

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No.14A-35035-MDX

3 **JOSEPH FRANCIS PIAZZA, M.D.,**

4 Holder of License No. 35035
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
(Revocation)**

7 On February 4, 2015, this matter came before the Arizona Medical Board ("Board")
8 for consideration of the Administrative Law Judge (ALJ) Diane Mihalsky's proposed
9 Findings of Fact, Conclusions of Law and Recommended Order. Joseph Francis Piazza,
10 M.D., ("Respondent") did not appear before the Board; Assistant Attorney General Anne
11 Froedge, represented the State. Christopher Munns with the Solicitor General's Section
12 of the Attorney General's Office, was available to provide independent legal advice to the
Board.

13 The Board, having considered the ALJ's decision and the entire record in this
14 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

15 **FINDINGS OF FACT**

- 16 1. The Board referred Respondent's request for a hearing on the Board's summary
17 suspension of his License No. 35035 to the Office of Administrative Hearings ("OAH"), an
18 independent state agency, for an evidentiary hearing.
- 19 2. On or about October 17, 2014, the Board issued a Complaint and Notice of
20 Hearing in this matter, setting a hearing on January 6, 2015, in the OAH. The Complaint
21 and Notice of Hearing alleged facts and cited law to support the summary suspension
22 and/or additional discipline. The Board mailed a copy of the Complaint and Notice of
Hearing to Respondent at his address of record.
- 23 3. A hearing was held on January 6, 2015. The Board presented the testimony of
24 RaeAnne Blaski, the investigator assigned to the matter, and submitted seven exhibits to
25 establish the facts set forth in the Complaint and Notice of Hearing. (see attached
Complaint and Notice of Hearing).

1 4. In addition to authenticating the Board's exhibits, Ms. Blaski testified that the
2 Board had received the certified mail receipt that was signed by Respondent for the
3 Complaint and Notice of Hearing.

4 5. Respondent did not request to appear telephonically at the hearing. Although the
5 start of the duly noticed hearing was delayed twenty minutes to allow Respondent
6 additional travel time, Respondent did not appear, personally, telephonically, or through
7 an attorney, and did not contact the OAH to request that the start of the hearing be
8 further delayed. Consequently, Respondent did not present any evidence to defend his
9 license.

CONCLUSIONS OF LAW

9 1. The Board has jurisdiction over this matter.¹

10 2. The Complaint and Notice of Hearing that the Board mailed to Respondent at his
11 address of record was reasonable and he is deemed to have received notice of the
12 hearing.²

13 3. The Board bears the burden of proof to establish cause to discipline Respondent's
14 license to practice allopathic medicine in the State of Arizona.³ The standard of proof is by
15 clear and convincing evidence.⁴

16 4. The Board established that the public health safety or welfare imperatively required
17 emergency action pursuant to A.R.S. § 32-1451(D) when it summarily restricted
18 Respondent's license to practice allopathic medicine in the State of Arizona.

19 5. The Board also established by clear and convincing evidence that Respondent
20 committed unprofessional conduct as defined by A.R.S. § 32-1401(27)(d) and (o). In light
21 of the Board's duty to protect the public from unprofessional practitioners of allopathic
22 medicine and the absence of any mitigating factors,⁵ revocation of Respondent's license
23 is appropriate.⁶

24 ¹ See A.R.S. § 32-1403(A)(2) and (5).

25 ² See A.R.S. §§ 41-1092.04; 41-1092.05(D).

³ See A.R.S. § 41-1092.07(G)(2).

⁴ See A.R.S. § 32-1451.04.

⁵ See A.R.S. § 32-1403(A)(5).

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ORDER

Based on the foregoing, License No. 35035 for the Practice of Allopathic Medicine previously issued to Joseph Francis Piazza, M.D. shall be revoked.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review 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 or review is required to preserve any rights of appeal to the Superior Court.

DATED this 5th day of February, 2015.

THE ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Interim Acting Executive Director

ORIGINAL of the foregoing filed this 5th day of February, 2015 with:

⁶ See A.R.S. § 32-1451(M).

