



Arizona Medical Board

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Website: www.azmd.gov • E-Mail: questions@azmd.gov

August 12, 2009

Richard Delo
Jennings Strous Salmon
201 East Washington Street, 11th Floor
Phoenix AZ 85004-2385

RE: **Michael J. Tingey, M.D.**
Case # MD-08-0172A

Dear Mr. Delo:

The purpose of this letter is to inform you that during the course of the August 5, 2009, public meeting, the Arizona Medical Board (Board) reviewed the above-referenced complaint and all pertinent evidence and information gathered during the investigation. At the conclusion of its review, the Board voted to issue Dr. Tingey this Advisory Letter for inadequate medical records, for prescribing testosterone replacement without proper diagnostic confirmation or laboratory monitoring and for prescribing testosterone in supraphysiologic disease, and within 6 months complete 15-20 hours of Board staff pre-approved Category I CME in prescribing. The CME hours shall be in addition to the hours required for the biennial renewal of medical license. This matter does not rise to the level of discipline.

An advisory letter is a non-disciplinary action, and is not subject to review by either the Board or the Courts. See *Murphy v. Board of Medical Examiners of the State of Arizona*, 190 Ariz. 441, 949 P.2d 530 (App. 1997). However, the licensee may file a written response to the letter with the Board within thirty days after its receipt A.R.S. § 32-1451(E)(3). If timely received, the response will be attached to the advisory letter and maintained in the licensee's permanent file. The written response will also be hyperlinked to the licensee's profile on the agency's website.

Please contact Kathleen Muller, Compliance, at 480-551-2716 prior to registering for CME, for pre-approval.

Sincerely,

Mary Bober
Board Coordinator
E-Mail: boardcoordinator@azmd.gov
Phone: (480) 551-2820
Fax: (480) 551-2705

cc: Permanent File
Enclosure: CME Order

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **MICHAEL TINGEY, M.D.**

4 Holder of License No. 23746
5 For the Practice of Allopathic Medicine

6 In the State of Arizona.

Case No. MD-08-0172A

**ORDER FOR CONTINUING MEDICAL
EDUCATION**

(NON-DISCIPLINARY)

7
8 At its public meeting on August 5, 2009, the Arizona Medical Board ("Board") voted,
9 pursuant to A.R.S. §32-1451(E)(2), to require Physician to complete 15-20 hours of non-
10 disciplinary Continuing Medical Education based upon his violation of A.R.S. § 32-1401(27)(e) and
11 § 32-1401(27)(q).

12 **ORDER**

13 IT IS HEREBY ORDERED that Physician shall, within six months, complete 15-20 hours of
14 Board Staff pre-approved Category I Continuing Medical Education ("CME") in prescribing, and
15 provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to
16 the hours required for biennial renewal of his medical license. Respondent's failure to complete
17 the CME will subject him to future disciplinary action by the Board. A.R.S. § 32-1401(27)(r).

18 IT IS FURTHER ORDERED that if no CME courses are offered in the subject matter, or for
19 the number of hours, specified in this Order, the Executive Director may modify its terms, provided
20 the modifications are consistent with the remedial purpose of the original order. In addition, the
21 Executive Director has authority to act on behalf of the Board if an informal settlement conference is
22 held in connection with an appeal of this Order.

23 ///

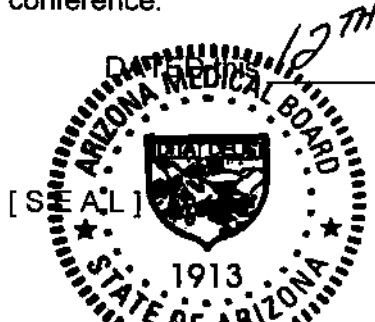
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RIGHT TO APPEAL

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3 **NOTICE IS HEREBY GIVEN** that, pursuant to A.R.S. § 41-1092.03, any person aggrieved
4 by this decision may apply to the Board, in writing, within thirty (30) days of receipt and request a
5 public hearing with respect to this order. You may request a hearing by filing a notice of appeal.
6 The notice of appeal must be filed with the Board's Executive Director, and should include your
7 name, address, the action being appealed, and a concise statement of the reasons for the appeal.
8 If you request a public hearing, the hearing will be scheduled within sixty (60) days of receipt of your
9 request. If you request a public hearing, you also have the right to request an informal settlement
10 conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than
11 twenty (20) days before the scheduled hearing. The conference will be held within fifteen (15) days
12 after receipt of your request. Please note that you waive any right to object to the participation of
13 the Board's representative in the final administrative decision of the matter if it is not settled at the
14 conference.

15 _____ day of August, 2009.



ARIZONA MEDICAL BOARD

By *Lisa S. Wynn*
LISA S. WYNN
Executive Director

18 ORIGINAL of the foregoing filed this
19 12 day of August, 2009 with:

20 Arizona Medical Board
21 9545 East Doubletree Ranch Road
22 Scottsdale, Arizona 85258

23 **EXECUTED COPY** of the foregoing
24 Mailed by US Mail this 12 day of August 2009 to:

25 Michael J. Tingey, M.D.
Address of Record

Kennada Corley
Arizona Medical Board Staff