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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

GRANT FANKHAUSER, M.D.

Holder of License No. **37503**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-11-1480A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION AND CONSENT TO
THE SAME**

CONSENT AGREEMENT

Grant Fankhauser, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

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. 37503 for the practice of allopathic medicine in the State of Arizona.
3. On August 5, 2009, Respondent entered into a Consent Agreement for Letter of Reprimand and Probation in which he agreed to enroll and participate in the Board's Physician Health Program (PHP) for the treatment and rehabilitation of physicians who are impaired by alcohol or drug abuse (formerly known as the Monitored Aftercare Program or MAP) for a period of five years. Pursuant to that agreement, Respondent agreed to submit to random drug and alcohol screening tests administered by the Board's PHP Monitor.

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 A. Respondent is issued a letter of Reprimand.

4 B. Respondent is placed on probation for **five years** with the following terms
5 and conditions:

6 1. **Participation.**¹ Respondent shall promptly enroll in and participate in the
7 Board's Physician Health Program (PHP) monitoring service which is administered by a
8 private contractor. ("Monitor").

9 2. **Relapse Prevention Group.** Respondent shall attend the Monitor's
10 relapse prevention group therapy sessions one time per week for the duration of this
11 Order, unless excused by the relapse prevention group facilitator for good cause.
12 Individual relapse therapy may be substituted for one or more of the group therapy
13 sessions, if Monitor pre-approves substitution. The relapse prevention group facilitators
14 or individual relapse prevention therapist shall submit monthly reports to the Monitor
15 regarding attendance and progress.

16 3. **12 Step or Self-Help Group Meetings.** If applicable, Respondent shall
17 attend ninety 12-step meetings or other self-help group meetings appropriate for
18 substance abuse and approved by the Monitor, for a period of ninety days. Upon
19 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-
20 step recovery program or other self-help program appropriate for substance abuse as
21 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
22 other self-help program meetings per week. Two meetings per month must be Caduceus
23 meetings. Respondent must maintain a log of all self-help meetings.

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¹ Respondent's PHP participation is retroactive to February 27, 2012.

1 4. **Approved Primary Care Physician.** Respondent shall promptly obtain a
2 primary care physician and shall submit the name of the physician to the Monitor in
3 writing for approval. The approved primary care physician ("PCP") shall be in charge of
4 providing and coordinating Respondent's medical care and treatment. Except in an
5 *Emergency*, Respondent shall obtain medical care and treatment only from the PCP and
6 from health care providers to whom the PCP refers Respondent. Respondent shall
7 promptly provide a copy of this Order to the PCP. Respondent shall also inform all other
8 health care providers who provide medical care or treatment that Respondent is
9 participating in PHP. "*Emergency*" means a serious accident or sudden illness that, if not
10 treated immediately, may result in a long-term medical problem or loss of life.

11 5. **Medication.** Except in an *Emergency*, Respondent shall take no
12 *Medication* unless the PCP or other health care provider to whom the PCP refers
13 Respondent prescribes the *Medication*. Respondent shall not self-prescribe any
14 *Medication*. "*Medication*" means a prescription-only drug, controlled substance, and
15 over-the counter preparation, other than plain aspirin, plain ibuprofen, and plain
16 acetaminophen. If a controlled substance is prescribed, dispensed, or administered to
17 Respondent by any person other than PCP, Respondent shall notify the PCP in writing
18 within 48 hours and notify the Monitor immediately.

19 6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any
20 food, or other substance containing poppy seeds or alcohol.

21 7. **Biological Fluid Collection.** Respondent shall provide the Monitor in
22 writing with one telephone number that shall be used to contact Respondent on a 24 hour
23 per day/seven day per week basis to submit to biological fluid collection. For the
24 purposes of this section, telephonic notice shall be deemed given at the time a message
25 to appear is left at the contact telephone number provided by Respondent. Respondent.

1 authorizes any person or organization conducting tests on the collected samples to
2 provide testing results to the Monitor. Respondent shall comply with all requirements for
3 biological fluid collection.

4 8. **Out of State Travel and/or Unavailability at Home/Office Telephone**
5 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
6 out of state.

7 9. **Payment for Services.** Respondent shall pay for all costs, including
8 Monitor costs associated with participating in PHP at the time service is rendered, or
9 within 30 days of each invoice sent to the Respondent. An initial deposit of two months
10 monitoring fees is due upon entering the program. Failure to pay either the initial
11 monitoring deposit or monthly fees 60 days after invoicing will be reported to the Board
12 by the contractor and may result in disciplinary action up to and including revocation.

13 10. **Interviews.** Respondent shall appear in person before the Monitor for
14 interviews upon request, upon reasonable notice.

