

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **SCOTT A. WASSERMAN, M.D.**

4 Holder of License No. 23328
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-02-0830

**CONSENT AGREEMENT FOR
LICENSE REACTIVATION AND
PROBATION**

7
8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Medical Board
10 ("Board") and Scott A. Wasserman, M.D. ("Respondent") the parties agree to the
11 following disposition of this matter at the Board's public meeting on February 12 and
12 13, 2003.

13 1. Respondent acknowledges that he has read and understands this
14 Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and
15 Order. Respondent acknowledges that he understands he has the right to consult with
16 legal counsel regarding this matter and has done so or chooses not to do so.

17 2. Respondent understands that by entering into this Consent Agreement
18 for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a
19 hearing or judicial review in state or federal court on the matters alleged or to challenge
20 this Consent Agreement and the Order in its entirety as issued by the Board, and
21 waives any other cause of action related thereto or arising from said Order.

22 3. Respondent acknowledges and understands that this Consent
23 Agreement and the Order will not become effective until approved by the Board and
24 signed by its Executive Director.


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1 4. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation
3 involving the Board and Respondent. Therefore, said admissions by Respondent are
4 not intended or made for any other use, such as in the context of another state or
5 federal government regulatory agency proceeding, civil or criminal court proceeding, in
6 the State of Arizona or any other state or federal court.

7 5. Respondent acknowledges and agrees that, although said Consent
8 Agreement and Order has not yet been accepted by the Board and issued by the
9 Executive Director, Respondent may not make any modifications to the document.
10 Upon signing this agreement, and returning this document (or a copy thereof) to the
11 Board's Executive Director, Respondent may not revoke acceptance of the Consent
12 Agreement and Order. Any modifications to this Consent Agreement and Order are
13 ineffective and void unless mutually approved by the parties.

14 6. Respondent further understands that this Consent Agreement and Order,
15 once approved and signed, shall constitute a public record document that may be
16 publicly disseminated as a formal action of the Board and will be reported to the
17 National Practitioner's Data Bank and will be reported to the Arizona Medical Board's
18 website.

19 7. If any part of the Consent Agreement and Order is later declared void or
20 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
21 and effect.

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23 
24 _____
25 Scott A. Wasserman, M.D.

Dated: 1/31/03

1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of License No. 23328 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. Respondent had previously been under a Stipulated Rehabilitation
7 Agreement for substance abuse that terminated on June 15, 1997. On August 11, 2002
8 the Board placed Respondent's license on inactive status with cause because
9 Respondent relapsed in the use of chemical substances. A.R.S. § 32-1452 (F).

10 4. Respondent completed treatment at Sierra Tucson on August 21, 2002.
11 Respondent subsequently entered into a private monitoring agreement with the Board's
12 contracted addiction medicine specialists ("Specialists"). Respondent has been
13 compliant with the terms of the private monitoring agreement.

14 5. The Specialists recommend that Respondent's license be reactivated and
15 that Respondent be placed on probation requiring his participation in the Board's
16 Monitored Aftercare Program.

17 6. Based on the recommendation of the Specialists and the Board's review
18 of the investigative material, the Board finds that Respondent is physically and mentally
19 able to safely engage in the practice of medicine. A.R.S. § 32-1431(D).

20 **CONCLUSIONS OF LAW**

21 1. The Board possesses jurisdiction over the subject matter hereof and over
22 Respondent.

23 2. The Board may reactivate Respondent's license and place Respondent on
24 probation for five years with restrictions necessary to assure public safety. A.R.S. § 32-
25 1452(F).

1 ORDER

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent's license is reactivated upon payment of the renewal fee.

4 2. Respondent is placed on probation for five years with the following terms
5 and conditions:

6 a. Respondent shall submit quarterly declarations under penalty of perjury
7 on forms provided by the Board, stating whether there has been compliance with all the
8 conditions of probation. The declarations must be submitted on or before the 15th of
9 March, June, September and December of each year, beginning on or before March 15,
10 2003.

