

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **DEVENDRA SONI, M.D.**

5 Holder of License No. 27826
6 For the Practice of Medicine
7 In the State of Arizona.

Case No. MD-00-0612

**CONSENT AGREEMENT FOR LETTER
OF REPRIMAND AND PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Board of Medical
10 Examiners ("Board") and Devendra Soni, M.D. ("Respondent"), the parties agreed to the
11 following disposition of this matter at the Board's public meeting on December 5, 2001.

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

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

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


24 4. All admissions made by Respondent are solely for final disposition of this
25 matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended
2 or made for any other use, such as in the context of another state or federal government
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
4 any other state or federal court.


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

12 6. Respondent further understands that this Consent Agreement and Order,
13 once approved and signed, shall constitute a public record document that may be publicly
14 disseminated as a formal action of the Board.

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

18 
19 _____
Devendra Soni

Reviewed and accepted this _____
day of _____, 2001.

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21 _____
22 Lawrence Winthrop, Attorney at Law
23 (Counsel For Dr. Devendra Soni)

Reviewed and approved as to
form this 30 day of November, 2001.

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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 number 27826 for the practice of allopathic medicine in the State of Arizona.

3. Pursuant to A.R.S. § 32-1451 Boswell Memorial Hospital ("BMP"), on September 25, 2000, notified the Board of Respondent's potential statutory violation. As a result, the Board initiated case number MD-00-0612.

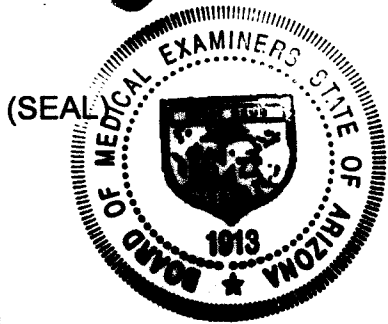
4. During several chance meetings at BMP, Respondent spoke with A.B., a certified nursing assistant employed by BMP. A.B. informed Respondent of A.B.'s abusive marital relationship, family psychiatric problems, and her depression. A.B. also informed Respondent that these stressors caused her to resume the use of cigarettes. Respondent never examined A.B.

5. Respondent alleges that he encouraged A.B., on several occasions, to seek psychiatric treatment. In the interim of A.B. seeking psychiatric care, Respondent believed that A.B.'s current depressive condition and any associated effects of her depression would benefit from the use of Wellbutrin.

6. Between March 20 and 23, 2000, Respondent placed Wellbutrin samples in a bag with detailed instructions on how the medication should be taken. Since A.B. was not present at the hospital, Respondent gave the samples to a registered nurse, with whom he was acquainted, and instructed her to give the samples to A.B. Respondent later spoke with A.B. via telephone. During the telephone conversation, Respondent informed A.B. that he left the Wellbutrin with the registered nurse and again outlined the proper procedure for taking the medication. Again, Respondent never examined A.B.

1 4. This Order is the final disposition of case number MD-00-0612.

2 DATED AND EFFECTIVE this 6th day of December, 2001.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

7 By Claudia Foutz
8 CLAUDIA FOUTZ
9 Executive Director
10 TOM ADAMS
11 Deputy Director

12 ORIGINAL of the foregoing filed this
13 6 day of December, 2001 with:

14 The Arizona Board of Medical Examiners
15 9545 E. Doubletree Ranch Road
16 Scottsdale, AZ 85258

17 EXECUTED COPY of the foregoing mailed by
18 Certified Mail this 6 day of December 2001 to:

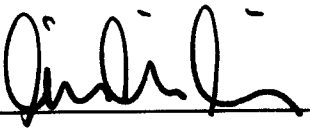
19 Lawrence Winthrop, Esq.
20 Doyle Winthrop, PC
21 3300 N. Central Ave., Ste. 1600
22 Phoenix, AZ 85012

23 EXECUTED COPY of the foregoing mailed by
24 this 6 day of December, 2001 to:

25 Devendra Soni, M.D.
14815 N. Del Webb Blvd.
Sun City, AZ 85351-2145

1 EXECUTED COPY of the foregoing
hand-delivered this 6 day of
2 December, 2001, to:

3 Christine Cassetta, Assistant Attorney General
4 Sandra Waitt, Management Analyst
5 Lynda Mottram, Compliance Officer
6 Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
c/o Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

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