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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MITCHELL R. HALTER, M.D.

Holder of License No. 29626
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-11-0091A

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

7

CONSENT AGREEMENT

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

12

FINDINGS OF FACT

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of License No. 29626 for the practice of allopathic
16 medicine in the State of Arizona.

17 3. On January 21, 2011, the Board received a self-report from Respondent
18 that since July of 2010, he had been writing prescriptions for his son under his nurse's
19 name. He would subsequently fill the prescriptions and utilize the medication for himself.
20 The medications were indicated for residual and intractable abdominal pain resulting from
21 complications of a necrotic bowel, peritonitis, and sigmoidectomy.

22 4. On January 28, 2011, Respondent was referred to the Board's Physician
23 Health Program ("PHP") for a substance abuse assessment. Subsequently, the PHP
24 contractors recommended that Respondent undergo a chemical dependency evaluation
25 at a Board-approved facility. Respondent completed the evaluation on April 29, 2011.

1 or habitual substance abuse.”) and A.R.S. § 32-1401(27)(t) (“[k]nowingly making any false
2 or fraudulent statement, written or oral, in connection with the practice of medicine or if
3 applying for privileges or renewing an application for privileges at a health care
4 institution.”).

5 **ORDER**

6 IT IS HEREBY ORDERED THAT:

7 A. Respondent is issued a Letter of Reprimand.

8 B. This Order supersedes all previous consent agreements and stipulations
9 between the Board and/or the Executive Director and Respondent in case number MD-11-
10 0091A.

11 C. Upon execution of this Consent Agreement, the suspension of Respondent's
12 license shall be lifted and his license will be reinstated. Respondent's license will be
13 subject to renewal on March 13, 2013.

14 D. Respondent is placed on Probation for **five years** with the following terms
15 and conditions:

16 1. **Participation.** Respondent shall promptly enroll in and participate in the
17 Board's Physician Health Program (PHP) monitoring service which is administered by a
18 private contractor. (“Monitor”).

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

1 3. 12 Step or Self-Help Group Meetings. If applicable, Respondent shall
2 attend ninety 12-step meetings or other self-help group meetings appropriate for
3 substance abuse and approved by the Monitor, for a period of ninety days. Upon
4 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
5 recovery program or other self-help program appropriate for substance abuse as
6 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
7 other self-help program meetings per week.. Two meetings per month must be Caduceus
8 meetings. Respondent must maintain a log of all self-help meetings.

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

19 5. Medication. Except in an *Emergency*, Respondent shall take no *Medication*
20 unless the PCP or other health care provider to whom the PCP refers Respondent
21 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
22 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
23 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
24 controlled substance is prescribed, dispensed, or administered to Respondent by any
25 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and

1 notify the Monitor immediately.

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

4 7. **Biological Fluid Collection.** Respondent shall provide the Monitor in
5 writing with one telephone number that shall be used to contact Respondent on a 24 hour
6 per day/seven day per week basis to submit to biological fluid collection. For the purposes
7 of this section, telephonic notice shall be deemed given at the time a message to appear is
8 left at the contact telephone number provided by Respondent. Respondent authorizes any
9 person or organization conducting tests on the collected samples to provide testing results
10 to the Monitor. Respondent shall comply with all requirements for biological fluid
11 collection.

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

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

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

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

25 12. **Relapse, Violation.** In the event of chemical dependency relapse by

1 Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent
2 shall promptly enter into an Interim Order for Practice Restriction and Consent to the
3 same that requires, among other things, that Respondent not practice medicine until such
4 time as Respondent successfully completes long-term inpatient treatment for chemical
5 dependency designated by the Monitor and obtains affirmative approval from the Board or
6 the Executive Director to return to the practice of medicine. Prior to approving
7 Respondent's request to return to the practice of medicine, Respondent may be required
8 to submit to witnessed biological fluid collection or undergo any combination of physical
9 examination, psychiatric or psychological evaluation. **In no respect shall the terms of**
10 **this paragraph restrict the Board's authority to initiate and take disciplinary action**
11 **for violation of this Order.**

12 13. **Notice Requirements.** Respondent shall immediately provide a copy of this
13 Order to all current and future employers and all hospitals and free standing surgery
14 centers where Respondent has privileges. Within 30 days of the date of this Order,
15 Respondent shall provide the Monitor with a signed statement of compliance with this
16 notification requirement. Respondent is further required to notify, in writing, all employers,
17 hospitals and free standing surgery centers where Respondent currently has or in the
18 future gains employment or privileges, of a chemical dependency relapse.,

19 14. **Out-of-State.** In the event Respondent resides or practices as a physician
20 in a state other than Arizona, Respondent shall participate in the rehabilitation program
21 sponsored by that state's medical licensing authority or medical society. Respondent shall
22 cause the monitoring state's program to provide written quarterly reports to the Monitor
23 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
24 program and Respondent shall immediately notify the Monitor if Respondent: a) is non-
25 compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for

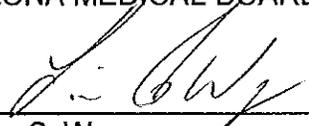
1 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
2 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
3 additional treatment.

4 E. The Board retains jurisdiction and may initiate new action based upon any
5 violation of this Order.

6 DATED AND EFFECTIVE this 4th day of October, 2012.

8 ARIZONA MEDICAL BOARD

9 (SEAL)

10 By 
11 Lisa S. Wynn
12 Executive Director

13 **CONSENT TO ENTRY OF ORDER**

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

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

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

24 4. The Order is not effective until approved and signed by the Executive
25 Director.

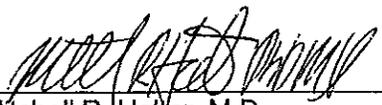
1 5. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the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

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

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

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

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

21 
22 _____
23 Mitchell R. Haller, M.D.

DATED: September 5, 2012

24
25 EXECUTED COPY of the foregoing mailed

1 this 1th day of October, 2012 to:

2 Dan Cavett, Esq.
3 Cavett and Fulton, PC
4 6035 East Grant Road
5 Tucson, AZ 85712
6 Attorney for Respondent

7 Mitchell R. Halter, M.D.
8 Address of Record

9 ORIGINAL of the foregoing filed
10 this 4th day of October, 2012 with:

11 Arizona Medical Board
12 9545 E. Doubletree Ranch Road
13 Scottsdale, AZ 85258

14 Mary Barber
15 Arizona Medical Board Staff

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