11 b. Respondent shall pay the costs associated with monitoring his probation
12 as designated by the Board each and every year of probation. Such costs may be
13 adjusted on an annual basis. Costs are payable to the Board no later than 60 days
14 after the effective date of this Order and thereafter on an annual basis. Failure to pay
15 these costs within 30 days of the due date constitutes a violation of probation.

16 c.1. **Participation.** Respondent shall promptly enroll in and participate in the
17 Monitored Aftercare Program ("MAP") for the treatment and rehabilitation of physicians
18 who are impaired by alcohol or drug abuse. Respondent shall remain in MAP for five
19 years from the effective date of this Order. Respondent's participation in MAP may be
20 unilaterally terminated with or without cause at the Board's discretion at any time after
21 the issuance of this Order.

22 2. **Group Therapy.** Respondent shall attend MAP's group therapy sessions
23 one time per week for the duration of this Order, unless excused by the MAP group
24 therapist for good cause such as illness or vacation. Respondent shall instruct the MAP
25 group therapist to release to the Board, upon its request, all records relating to his

1 treatment, and to submit monthly reports to the Board regarding attendance and
2 progress. The reports shall be submitted on or before the 10th day of each month.

3 3. **12 Step or Self-Help Group Meetings.** Respondent shall attend ninety
4 12-step meetings or other self-help group meetings appropriate for substance abuse
5 and approved by the Board, for a period of ninety days beginning not later than either
6 (a) the first day following his discharge from chemical dependency treatment or (b) the
7 date of this Order.

8 4. Following completion of the ninety meetings in ninety days, Respondent
9 shall participate in a 12-step recovery program or other self-help program appropriate
10 for substance abuse as recommended by the MAP group therapist and approved by the
11 Board. Respondent shall attend a minimum of three 12-step or other self-help program
12 meetings per week.

13 5. **Board-Approved Primary Care Physician.** Respondent shall promptly
14 obtain a primary care physician and shall submit the name of the physician to Board
15 Staff in writing for approval. The Board-approved primary care physician ("PCP") shall
16 be in charge of providing and coordinating Respondent's medical care and treatment.
17 Except in an *Emergency*, Respondent shall obtain his medical care and treatment only
18 from the PCP and from health care providers to whom the PCP refers Respondent from
19 time to time. Respondent shall request that the PCP document all referrals in the
20 medical record. Respondent shall promptly inform the PCP of his rehabilitation efforts
21 and provide a copy of this Order to that physician. Respondent shall also inform all
22 other health care providers who provide medical care or treatment that he is
23 participating in the Board's rehabilitation program.

24 6. **Medication.** Except in an *Emergency*, Respondent shall take no
25 *Medication* unless the *Medication* is prescribed by his PCP or other health care provider

1 to whom the PCP makes a referral. Respondent shall not self-prescribe any
2 *Medication*.

3 7. If a controlled substance is prescribed, dispensed, or is administered to
4 Respondent by any person other than PCP, Respondent shall notify the PCP in writing
5 within 48 hours. The notification shall contain all information required for the medication
6 log entry specified in paragraph 8. Respondent shall request that the notification be
7 made a part of the medical record. This paragraph does not authorize Respondent to
8 take any *Medication* other than in accordance with paragraph 6.

9 8. **Medication Log.** Respondent shall maintain a current legible log of all
10 *Medication* taken by or administered to him, and shall make the log available to the
11 Board and its Staff upon request. For *Medication* (other than controlled substances)
12 taken on an on-going basis, Respondent may comply with this paragraph by logging the
13 first and last administration of the *Medication* and all changes in dosage or frequency.
14 The log, at a minimum, shall include the following:

- 15 a. Name and dosage of *Medication* taken or administered;
- 16 b. Date taken or administered;
- 17 c. Name of prescribing or administering physician;
- 18 d. Reason *Medication* was prescribed or administered.

