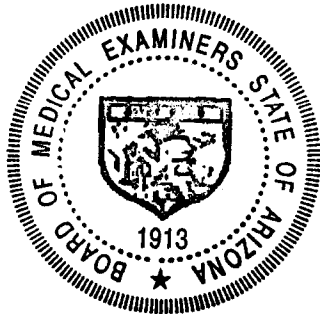
3 b) Respondent shall maintain a copy of all Schedule II and III prescription
4 medication that he orders and Respondent shall not dispense Schedule II and III drugs.

5 **RIGHT TO PETITION FOR REVIEW**

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

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

15 DATED this 10th day of April, 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
23 10th day of April, 2002 with:

24 The Arizona Board of Medical Examiners
25 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

1 Executed copy of the foregoing
2 mailed by U.S. Certified Mail this
3 10th day of APRIL, 2002 to:

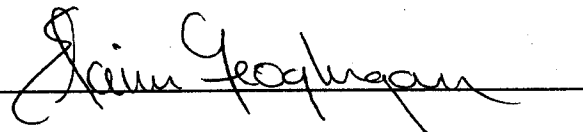
3 Paul J. Giancola
4 Snell & Wilmer LLP
5 One Arizona Center
6 400 East Van Buren
7 Phoenix, Arizona 85004-0001

6 Executed copy of the foregoing mailed this
7 10th day of APRIL, 2002, to:

8 Gary Blass, M.D.
9 6302 West Monona Drive
10 Glendale, Arizona 85308-6779

10 Copy of the foregoing hand-delivered this
11 10th day of APRIL, 2002, to:

12 Christine Cassetta
13 Assistant Attorney General
14 Sandra Waitt, Management Analyst
15 Lynda Mottram, Compliance Officer
16 Investigations (Investigation File)
17 Arizona Board of Medical Examiners
18 9545 East Doubletree Ranch Road
19 Scottsdale, Arizona 85258

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