

1 Accordingly, in November 2001 the Board issued a probationary license requiring
2 Respondent to participate in the Board's Monitored Aftercare Program ("MAP").

3 4. On January 31, 2002 Respondent's urine specimen tested positive for Tramadol,
4 which was not listed as a medication taken in the past 14 days when Respondent
5 completed the test request form and chain of custody. The Board sent Respondent a
6 certified letter requiring that he contact the MAP Medical Director ("Medical Director"). The
7 Medical Director informed Respondent that he was not to take Tramadol.

8 5. On February 15, 2002 Respondent wrote to the Board that his primary care
9 physician had prescribed the Tramadol. On March 31, 2002 the Board received a letter
10 from Respondent's primary care physician stating that he had informed Respondent to
11 stop taking the Tramadol because of the possibility of addiction. On March 27, 2002
12 Respondent missed his appointment to give a urine specimen. Respondent told Board
13 Staff that he had forgotten to make the phone call that would have told him he was to give
14 a specimen.

15 6. On June 22, 2002 Respondent's urine specimen tested positive for Tramadol.
16 Again, the Tramadol was not listed as a medication taken in the past 14 days when
17 Respondent completed the test request form and chain of custody. On June 28, 2002 the
18 Medical Director met with Respondent and discussed his non-compliance with the terms of
19 his probationary license. The Medical Director recommended that Respondent undergo
20 certain evaluations, meet with the MAP Diversion Committee ("Committee") at its
21 September 2002 meeting, attend 90 self-help or other assistance meetings in 90 days, and
22 write out a new Step One.

23 7. On September 12, 2002 Respondent met with the Medical Director regarding the
24 June 28 recommendations. The Medical Director determined that Respondent had made
25 progress and should attend the next Committee meeting.

1 8. On September 19, 2002 Respondent's urine screen tested positive for
2 hydrocodone. On September 26, 2002 Respondent appeared at a MAP Diversion
3 Committee meeting to discuss his compliance with the terms of his probationary license.
4 The Committee raised concerns over Respondent's use of hydrocodone. Respondent
5 denied taking the hydrocodone.

6 9. The Medical Director discussed Respondent's positive urine drug screen with
7 Southwest Laboratories and was informed that the positive test for hydrocodone was
8 probably the result of excessive use of codeine, which had been prescribed to Respondent
9 following shoulder surgery. The Medical Director requested that Respondent undergo an
10 inpatient evaluation at Sierra Tucson. Respondent did so and remained for 30 days.
11 Respondent was thereafter admitted to the Betty Ford Center for long-term inpatient
12 chemical dependency treatment.

13 10. On October 23, 2002 Respondent phoned Board Staff and stated that he had
14 relapsed and admitted himself to Sierra Tucson. Respondent asked what would happen to
15 his license. Respondent was informed that the terms of his probationary license required
16 he surrender his license and if he did not do so, the Board would summarily suspend his
17 license.

18 11. On November 18, 2002 Respondent was sent a Consent Agreement for
19 Surrender of License ("Agreement"). The Agreement was sent to Respondent at the Betty
20 Ford Center.

21 12. Respondent refused to sign the Consent Agreement. On January 14, 2003
22 Board Staff was informed that Respondent was remaining at Betty Ford.

23 13. Respondent's Consent Agreement for Probationary License provided that in the
24 event Respondent relapsed, Respondent's license would be summarily suspended, or,
25 Respondent could voluntarily request to Surrender his license.

1 14. Respondent's conduct as outlined above constitutes relapse in violation of the
2 Consent Agreement for Probationary License.

3 15. Based upon the foregoing, the Board finds that it has been presented with
4 sufficient substantial and reliable information concerning Respondent's professional
5 conduct to conclude that, pending formal administrative hearing, the public health, safety
6 and welfare imperatively requires emergency action by the Board against Respondent's
7 license to practice medicine in the State of Arizona.

8 **INTERIM CONCLUSIONS OF LAW**

9 1. The Board possesses jurisdiction over the subject matter hereof and over
10 Respondent.

11 2. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1401(24)(r) ("[v]iolating a formal order, probation, consent
13 agreement . . . entered into by the board")

14 3. Pursuant to A.R.S. § 32-1451(D), and based on the foregoing Interim Findings of
15 Fact and Conclusions of Law, the public health, safety or welfare imperatively requires
16 emergency action.

17 **ORDER**

18 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
19 above,

20 IT IS HEREBY ORDERED THAT:

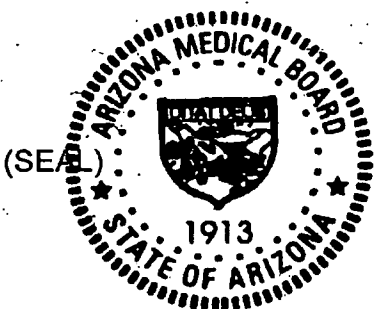
21 1. Respondent's license to practice allopathic medicine in the State of Arizona,
22 License No. 29872, is summarily suspended as of January 24, 2003, pending a formal
23 hearing before a hearing officer from the Office of Administrative Hearings.

24 2. The Interim Findings of Fact and Conclusions of Law constitute written notice
25 to Respondent of the charges of unprofessional conduct made by the Board against him.

1 Respondent is entitled to a formal hearing to defend these charges as expeditiously as
2 possible from the effective date of this order.

3 3. The Board's Executive Director is instructed to refer this matter to the Office
4 of Administrative Hearings for scheduling of an administrative hearing to be commenced
5 as soon as possible from the date of the issuance of this order, unless stipulated and
6 agreed otherwise by Respondent.

7 DATED this 29th day of JANUARY, 2003.



ARIZONA MEDICAL BOARD

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By: Barry A. Cassidy
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

13 ORIGINAL of the foregoing filed this
14 29th day of JANUARY, 2003, with:

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

18 Executed copy of the foregoing mailed by Certified
19 Mail this 29th day of JANUARY, 2003, to:

20 Paul Giancola
21 Snell & Wilmer LLP
22 400 East Van Buren
23 Phoenix, Arizona 85004-0001

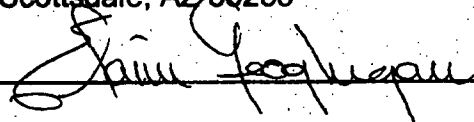
24 Executed copy of the foregoing mailed by U.S.
25 Mail this 29th day of JANUARY, 2003, to:

Richard A. Hoversten, M.D.
1709 North Trezell Road
Suite 110
Casa Grande, Arizona 85222-2734

1 Executed copy of the foregoing delivered via
2 interoffice mail this 29th day of JANUARY, 2003,
3 to:

4 Dean Brekke
5 Assistant Attorney General
6 Arizona Attorney General's Office
7 1275 West Washington
8 Phoenix, Arizona 85007

9 Christine Cassetta
10 Assistant Attorney General
11 Sandra Waitt, Management Analyst
12 Kathleen Muller, Senior Compliance Officer
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15 9545 E. Doubletree Ranch Road
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