19 This paragraph does not authorize Respondent to take any *Medication* other than in
20 accordance with paragraph 6.

21 9. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or
22 any food or other substance containing poppy seeds or alcohol.

23 10. **Biological Fluid Collection.** During all times that Respondent is
24 physically present in the State of Arizona and such other times as Board Staff may
25 direct, Respondent shall promptly comply with requests from Board Staff, the MAP

1 group therapist, or the MAP director to submit to witnessed biological fluid collection. If
2 Respondent is directed to contact an automated telephone message system to
3 determine when to provide a specimen, he shall do so within the hours specified by
4 Board Staff. For the purposes of this paragraph, in the case of an in-person request,
5 "promptly comply" means "immediately". In the case of a telephonic request, "promptly
6 comply" means that, except for good cause shown, Respondent shall appear and
7 submit to specimen collection not later than two hours after telephonic notice to appear
8 is given. The Board in its sole discretion shall determine good cause.

9 11. Respondent shall provide Board Staff in writing with one telephone
10 number that shall be used to contact him on a 24 hour per day/seven day per week
11 basis to submit to biological fluid collection. For the purposes of this section, telephonic
12 notice shall be deemed given at the time a message to appear is left at the contact
13 telephone number provided by Respondent. Respondent authorizes any person or
14 organization conducting tests on the collected samples to provide testing results to the
15 Board and the MAP director.

16 12. Respondent shall cooperate with collection site personnel regarding
17 biological fluid collection. Repeated complaints from collection site personnel regarding
18 Respondent's lack of cooperation regarding collection may be grounds for termination
19 from the program.

20 13. **Payment for Services.** Respondent shall pay for all costs, including
21 personnel and contractor costs, associated with participating in the Monitored Aftercare
22 Program at time service is rendered, or within 30 days of each invoice sent to him.

23 14. **Examination.** Respondent shall submit to mental, physical, and medical
24 competency examinations at such times and under such conditions as directed by the

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1 Board to assist the Board in monitoring his ability to safely perform as a physician and
2 his compliance with the terms of this Order.

3 15. **Treatment.** Respondent shall submit to all medical, substance abuse,
4 and mental health care and treatment ordered by the Board, or recommended by the
5 MAP director.

6 16. **Obey All Laws.** Respondent shall obey all federal, state and local laws,
7 and all rules governing the practice of medicine in the State of Arizona.

8 17. **Interviews.** Respondent shall appear in person before the Board and its
9 Staff and committees for interviews upon request, upon reasonable notice.

10 18. **Address and Phone Changes, Notice.** Respondent shall immediately
11 notify the Board in writing of any change in office or home addresses and telephone
12 numbers. Respondent shall provide Board Staff at least three business days advance
13 written notice of any plans to be away from office or home for more than five
14 consecutive days. The notice shall state the reason for the intended absence from
15 home or office, and shall provide a telephone number that may be used to contact
16 Respondent.

17 19. **Relapse, Violation.** In the case of chemical dependency relapse by
18 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
19 Respondent shall promptly enter into an Interim Consent Agreement that requires,
20 among other things, that Respondent not practice medicine until such time as he
21 successfully completes an inpatient or residential treatment program for chemical
22 dependency designated by the Board or Staff and obtains affirmative approval to return
23 to the practice of medicine. Prior to approving Respondent's request to return to the
24 practice of medicine, Respondent may be required to submit to witnessed biological
25 fluid collection, undergo any combination of physical examination, psychiatric or

1 psychological evaluation and/or successfully pass the special purpose licensing
2 examination or the Board may conduct interviews for the purpose of assisting it in
3 determining the ability of Respondent to safely return to the practice of medicine. In no
4 respect shall the terms of this paragraph restrict the Board's authority to initiate and
5 take disciplinary action for violation of this Order.