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

COPY of the foregoing filed this
5th day of February, 2014⁵ with:

~~Greg Hanchett,~~
Cliff J. Vanell, Director
Office of Administrative Hearings
1400 W. Washington, Ste 101
Phoenix, AZ 85007

Executed copy of the foregoing
mailed by U.S. Mail this
5th day of February, 2014⁵ to:

Joseph Francis Piazza, M.D.
Address of Record

Anne Froedge
Assistant Attorney General
Office of the Attorney General
CIV/LES
1275 W. Washington
Phoenix, AZ 85007

Mary Barber
4292722

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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
JOSEPH FRANCIS PIAZZA, M.D.

Holder of License No. 35035
For the Practice of Medicine
In the State of Arizona.

14A-35035-MDX
Case No. MD-14-0974A

**COMPLAINT AND
NOTICE OF HEARING**

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JURISDICTION

1. This Complaint and Notice of Hearing are prepared, and these proceedings are instituted, under A.R.S. §§ 32-1451 and 41-1092, et seq.

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PARTIES

2. The Arizona Medical Board ("Board") is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

3. Joseph Francis Piazza, M.D. ("Respondent") is the holder of License No. 35035 for the practice of allopathic medicine in the State of Arizona.

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FACTUAL ALLEGATIONS

4. On October 16, 2013, the Florida Board of Medicine accepted Respondent's voluntary relinquishment of his medical license. As part of his relinquishment, Respondent agreed to immediately cease practicing medicine in Florida and to never reapply for licensure in the future.

5. Prior to Respondent's relinquishment of his Florida license, the Florida Department of Health obtained the medical records of six patients who were treated by Respondent. The Florida Department of Health alleged that Respondent "prescribed controlled substances to these patients in inappropriate amounts or combinations without justification." In all six cases, it was alleged that Respondent did not obtain and adequately document medical histories; perform and adequately document physical

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1 examinations; refer the patients to a pain management specialist for evaluation and
2 treatment; prescribed potentially lethal amounts of short acting oxycodone; did not provide
3 or implement treatment modalities other than prescribing controlled substances; and did
4 not accurately and completely document the justification for his course of treatment.

5 6. On September 9, 2013, Respondent was convicted, pursuant to a guilty plea,
6 to one count of violating 18 U.S. § 371, Conspiring to Commit an Offense against the
7 United States. Respondent was sentenced to prison for a term of 60 months and forfeited
8 \$250,000.00.

9 7. On November 1, 2013, the Virginia Medical Board suspended Respondent's
10 license based on the action taken by the Florida Board of Medicine.

11 8. On June 25, 2014, the Alabama Medical Board revoked Respondent's
12 license based on the action taken by the Florida Board of Medicine.

13 **ALLEGATIONS OF UNPROFESSIONAL CONDUCT**

14 1. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

16 2. Respondent's conduct constitutes a violation of A.R.S. § 32-1401(27)(d)
17 ("Committing a felony, whether or not involving moral turpitude, or a misdemeanor
18 involving moral turpitude. In either case, conviction by any court of competent jurisdiction
19 or a plea of no contest is conclusive evidence of the commission.").

20 3. Respondent's conduct constitutes a violation of A.R.S. § 32-1401(27)(o)
21 ("[A]ction that is taken against a doctor of medicine by another licensing or regulatory
22 jurisdiction due to that doctor's mental or physical inability to engage safely in the practice
23 of medicine, the doctor's medical incompetence or for unprofessional conduct as defined
24 by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional
25 conduct prescribed by this paragraph. The action taken may include refusing, denying,

1 revoking or suspending a license by that jurisdiction or a surrendering of a license to that
2 jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or
3 placing a licensee on probation by that jurisdiction.").

4 4. The public health safety or welfare imperatively required emergency action,
5 pursuant to A.R.S. §32-1451(D), when the Arizona Medical Board summarily restricted
6 Respondent's license to practice allopathic medicine in the State of Arizona.

