

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-12-1169A

3 **TIN T. WIN, M.D.**

4 Holder of License No. **28212**
5 For the Practice of Allopathic Medicine

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER FOR
SUMMARY SUSPENSION OF LICENSE**

6 In the State of Arizona.

7 **INTRODUCTION**

8 The above-captioned matter came on for discussion before the Arizona
9 Medical Board ("Board") at an emergency Board teleconference meeting on October
10 25, 2012. After reviewing relevant information and deliberating, the Board voted to
11 consider proceedings for a summary action against the license of Tin T. Win, M.D.
12 ("Respondent"). Having considered the information in the matter and being fully
13 advised, the Board enters the following Interim Findings of Fact, Conclusions of Law
14 and Order for Summary Suspension of License, pending formal hearing or other
15 Board action. A.R.S. § 32-1451(D).

16 **INTERIM FINDINGS OF FACT**

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

20 2. Respondent is the holder of License No. 28212 for the practice of
21 allopathic medicine in the State of Arizona.

22 3. The Board initiated case number MD-12-1169A after receiving
23 information indicating that Respondent had prescribed controlled substances in
24 violation of the Board's order.

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1 4. On October 5, 2011, due to concerns of inappropriate prescribing, the
2 Board issued an Interim Order summarily restricting Respondent from prescribing
3 controlled substances. Board staff recently received information that between
4 October 6, 2011 and January 4, 2012, Respondent prescribed controlled substances
5 in violation of said practice restriction.

6 5. Specifically, Board staff's investigation revealed that Respondent had
7 issued the following: A prescription for Fioricet with Codeine dated October 6,
8 2011 to patient MM; a prescription for Midrin dated December 19, 2011 to patient
9 A.D.; a prescription for Morphine and Baclofen dated December 12, 2011 to patient
10 CP; a prescription for Carisoprodol dated June 2012 to patient D.B.; a prescription
11 for Dilaudid dated October 6, 2011, and prescriptions for Testosterone dated
12 November 29, 2011 and July 31, 2012 for patient S.H.; prescriptions for
13 Testosterone dated January 4, 2012 and August 22, 2012 for patient G.R.;
14 prescriptions for Testosterone dated November 22, 2011, April 23, 2012 and May
15 22, 2012 for patient B.W.(1); a prescription for Testosterone dated August 11, 2011
16 and June 4, 2012 to patient B.W.(2); prescriptions for Phenobarbital on October 14
17 and December 22, 2011, and a prescription for Lorazepam dated December 21,
18 2011 to patient R.S.;

19 6. Respondent also issued patient D.B a prescription for MS Contin and
20 Roxicodone and Norco dated September 6, 2011 and predated prescriptions for the
21 same drugs to be filled in October 2012. At an office visit on September 12, 2011,
22 Respondent issued patient S.H.(2) a prescription for refills of Dilaudid, Methadone
23 and Adderall and also issued prescriptions of these controlled substances to be
24 filled in October and November 2011. Finally, at an office visit on September 12,
25

1 2011, Respondent issued patient KD a prescription for a refill of Percocet and pre-
2 dated prescriptions for October and November 2011.

3 7. On October 2, 2012, Board staff questioned Respondent under oath.
4 Respondent testified that she did not write any prescriptions for controlled
5 substances other than those for Testosterone and those that were presented to her
6 as hard copies during the interview. However, Board staff received a pharmacy
7 report from CVS Pharmacy, which was not presented to Respondent at the October
8 interview, that showed a prescription written to R.S. on December 21, 2011, for
9 Lorazepam

10 8. On June 7, 2012, the Board issued Respondent an Order for Decree of
11 Censure, Practice Restriction and Probation. One of the terms of probation required
12 Respondent to, within 30 days of the effective date of the Order, "enter into a
13 contract with a board approved monitoring program to provide all monitoring
14 services, including monitoring of the Practice Restriction and chart reviews."
15 Respondent has not entered into said contract.

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17 **INTERIM CONCLUSIONS OF LAW**

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent, holder of License No. 28212 for the practice of allopathic medicine in the
20 State of Arizona.

21 2. The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § 32-1401(27)(k) ("[s]igning a blank, undated or predated
23 prescription form."), A.R.S. §32-1401(27)(r) ("[v]iolating a formal order, probation, consent
24 agreement or stipulation issued or entered into by the board or its executive director under
25 the provisions of this chapter."), and A.R.S. §32-1401(27)(jj) ("[k]nowingly making a false or

1 misleading statement to the board or on a form required by the board or in a written
2 correspondence, including attachments, with the board.”)

3 3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the
4 public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-
5 1451(D).

6 **INTERIM ORDER**

7 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
8 above,

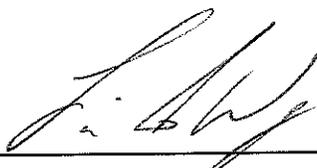
9 IT IS HEREBY ORDERED THAT:

- 10 1. Respondent’s license to practice allopathic medicine in the State of Arizona,
11 License No. 28212, is summarily suspended.
- 12 2. The Interim Findings of Fact and Conclusions of Law constitute written notice
13 to Respondent of the charges of unprofessional conduct made by the Board against her.
14 Respondent is entitled to a formal hearing to defend these charges as expeditiously as
15 possible after the issuance of this order.
- 16 3. The Board’s Executive Director is instructed to refer this matter to the Office
17 of Administrative Hearings for scheduling of an administrative hearing to be commenced as
18 expeditiously as possible from the date of the issuance of this order, unless stipulated and
19 agreed otherwise by Respondent.

20 DATED this 26th day of OCTOBER, 2012.

21 ARIZONA MEDICAL BOARD



23 By 
24 Lisa S. Wynn
25 Executive Director

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ORIGINAL of the foregoing filed this
26th day of October, 2012 with:

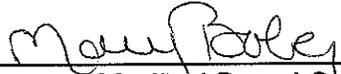
Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing mailed
By mail this 26th day of October, 2012 to:

Tin T. Win, M.D.
Respondent
Address of Record

Executed copy of the foregoing mailed this
26th day of October, 2012, to:

Anne Froedge
Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington, CIV/LES
Phoenix, AZ 85007


Arizona Medical Board Staff
AF: #2912207