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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of

**STEVEN A. HOLPER, M.D.**

Holder of License No. 24021  
For the Practice of Medicine  
In the State of Arizona.

Case No. MD-13-0739A

**ORDER FOR SURRENDER OF  
LICENSE AND CONSENT TO THE  
SAME**

Steven A. Holper, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; 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 number 24021 for the practice of Allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-13-0739A, after receiving notification that on June 7, 2013, the Nevada State Board of Medical Examiners ("Nevada Board") had entered into a settlement agreement with Respondent, who agreed to a public reprimand and probation for a period of 24 months during which time he is required to complete 40 hours of continuing medical education in pain management and to submit to random chart reviews.

4. The pertinent paragraph of the settlement agreement between Respondent and the Board of Medical Examiners of the State of Nevada is entitled "Consent to Entry of Order." This paragraph reads as follows:

"Respondent concedes only that the Board has sufficient evidence to proceed with its formal Complaint against him, but for his desire to reach this compromise, he would contest at the formal hearing of this matter. In order to

*J*

1 resolve the matter of these disciplinary proceedings against him without  
2 incurring any further costs and expense of providing a defense to the formal  
3 Complaint, Respondent hereby agrees that the Board may issue an order  
4 finding that Respondent engaged in conduct that is grounds for discipline  
5 pursuant to MPA, to wit: two (2) counts of malpractice as defined by NAC  
6 630.040, two (2) violations of NRS 630.301(4), malpractice, as set forth in  
7 Count I of the formal Complaint, and five (5) counts of failure to maintain  
8 timely, legible, accurate and complete medical records relating to the  
9 diagnosis, treatment and care of a patient, five (5) violations of NRS  
10 630.3602(1), as set forth in Count II of the formal Complaint."

11 The above quoted paragraph recites definitions of unprofessional conduct in the statute  
12 governing the Arizona Medical Board that correspond with definitions of  
13 unprofessional conduct in this Board's statute, including without limitation, A.R.S.  
14 §32-1401(27)(e) and (q).

15 5. Respondent admits to the acts described above and that they constitute  
16 unprofessional conduct pursuant to A.R.S. §32-1401(27)(o) ("[a]ction that is taken  
17 against a doctor of medicine by another licensing or regulatory jurisdiction due to that  
18 doctor's mental or physician inability to engage safely in the practice of medicine or  
19 the doctor's medical incompetence or for unprofessional conduct as defined by that  
20 jurisdiction and that corresponds directly or indirectly to an act of unprofessional  
21 conduct prescribed by this paragraph. The action taken may include refusing, denying,  
22 revoking or suspending a license by that jurisdiction or a surrendering of a license to  
23 that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that  
24 jurisdiction or placing a licensee on probation by that jurisdiction.")

25 6. Respondent has represented to the Board that he has not practiced in Arizona  
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1 for over ten years and has had no intent to ever practice in Arizona in the future.  
2 Accordingly, to resolve the Board's investigation, Dr. Holper offered to the Arizona  
3 Medical Board to surrender his license.

4 CONCLUSIONS OF LAW

5 1. The Board possesses jurisdiction over the subject matter hereof and over  
6 Respondent.

7 2. The Board possesses statutory authority to enter into a consent agreement  
8 with physician and accept the surrender of an active license from a physician who  
9 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

10 ORDER

11  
12 IT IS HEREBY ORDERED THAT Respondent immediately surrender License  
13 Number 24021, issued to Steven A. Holper, M.D. for the practice of allopathic  
14 medicine in the State of Arizona, and return his wallet card and certificate of licensure  
15 to the Board.

16 DATED AND EFFECTIVE this 7<sup>th</sup> day of February, 2014 <sup>(PEM)</sup>

17 ARIZONA MEDICAL BOARD

18  
19 By Patricia McSaley  
20 Interim Acting  
21 Executive Director

22 CONSENT TO ENTRY OF ORDER

23 1. Respondent has read and understands this Consent Agreement and the  
24 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
25 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

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

7           5. Although Respondent does not agree that all the Findings of Fact and  
8 Conclusions of Law set forth in this Consent Agreement are supported by the evidence,  
9 and although Respondent does not agree that certain of the findings of fact have any  
10 relevance to the Conclusions of Law, Respondent acknowledges that it is the Board's  
11 position that, if this matter proceeded to formal hearing, the Board could establish  
12 sufficient evidence to support a conclusion that certain of Respondent's conduct  
13 constituted unprofessional conduct. Therefore, Respondent has agreed to enter into this  
14 Consent Agreement as an economical and practical means of resolving the disputed  
15 issued associated with the complaint filed against him. Further, Respondent  
16 acknowledges that the Board may use the evidence in its possession relating to this  
17 Consent Agreement for purposes of determining sanctions in any further disciplinary  
18 matter.

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

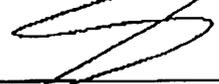
25           7. Upon signing this agreement, and returning this document (or a copy thereof)  
26 to the Board's Executive Director, Respondent may not revoke the consent to the entry  
27 of the Order. Respondent may not make any modifications to the document. Any

1 modifications to this original document are ineffective and void unless mutually  
2 approved by the parties.

3 8. This Order is a public record that will be publicly disseminated as a formal  
4 disciplinary action of the Board and will be reported to the National Practitioner's Data  
5 Bank and on the Board's web site as a disciplinary action.

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

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

11   
12 \_\_\_\_\_  
13 Steven A. Holper, M.D.

DATED: 1/29/10

14 EXECUTED COPY of the foregoing mailed <sup>ms</sup>  
this 7<sup>th</sup> day of February, 2010 to:

15 Steven A. Holper, M.D  
16 Address of Record

17 EXECUTED COPY of the foregoing mailed <sup>m</sup>  
this 7<sup>th</sup> day of February, 2010 to:

18 Stephen W. Myers, Esq.  
19 Myers & Jenkins, P.C.  
20 One East Camelback Road, Suite 500  
21 Phoenix, Arizona 85012  
22 Attorney for Respondent

23 ORIGINAL of the foregoing filed <sup>ms</sup>  
this 7<sup>th</sup> day of February, 2010 with:

24 The Arizona Medical Board  
25 9545 E. Doubletree Ranch Road  
26 Scottsdale, AZ 85258  
mary takey  
Arizona Medical Board Staff

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