

1 medical problems. Respondent's records for GD also failed to indicate that substance
2 abuse was addressed.

3 6. Rather, the medical records consisted of copies of more recent Lortab
4 prescriptions, some refill requests and FedEx invoices. (At times, Respondent arranged to
5 have GD's refills sent to him in another state via FedEx.)

6 7. Respondent provided as many as two to three prescriptions of #180 Lortab in
7 one month, resulting in possible daily Tylenol doses of 6,000mg to 9,000mg.

8 8. The Medical Consultant ("MC") found that Respondent deviated from the
9 standard of care by failing to conduct a physical exam; by failing to document the nature of
10 GD's pain; by failing to note contributing factors and coexisting medical problems; and by
11 failing to address possible substance abuse.

12 9. The standard of care requires a physician to conduct a medical history and
13 physical examination on a patient who is treated for chronic pain.

14 10. Respondent deviated from the standard of care by failing to conduct a
15 medical history and physical examination.

16 11. The standard of care requires a physician to see, evaluate, and examine the
17 patient on a regular basis to determine compliance, response to treatment and need for
18 additional evaluation or consultation.

19 12. Respondent deviated from the standard of care by failing to address possible
20 substance abuse, and by continuing to prescribe narcotic medications to GD without
21 seeing him for follow up evaluations and examinations.

22 13. The standard of care requires a physician to not exceed the maximum
23 recommended daily dose of acetaminophen when prescribing narcotic medications which
24 also contain Tylenol.

25

1 Respondent shall within six months of the effective date of this Order
2 complete 15-20 hours of Board Staff pre-approved Category I Continuing Medical
3 Education (CME) in an intensive, in-person course for opiate prescribing. Upon completion
4 of the CME, Respondent shall provide Board Staff with satisfactory proof of attendance.
5 The CME hours shall be in addition to the hours required for the biennial renewal of
6 medical license. The probation shall terminate upon successful completion of the CME.

7 DATED AND EFFECTIVE this 21st day of April, 2014.

8
9 ARIZONA MEDICAL BOARD

10
11 By C Lloyd Vest, II
12 C. Lloyd Vest, II
13 Executive Director

14 **CONSENT TO ENTRY OF ORDER**

15 1. Respondent has read and understands this Consent Agreement and the
16 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
17 acknowledges he has the right to consult with 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 to
21 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
22 this Order in its entirety as issued by the Board, and waives any other cause of action
23 related thereto or arising from said Order.

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

5. All admissions made by Respondent are solely for final disposition of this
matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended
2 or made for any other use, such as in the context of another state or federal government
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
4 any other state or federal court.

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

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

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

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

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

22 

23 _____
24 Mark I. Feldman, M.D.

DATED: _____

2-26-14

25 EXECUTED COPY of the foregoing mailed
this 21st day of April, 2014 to:

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Mark I. Feldman, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 21st day of April, 2014 with:

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


Arizona Medical Board Staff