

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **JOHN HARALDSEN, M.D.**

5 Holder of License No. 9467
6 For the Practice of Medicine
7 In the State of Arizona.

Board Case No. MD-00-0504

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

(Stayed Suspension, Decree of Censure
& Probation)

8 This matter was considered by the Arizona Board of Medical Examiners ("Board")
9 at its public meeting on February 7, 2002. John Haraldsen, M.D., ("Respondent")
10 appeared before the Board with legal counsel, Tom Slutes, for a formal interview
11 pursuant to the authority vested in the Board by A.R.S. § 32-1451(I). This formal
12 interview had been continued from December 6, 2001 when the Board ordered
13 Respondent to undergo certain evaluations. After due consideration of the facts and law
14 applicable to this matter, the Board voted to issue the following findings of fact,
15 conclusions of law and order.
16

17 **FINDINGS OF FACT**

- 18 1. The Board is the duly constituted authority for the regulation and control of
19 the practice of allopathic medicine in the State of Arizona.
- 20 2. Respondent is the holder of License No. 9467 for the practice of medicine
21 in the State of Arizona.
- 22 3. The Board initiated case number MD-00-0504 pursuant to information
23 received from the federal Drug Enforcement Administration ("DEA") regarding
24 Respondent's prescribing practices. The DEA had received information from one of
25 Respondent's patients ("Patient K.L.")

1 4. K.L. had reported that Respondent initially treated him for a rash. Patient
2 K.L. claimed that Respondent offered to provide pain medication for other ailments.
3 Patient K.L. stated that Respondent never conducted a physical exam before prescribing
4 additional medications and that Patient K.L. could call Respondent's office and make
5 additional requests for pain medication. Patient K.L. also stated that after about a month
6 of taking the medications prescribed by Respondent he informed Respondent that he
7 was having trouble sleeping and Respondent then prescribed Xanax and Valium.

8 5. According to Patient K.L. Respondent prescribed Demerol, morphine
9 sulfate, and fentanyl, to be taken by injection; OxyContin; Vicodin; and Anadrol – an
10 anabolic, androgenic steroid.

11 6. In an investigational interview with Board Staff Respondent indicated that
12 he treated Patient K.L. primarily for a drug reaction and that every medication he
13 prescribed for Patient K.L. was listed in Patient K.L.'s medical records or on the billing
14 statements.

15 7. While the Board's investigation was progressing, the Board received a copy
16 of a settlement agreement ("Agreement") Respondent entered into with the United States
17 Attorney's office. Under the Agreement, Respondent was to pay a \$30,000 fine for
18 violations of the Controlled Substances Act of 1972. The violations included issuing
19 prescriptions of Demerol, Morphine, Fentanyl Citrate, Deca-Durabolin and Winstrol for a
20 non-medical purpose and not in the usual course of medical practice for Patient K.L. and
21 a second patient from April 1999 to May 2000.

22 8. The Board's Medical Consultant testified at the formal interview that in
23 reviewing Respondent's other pharmacy records it was clear that Respondent had not
24 over prescribed for other patients and that what was happening regarding Patient K.L.
25 was unique.

1 9. Respondent has surrendered his DEA certificate and currently has no
2 prescribing privileges for any scheduled substances.

3 10. Respondent testified that his conduct was wrong, that Patient K.L. had
4 taken advantage of him, and that he would never again prescribe in this manner.

5 11. Respondent's conduct involved prescribing massive amounts of controlled
6 substances and failure to properly document the prescriptions in his records.
7 Respondent also treated Patient K.L. for back pain and shoulder pain without evaluating
8 Patient K.L. for this pain. In addition, treating Patient K.L. for this type of pain was
9 outside of his expertise and training.

10 **CONCLUSIONS OF LAW**

11 1. The Board of Medical Examiners of the State of Arizona possesses
12 jurisdiction over the subject matter 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 4, 5, 7 and 12
17 constitute unprofessional conduct pursuant to A.R.S. § § 32-1401 (25)(a) "[v]iolating any
18 federal or state laws or rules and regulations applicable to the practice of medicine;" 32-
19 1401(25)(e) "[f]ailing or refusing to maintain adequate records on a patient;" 32-
20 1401(25)(j) "[p]rescribing, dispensing or administering schedule II controlled substances
21 as defined in section 36-2513 . . . or the non-therapeutic use of injectable
22 amphetamines;" 32-1401(25)(q) "[a]ny conduct or practice which is or might be harmful or
23 dangerous to the health of the patient or the public;" 32-1401(25)(hh) "[p]rescribing,
24 dispensing or administering anabolic-androgenic steroids to a person for other than
25 therapeutic purposes;" and 32-1401(25)(ss) "[p]rescribing, dispensing or furnishing a

1 prescription medication or a prescription only device as defined in section 32-1901 to a
2 person unless the licensee first conducts a physical examination of that person or has a
3 previously established doctor-patient relationship”

4 **ORDER**

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

6 IT IS HEREBY ORDERED that:

7 1. Respondent is issued a Decree of Censure and Respondent is Suspended
8 for a period of 12 months. However, the suspension is stayed.

9 2. Respondent is placed on Probation for five years. Upon any violation of a
10 probationary term, after giving notice and an opportunity to be heard, the Board shall
11 suspend Respondent's license for the period stated above, minus the 75 days
12 Respondent was not practicing pursuant to an interim Consent Agreement entered in this
13 case. If an investigation involving alleged violation of probation is initiated, but not
14 resolved prior to the termination of the probation, the Board will have continuing
15 jurisdiction and the period of probation shall extend until the matter is final. The terms
16 and conditions of Respondent's probation are as follows:

17 (a). Respondent shall not prescribe Schedule II and III drugs. At the end of two
18 years, if Respondent has regained his DEA privileges, has satisfactorily complied with (b)
19 and has demonstrated to the Board that he can safely prescribe controlled substances,
20 Respondent may apply to the Board for permission to prescribe Schedule II and III drugs.

21 (b). Respondent shall within one year of the effective date of this Order, obtain
22 40 hours of Board staff pre-approved Category I Continuing Medical Education (CME) in
23 chemical dependency and the management of pain medication. Respondent shall
24 provide Board staff with satisfactory proof of attendance. The CME hours shall be in
25 addition to the hours required for biennial renewal of Respondent's medical license.

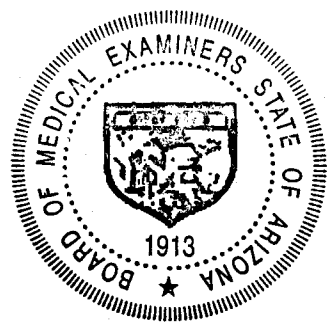
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RIGHT TO PETITION FOR REVIEW

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

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

DATED this 5th day of June, 2002.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ
Executive Director

ORIGINAL of the foregoing filed this 6th day of June, 2002 with:

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

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Executed copy of the foregoing
mailed by U.S. Certified Mail this
6th day of June, 2002, to:

Tom Slutes
Slutes Sakrison & Hill PC
33 North Stone Avenue
Suite 1000
Tucson, Arizona 85701-1489

Executed copy of the foregoing mailed
By U.S. Mail this
6th day of June, 2002, to:

John Haraldsen, M.D.
5577 North Oracle Road
Suite 103
Tucson, Arizona 85704-3821

Copy of the foregoing hand-delivered this
6th day of June, 2002, to:

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