6 20. **Notice Requirements.**

7 (A) Respondent shall immediately provide a copy of this Order to all
8 employers and all hospitals and free standing surgery centers a which he currently has
9 privileges. Within 30 days of the date of this Order, Respondent shall provide the Board
10 with a signed statement that he has complied with this notification requirement. Upon
11 any change in employer or upon the granting of privileges at additional hospitals and
12 free standing surgery centers, Respondent shall provide the employer, hospital or free
13 standing surgery center with a copy of this Order. Within 30 days of a change in
14 employer or upon the granting of privileges at additional hospitals and free standing
15 surgery centers, Respondent shall provide the Board with a signed statement that he
16 has complied with this notification requirement.

17 (B) Respondent is further required to notify, in writing, all employers,
18 hospitals and free standing surgery centers at which Respondent currently has or in the
19 future gains employment or privileges, of a chemical dependency relapse, use of drugs
20 or alcohol in violation of this Order and/or entry into a treatment program. Within seven
21 days of any of these events Respondent shall provide the Board written confirmation
22 that he has complied with this notification requirement.

23 (C) Respondent shall immediately submit to the Board under penalty of
24 perjury, on a form provided by the Board, the name(s) and address(es) of all employers
25 and all hospitals and free standing surgery centers at which he currently holds

1 privileges to practice. Respondent is further required to, under penalty of perjury, on a
2 form provided by the Board, immediately notify the Board of any changes in
3 employment and of any hospitals and free standing surgery centers at which he gains
4 privileges after the effective date of this Order.

5 21. **Public Record.** This Order is a public record.

6 22. **Out-of State.** In the event Respondent resides or practices as a
7 physician in a state other than Arizona, he shall participate in the rehabilitation program
8 sponsored by that state's medical licensing authority or medical society. Respondent
9 shall cause the other state's program to provide written reports to the Board regarding
10 his attendance, participation, and monitoring. The reports shall be due on or before the
11 15th day of March and September of each year, until the Board terminates this
12 requirement in writing.

13 23. This Order supersedes all previous consent agreements and stipulations
14 between the Board and Respondent.

15 24. The Board retains jurisdiction and may initiate new action based upon any
16 violation of this Order.

17 II. DEFINITIONS

18 "**Medication**" means "prescription-only drug, controlled substance, and over-the
19 counter preparation, other than plain aspirin and plain acetaminophen."

20 "**Emergency**" means "a serious accident or sudden illness that, if not treated
21 immediately, may result in a long-term medical problem or loss of life."

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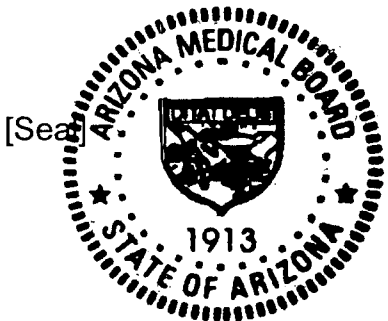
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1 3. This Order is the final disposition of case number MD-02-0830.

2 DATED AND EFFECTIVE this 12th day of February, 2003.



ARIZONA MEDICAL BOARD

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7 By *Barry Cassidy*
BARRY CASSIDY, Ph.D., P.A.-C
Executive Director

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10 ORIGINAL of the foregoing filed
this 13th day of FEBRUARY, 2003, with:

11 Arizona Medical Board
12 9545 E. Doubletree Ranch Road
13 Scottsdale, AZ 85258

14 EXECUTED COPY of the foregoing ^{DELIVERED} mailed by
Certified Mail this 13th day of FEBRUARY, 2003 to:
IN HAND

15 Scott A. Wasserman, M.D.
16 9543 East Altadena Ave.
17 Scottsdale, AZ 85260-5865

18 EXECUTED COPY of the foregoing hand-delivered
this 13th day of FEBRUARY, 2003 to:

19 Christine Cassetta, Assistant Attorney General
20 Sandra Waitt, Management Analyst
21 Arizona Medical Board
22 9545 E. Doubletree Ranch Road
23 Scottsdale, AZ 85258

John Goodman
Planning and Operations

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