15 11. **Address and Phone Changes, Notice.** Respondent shall immediately
16 notify the Monitor in writing of any change in office or home addresses and telephone
17 numbers.

18 12. **Relapse, Violation**

19 In the event of chemical dependency relapse by Respondent or Respondent's use
20 of drugs or alcohol in violation of the Order, Respondent's license shall be **summarily**
21 **suspended pending a hearing for revocation.** In the alternative, Respondent may
22 **SURRENDER HIS LICENSE** if he agrees in writing to being impaired by alcohol or drug
23 abuse. A.R.S. § 32-1452(G).

24 13. **Notice Requirements.** Respondent shall immediately provide a copy of
25 this Order to all current and future employers and all hospitals and free standing surgery.

1 centers where Respondent has privileges. Within 30 days of the date of this Order,
2 Respondent shall provide the Monitor with a signed statement of compliance with this
3 notification requirement. Respondent is further required to notify, in writing, all
4 employers, hospitals and free standing surgery centers where Respondent currently has
5 or in the future gains employment or privileges, of a chemical dependency relapse.

6 14. **Out-of-State.** In the event Respondent resides or practices as a physician
7 in a state other than Arizona, Respondent shall participate in the rehabilitation program
8 sponsored by that state's medical licensing authority or medical society. Respondent
9 shall cause the monitoring state's program to provide written quarterly reports to the
10 Monitor regarding Respondent's attendance, participation, and monitoring. The
11 monitoring state's program and Respondent shall immediately notify the Monitor if
12 Respondent: a) is non-compliant with any aspect of the monitoring requirements; b)
13 relapses; c) tests positive for controlled substances; d) has low specific gravity urine drug
14 test(s), missed and/or late urine drug tests, or otherwise rejected urine drug tests; and e)
15 is required to undergo any additional treatment.

16 15. This Order supersedes all previous consent agreements and stipulations
17 between the Board and/or the Executive Director and Respondent.

18 16. The Board retains jurisdiction and may initiate new action based upon any
19 violation of this Order.

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21 DATED AND EFFECTIVE this 7th day of June, 2012.

22 ARIZONA MEDICAL BOARD

23 (SEAL)

24 By [Signature]
25 Lisa S. Wynn
Executive Director

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2 **CONSENT TO ENTRY OF ORDER**

3 1. Respondent has read and understands this Order for Letter of Reprimand
4 and Probation and Consent to Same and the stipulated Findings of Fact, Conclusions of
5 Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal
6 counsel regarding this matter.

7 2. Respondent acknowledges and agrees that this Order is entered into freely
8 and voluntarily and that no promise was made or coercion used to induce such entry.

9 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
10 to a hearing or judicial review in state or federal court on the matters alleged, or to
11 challenge this Order in its entirety as issued by the Board, and waives any other cause of
12 action related thereto or arising from said Order.

13 4. The Order is not effective until approved signed by its Executive Director.

14 5. All admissions made by Respondent are solely for final disposition of this
15 matter and any subsequent related administrative proceedings or civil litigation involving
16 the Board and Respondent. Therefore, said admissions by Respondent are not intended
17 or made for any other use, such as in the context of another state or federal government
18 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
19 any other state or federal court.

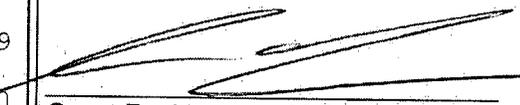
20 6. Upon signing this agreement, and returning this document (or a copy
21 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
22 entry of the Order. Respondent may not make any modifications to the document. Any
23 modifications to this original document are ineffective and void unless mutually approved
24 by the parties.

25 7. This Order is a public record that will be publicly disseminated as a formal

1 action of the Board.

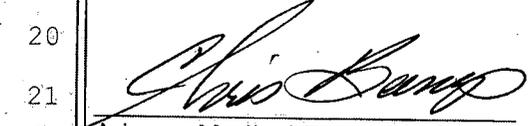
2 8. If any part of the Order is later declared void or otherwise unenforceable,
3 the remainder of the Order in its entirety shall remain in force and effect.

4 9. Any violation of this Order constitutes unprofessional conduct and may
5 result in disciplinary action. A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter") and 32-1451.

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10  DATED: 5/16/12
11 Grant Fankhauser, M.D.

12 EXECUTED COPY of the foregoing mailed
13 this 10th day of June, 2012 to:
14 Grant Fankhauser, M.D.
15 Address of Record

16 ORIGINAL of the foregoing filed
17 this 10th day of June, 2012 with:
18 Arizona Medical Board
19 9545 E. Doubletree Ranch Road
20 Scottsdale, AZ 85258

21 
22 Arizona Medical Board Staff

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