7 **NOTICE OF HEARING**

8 YOU ARE HEREBY NOTIFIED that a Formal Hearing on the Summary Practice
9 Restriction concerning License No. 35035, particulars set forth in the foregoing Complaint,
10 will be held before **Administrative Law Judge Diane Mihalsky on Tuesday, January 6,**
11 **2015, commencing at 8:00 a.m., at the Office of Administrative Hearings located at**
12 **1400 W. Washington Street, Suite 101, Phoenix, Arizona,** and continuing on successive
13 days until concluded concerning the matters set forth in this Complaint and Notice of
14 Hearing, at which time and place, evidence, testimony and argument in support of the
15 charge set forth in the Complaint will be presented. A transcript of the hearing, together
16 with a written report of the findings, conclusions and recommended decision of the
17 Administrative Law Judge, will be submitted to the Board for its consideration and
18 determination of this matter. If the Board finds that your conduct constitutes
19 unprofessional conduct or that you are mentally or physically unable to safely practice
20 medicine, you shall be subject to censure, probation, suspension or revocation of your
21 license, or any combination thereof, for such time, including permanently, and under such
22 conditions as the Board deems appropriate and just, as provided in A.R.S. § 32-1451.

23 Within twenty (20) days of service of this Complaint and Notice of Hearing upon
24 you, you are requested to file with the Board and the State's attorney a written Answer to
25 the Complaint. Your Answer should contain specific admission or denials of the

1 allegations of the Complaint, and may contain concise factual allegations, which you
2 contend constitute a ground or grounds for defense.

3 If you desire to make a defense to the charges at the hearing, you may appear at
4 the hearing in person, may be represented by legal counsel, and may at that time cross-
5 examine the witnesses against you and present testimony of witnesses, evidence and
6 argument in your own behalf. If you desire to waive hearing on the Complaint and not
7 contest the facts therein alleged, you may file an Answer consisting of a declaration that
8 the material allegations of the Complaint are admitted.

9 Pursuant to A.R.S. § 32-3206, you have the right to request a copy of the following
10 information from the Board:

- 11 1. Any review conducted by an expert or consultant providing an evaluation of
12 or opinion on the allegations.
- 13 2. Any records on the patient obtained by the board from other health care
14 providers.
- 15 3. The results of any evaluations or tests of the health professional conducted
16 at the board's direction.
- 17 4. Any other factual information that the board will use in making its
18 determination.

19 Please be advised that if you obtain the above-referenced information from the board, you
20 may not release it to any other person or entity or use it in any proceeding or action except
21 the administrative proceeding or appeals related to the administrative proceeding.
22 Violation of this restriction constitutes an act of unprofessional conduct under A.R.S. § 32-
23 3206(B).

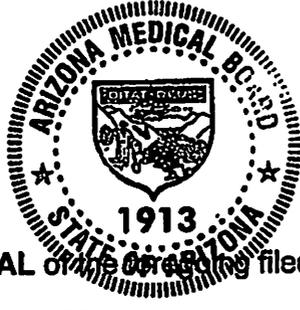
24 Pursuant to A.R.S. § 41-1092.06, you have the right to request an informal
25 settlement conference by filing a written request with the Board no later than twenty (20)

1 days before the scheduled hearing. The conference will be held within fifteen (15) days
2 after receipt of your request. Please note that you waive any right to object to the
3 participation of the Board's representative in the final administrative decision of the matter
4 if it is not settled at the conference.

5 DATED this 17th day of October, 2014.

6 ARIZONA MEDICAL BOARD

7 (SEAL)



8 By:

9 *Patricia E. McSorley*
Patricia E. McSorley
Interim Acting Executive Director

10 ORIGINAL of the foregoing filed this 17th day of October, 2014 with:

11 ARIZONA MEDICAL BOARD
12 9545 E. Doubletree Ranch Road
13 Scottsdale, AZ 85258

14 EXECUTED COPY of the foregoing sent by Certified Mail no.
this 17th day of October, 2014 to:

15 Joseph Francis Piazza, M.D.
16 (Address of Record)
17 Respondent

18 EXECUTED COPIES of the foregoing emailed this 17th day of October, 2014 to:

19 Cliff J. Vanell, Director
20 Office of Administrative Hearings
1400 W. Washington Street, Suite 101
Phoenix, Arizona 85007
oahnoticesofhearing@azoah.com

21 COPIES of the foregoing mailed
22 this 17th day of October 2014 to:

23 Sarah E. Selzer
24 Assistant Attorney General
1275 W. Washington, CIV/LES
Phoenix, AZ 85007
25 Attorneys for the State of Arizona

1 Courtesy copy to:
2 OTTMAR & ASSOC.
3 Court Reporters

4 MaunBler
5 Arizona Medical Board Staff
6 SS:ss — #4175794.1
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