

1 a prescription or order to dispense. Registered nurses were performing elective cosmetic
2 procedures that used laser and intense pulse light, which were performed independently of
3 any supervision by Respondent throughout the entire business existence of the laser clinic
4 in Fresno. There was no evidence of meaningful oversight by Respondent during
5 treatments of patients, and one patient ended up sustaining burns.

6 5. On May 19, 2010, a Fourth Amended Accusation ("Accusation") was filed
7 alleging 17 causes for discipline that contained 166 individual allegations. The 17 causes
8 for discipline included failing to adequately oversee and supervise the clinics; employing
9 individuals who lacked experience and training in laser hair removal and IPL treatments to
10 supervise nurses performing the treatments in the clinics; and granting approval and
11 permission for nurses to treat in the clinics without any reasonable personal knowledge of
12 the approved nurses' skills, training, qualifications or experience. In addition, the
13 Accusation alleged that Respondent allowed nurses to treat patients without an adequate
14 patient medical history, physical exam and individualized assessment and treatment plan.

15 6. The California Board found that Respondent deviated from the standard of
16 care and was grossly negligent in his role as medical director. It further found that he aided
17 and abetted the unlicensed practice of medicine, and engaged in the unlawful corporate
18 practice of medicine.

19 7. Respondent's relation to the four California clinics and a clinic located in
20 Scottsdale, Arizona was as a paid Medical Director and not that of an owner. Once
21 California's position on how the clinics needed to be operated became clear to
22 Respondent in late 2007, he took steps to disassociate himself from the clinics in order to
23 avoid any further problems and terminated his relationship with the clinics in February
24 2008.

1 8. California's decision for revocation was ordered on January 27, 2012 and
2 became effective February 24, 2012. Respondent has sought judicial review of the action.
3 Respondent was subsequently summarily suspended by the Washington Medical Board
4 based on the California Board's action.

5 9. Respondent met with Board staff for an investigational interview. He told staff
6 that he was the Medical Director for Advances Laser Clinics in Arizona from 2003-2005.
7 The individuals performing the procedures were laser techs rather than registered nurses.
8 According to Respondent, there were generally two techs at a time in the facility that were
9 in the office by themselves and they saw 6-8 patients per day.

10 10. Respondent stated that he founded Sono Bello in 2008, and there are
11 currently 12 locations in 9 states, although he has no ownership of the California clinic
12 sites. Respondent was very forthcoming during the interview regarding all of the
13 procedures in place at Sono Bello to prevent patient incidents and eliminate the practices
14 that led to the California Board action. According to Respondent, Sono Bello has
15 performed over 18,000 surgeries and there have been two deaths, the first involving
16 lidocaine toxicity and the second involved a 66 year-old patient who suffered an asystolic
17 arrest the evening after the procedure with a post-mortem evaluation that revealed an
18 unknown heart problem.

19 **CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over
21 Respondent.

22 2. The conduct and circumstances described above constitute unprofessional
23 conduct pursuant to A.R.S. § 32-1401(27)(o) ("[Action that is taken against a doctor of
24 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
25 physical inability to engage safely in the practice of medicine, the doctor's medical

1 incompetence or for unprofessional conduct as defined by that jurisdiction and that
2 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
3 paragraph. The action taken may include refusing, denying, revoking or suspending a
4 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
5 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
6 probation by that jurisdiction.”).

7 **ORDER**

8 IT IS HEREBY ORDERED THAT Respondent is issued a Decree of Censure.

9
10 DATED AND EFFECTIVE this 2nd day of August, 2012.

11
12 ARIZONA MEDICAL BOARD

13 By 
14 Lisa S. Wynn
15 Executive Director

16 **CONSENT TO ENTRY OF ORDER**

17 1. Respondent has read and understands this Consent Agreement and the
18 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
19 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

1 4. The Order is not effective until approved by the Board and signed by its
2 Executive Director.

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

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

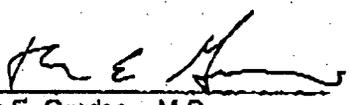
14 7. This Order is a public record that will be publicly disseminated as a formal
15 disciplinary action of the Board and will be reported to the National Practitioner's Data
16 Bank and on the Board's web site as a disciplinary action.

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

19 9. If the Board does not adopt this Order, Respondent will not assert as a
20 defense that the Board's consideration of the Order constitutes bias, prejudice,
21 prejudgment or other similar defense.

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

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DATED: 6/28/12

Thomas E. Garrison, M.D.

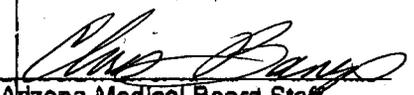
EXECUTED COPY of the foregoing mailed
this 28th day of July, 2012 to:

Jerry Gaffaney
Mariscal, Weeks, McIntyre, & Friedlander, PA
2901 N Central Ave Ste 200
Phoenix, AZ 85012-2705

EXECUTED COPY of the foregoing mailed
this 28th day of July, 2012 to:

ORIGINAL of the foregoing filed
this 28th day of July, 2012 with:

Arizona Medical Board
8545 E. Doubletree Ranch Road
Scottsdale, AZ 85258


Arizona Medical Board Staff