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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Board Case No. MD-01-0477

MANUEL SUGUITAN, M.D.

Holder of License No. 8366
For the Practice of Medicine
In the State of Arizona.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

(Probation)

This matter was considered by the Arizona Medical Board ("Board") at its public meeting on August 7, 2002. Manuel Suguitan, M.D., ("Respondent") appeared before the Board with legal counsel Charles Buri for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H). 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. 8366 for the practice of medicine in the State of Arizona.
3. The Board initiated case number MD-01-0477 after receiving a complaint regarding Respondent's care and treatment of a 50 year-old male patient ("F.H."). The complaint alleged that F.H. had been seeing Respondent since late 1997 and had undergone numerous medication changes with no improvement in his psychiatric condition and that the medication prescribed by Respondent had caused multiple side effects.

1 4. A psychiatric consultant who reviewed Respondent's care of F.H. raised
2 concern regarding Respondent's failure to order laboratory tests either prior to or during
3 F.H.'s use of Lithium and found Respondent's medical records to be inadequate because
4 they were illegible, contained no rationale for prescribing Lithium or Zyprexa to F.H. and
5 did not document discussions with F.H. about the medication prescribed.

6 5. At the formal interview Respondent admitted that his records were
7 inadequate in that he failed to clearly document the rationale of some of the medications
8 that were prescribed. Respondent also added since preparing F.H.'s chart he has
9 become more conscious in documenting all the rationale in prescribing medication and
10 trying to explain it to his patients in a more understandable manner. Respondent
11 indicated that he continued to hand-write his records, but that he was making an effort to
12 print some words that used to be illegible.

13 6. When questioned regarding the allegation that he failed to order Lithium
14 levels and kidney function tests Respondent admitted that he failed to order the Lithium
15 levels and kidney function tests. Respondent admitted that the standard of care required
16 that he monitor the Lithium level and establish renal function and that failing to do so
17 involved potential harm for patients in the form of kidney and maybe thyroid dysfunction.

18 7. Respondent stated that he generally referred all physical examinations or
19 physical problems to a patient's primary care physician and he assumed all responsibility
20 for the psychiatric medications prescribed, including follow-up and appropriate laboratory
21 tests. Respondent was asked to state his rationale for using Lithium with F.H. and for not
22 monitoring the Lithium levels. Respondent stated that Lithium is used as an
23 augmentation strategy for treating depression that is resistant to treatment. Respondent
24 stated that Lithium desensitizes the nerve endings so there is an increased level of
25 Serotonin in the synapses making the prescribed anti-depressant more effective.

1 Respondent stated that he did not monitor the levels because he omitted the requirement
2 of kidney function tests and subsequently should be measuring the Lithium level and the
3 failure to do so was an omission on his part, he just overlooked it.

4 8. The standard of care required that Respondent monitor F.H.'s Lithium level
5 and establish F.H.'s renal function.

6 9. Respondent's failure to monitor F.H.'s Lithium level and establish F.H.'s
7 renal function involved potential harm to F.H.'s kidneys and possibly thyroid dysfunction.
8 This potential harm was unreasonable under the circumstances given the standard of
9 care that required monitoring of the Lithium level and testing of renal function.

10 **CONCLUSIONS OF LAW**

11 1. The Arizona Medical Board possesses jurisdiction over the subject matter
12 hereof and over Respondent.

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

16 3. The conduct and circumstances above in paragraphs 6 through 9 constitute
17 unprofessional conduct pursuant to A.R.S. § 32-1401(24)(q) "[a]ny conduct or practice
18 which is or might be harmful or dangerous to the health of the patient or the public."

19 **ORDER**

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

21 IT IS HEREBY ORDERED that:

22 1. Respondent is placed on Probation for two years with the following terms
23 and conditions:

24 (a) Respondent shall within one year of the effective date of this Order, obtain
25 20 hours of Board staff pre-approved Category I Continuing Medical Education (CME) in

1 psychiatric medication prescribing and 15 hours of Board staff pre-approved Category I
2 Continuing Medical Education (CME) in record keeping. Respondent is to provide Board
3 staff with satisfactory proof of attendance. The CME hours shall be in addition to the
4 hours required for biennial renewal of Respondent's medical license.

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

10 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

20 DATED this 3rd day of October, 2002.

22 ARIZONA MEDICAL BOARD



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

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ORIGINAL of the foregoing filed this
3rd day of OCTOBER, 2002 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Executed copy of the foregoing
mailed by U.S. Certified Mail this
3rd day of OCTOBER, 2002, to:

Charles E. Buri, Esq.
Friedl Richter & Buri, PA
6909 E. Greenway Pkwy, Suite 200
Scottsdale, AZ 85254-2131

Executed copy of the foregoing
mailed by U.S. Mail this
3rd day of OCTOBER, 2002, to:

Manuel Suguitan, M.D.
7350 E Stetson Dr Ste 206
Scottsdale AZ 85251-3438

Copy of the foregoing hand-delivered this
3rd day of OCTOBER, 2002, to:

Christine Cassetta
Assistant Attorney General
Sandra Waitt, Management Analyst
Lynda Mottram, Senior Compliance Officer
Investigations (Investigation File)
Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

