



## Arizona Medical Board

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October 21, 2010

Paul Giancola  
Snell & Wilmer, LLP  
400 E. Van Buren  
Phoenix, AZ 85004-2202

**RE: Timothy J. Gelety, M.D.**  
**Case # MD-10-0324A**

Dear Mr. Giancola:

The purpose of this letter is to inform you that during the course of the October 13, 2010, public meeting, the Arizona Medical Board (Board) reviewed the above-referenced complaint and all pertinent evidence and information gathered during the investigation. At the conclusion of its review, the Board voted to issue Dr. Gelety this Advisory Letter for inadequate medical recordkeeping, poor communication and related ethics issues, and a Non-disciplinary CME Order requiring the physician to obtain a total of 15 hours of Board staff pre-approved Category I CME in medical recordkeeping, communication and related ethics within six months. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure. There is insufficient evidence to support discipline.

An advisory letter is a non-disciplinary action, and is not subject to review by either the Board or the Courts. See *Murphy v. Board of Medical Examiners of the State of Arizona*, 190 Ariz. 441, 949 P.2d 530 (App. 1997). However, the licensee may file a written response to the letter with the Board within thirty days after its receipt A.R.S. § 32-1451(E)(3). Please be aware that Board staff will only post a narrative response by the licensee or the licensee's legal representative on the Board's website. Accordingly, please do not include medical records or third party opinions as part of your response. Also, please remember that your client is responsible for maintaining the confidentiality of the patient's identity. Finally, Board staff requests that the response not disclose the name of the medical consultant who reviewed the case or the name of any other healthcare provider associated with the matter in question.

If timely received, the response will be attached to the advisory letter and maintained in the licensee's permanent file. The written response will also be hyperlinked to the licensee's profile on the agency's website.

Sincerely,

*Amanda Schwabe*

Amanda Schwabe  
Board Coordinator

E-mail: [boardcoordinator@azmd.gov](mailto:boardcoordinator@azmd.gov)

Ph: (480) 551-2712

Fx: (480) 551-2705

cc: Permanent File

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of  
3 **TIMOTHY J. GELETY, M.D.**  
4 Holder of License No. **21851**  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**Case No. MD-10-0324A**  
**ORDER FOR CONTINUING MEDICAL**  
**EDUCATION**  
**(NON-DISCIPLINARY)**

7  
8 At its public meeting on October 13, 2010, the Arizona Medical Board ("Board") voted to  
9 issue Timothy J. Gelety, M.D. ("Physician") a non-disciplinary Continuing Medical Education (CME)  
10 Order for inadequate medical recordkeeping, poor communication and related ethics issues in  
11 violation of A.R.S. §§ 32-1401(27)(a) and (e). The Board ordered Physician to obtain a total of 15  
12 hours of Board staff pre-approved Category I CME in medical recordkeeping, communication and  
13 related ethics within six months pursuant to A.R.S. §32-1451(E)(2). The CME hours shall be in  
14 addition to the hours required for the biennial renewal of medical licensure. This matter does not  
15 rise to the level of discipline.

16 **ORDER**

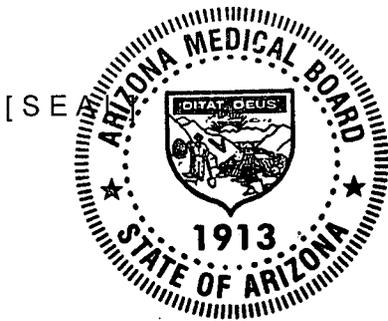
17 IT IS HEREBY ORDERED that Physician shall, within six months, obtain 15 hours of Board  
18 staff pre-approved Category I CME in medical recordkeeping, communication and related ethics  
19 pursuant to A.R.S. §32-1451(E)(2) and provide Board Staff with satisfactory proof of attendance.  
20 The CME hours shall be in addition to the hours required for biennial renewal of his medical  
21 license. Respondent's failure to complete the CME will subject him to future disciplinary action by  
22 the Board. A.R.S. § 32-1401(27)(r).

23 **RIGHT TO APPEAL**

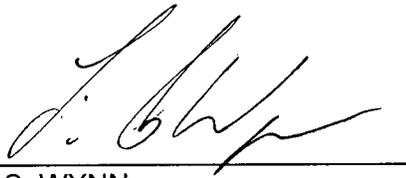
24 **NOTICE IS HEREBY GIVEN** that, pursuant to A.R.S. § 41-1092.03, any person aggrieved by this  
25 decision may apply to the Board, in writing, within thirty (30) days of receipt and request a public

1 hearing with respect to this order. You may request a hearing by filing a notice of appeal. The  
2 notice of appeal must be filed with the Board's Executive Director, and should include your name,  
3 address, the action being appealed, and a concise statement of the reasons for the appeal. If you  
4 request a public hearing, the hearing will be scheduled within sixty (60) days of receipt of your  
5 request. If you request a public hearing, you also have the right to request an informal settlement  
6 conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than  
7 twenty (20) days before the scheduled hearing. The conference will be held within fifteen (15) days  
8 after receipt of your request. Please note that you waive any right to object to the participation of  
9 the Board's representative in the final administrative decision of the matter if it is not settled at the  
10 conference.

11 DATED this 21<sup>ST</sup> day of October, 2010.



ARIZONA MEDICAL BOARD

14 By   
15 LISA S. WYNN  
16 Executive Director

17

18 **ORIGINAL** of the foregoing filed this  
21<sup>ST</sup> day of October, 2010 with:

19 Arizona Medical Board  
20 9545 East Doubletree Ranch Road  
21 Scottsdale, Arizona 85258

22 **EXECUTED COPY** of the foregoing  
23 Mailed by US Mail this 21<sup>ST</sup> day October 2010 to:

24 Paul Giancola  
25 Snell & Wilmer, LLP  
One Arizona Center  
400 E. Van Buren  
Phoenix, AZ 850044-2202