

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **RINLY GECOSALA, M.D.**

4 Holder of License No. 27229  
5 For the Practice of Medicine  
6 In the State of Arizona.

Case No. MD-14-1547A

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

7 The above-captioned matter came on for discussion before the Arizona Medical  
8 Board ("Board") at its regularly scheduled meeting on April 1, 2015. After reviewing  
9 relevant information and deliberating, the Board voted to consider proceedings for a  
10 summary action against Rinly Gecosala, M.D. ("Respondent"). Having considered the  
11 information in the matter and being fully advised, the Board enters the following Interim  
12 Findings of Fact, Conclusions of Law and Order for Summary Suspension of License,  
13 pending formal hearings or other Board action. A.R.S. § 32-1451(D).

14 **INTERIM FINDINGS OF FACT**

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

17 2. Respondent is the holder of license number 27229 for the practice of  
18 allopathic medicine in the State of Arizona.

19 3. The Board initiated case number MD-14-1547A after receiving a complaint  
20 regarding Respondent's care and treatment of a 31 year-old male patient ("KT") alleging  
21 inappropriate prescribing of controlled substances over a nine year period.

22 4. KT subsequently provided a second complaint that alleged that he and  
23 Respondent had a sexual relationship between 2005 and 2011 and again from 2013  
24 through 2014 that included taking trips together and spending time together at  
25 Respondent's home. KT alleged that Respondent prescribed several prescriptions for

1 controlled substances to him during their personal relationship. KT further alleged that he  
2 was hospitalized from December 8, 2014 through December 19, 2014 for cardiomyopathy  
3 and congestive heart failure that he attributed in part to Respondent's prescriptions.

4 5. KT established care with Respondent on August 15, 2006. Respondent's  
5 initial treatment during 2006 and 2007 included prescriptions for Percocet, Lortab,  
6 Phentermine, and Oxycodone. At the establishment of care, Respondent failed to  
7 establish a pain generator, and failed to review prior medical records or perform additional  
8 studies to assess the etiology of the patient's pain. KT's Controlled Substances  
9 Agreement stated that no prescriptions would be given via telephone.

10 6. An x-ray of KT obtained on June 18, 2008 showed minimal levorotations  
11 of the lumbar spine with the apex at the mid lumbar level, and limited forward flexion  
12 mobility was noted. There were no other findings. Despite this relatively normal result,  
13 Respondent continued to prescribe opioid medications and muscle relaxants to treat KT's  
14 complaints of chronic back pain.

15 7. KT's Controlled Substance Prescription Monitoring Program ("CSPMP")  
16 profile showed serial early refills of Vicodin in 2010.

17 8. Text messages exchanged between KT and Respondent in 2013 and 2014  
18 were inappropriate and sexual in nature. Additionally, KT requested prescriptions via text  
19 message which Respondent agreed to have filled. During one text exchange that began  
20 March 23, 2014, KT requested a prescription for Hydrocodone. Respondent originally  
21 advised KT that he was out of town and instructed him to go to the Emergency Room.  
22 Upon repeated text requests from KT describing signs and symptoms consistent with  
23 opiate withdrawal and other symptomatology, Respondent agreed to prescribe 30 tabs to  
24 KT. A review of KT's CSPMP profile showed a prescription for Hydrocodone and  
25 Acetaminophen 10/325 mg #30 provided by Respondent on March 24, 2014 and filled by

1 KT on March 25, 2014. There is no documentation of this interaction in KT's patient  
2 record.

3 9. During a site inspection performed on March 11, 2015, Board investigators  
4 found a pre-signed prescription pad with blank spaces for the name and date of birth of the  
5 patient, and stating, "Please dispense weight loss meds per Dr. Gecosala's instructions.  
6 Above patient has been examined and cleared to take the medication(s): \_\_ bottles of  
7 Phentermine 37.5 mg, Take \_\_ tabs \_\_ a day. \_\_ bottles of Diethylpropion 25 mg, Take  
8 \_\_ tabs \_\_ a day. \_\_ bottles of Phentermine cap 37.5. Take \_\_ tabs \_\_ a day."

9 10. Also during the site inspection performed on March 11, 2015, Patient AC  
10 was in a car accident 45 minutes after an appointment at Respondent's office. AC left the  
11 scene of the accident and returned to the parking lot of Respondent's office. Board  
12 investigators contacted Respondent and asked him to call law enforcement and  
13 emergency services. Respondent contacted emergency services and conducted an  
14 evaluation of the patient. AC appeared impaired and was acting inappropriately. Records  
15 subsequently obtained for that patient did not include any reference to the incident.

16 11. Respondent was ordered to appear for an investigational interview on March  
17 25, 2015. On March 24, 2015, Respondent's counsel contacted the Board indicated that  
18 Respondent wished to voluntarily surrender his license. Based on those representations,  
19 the interview was cancelled. Respondent's counsel subsequently advised that his client  
20 wanted to enter into an interim consent agreement for a practice restriction. Respondent  
21 was subsequently ordered to appear for an investigational interview on March 30, 2015.  
22 Respondent refused to appear for the interview, and refused to either agree to surrender  
23 his license as originally represented to Board staff or agree to an interim practice  
24 restriction as subsequently represented.

25

**INTERIM CONCLUSIONS OF LAW**

1  
2           1.     The Board possesses jurisdiction over the subject matter hereof and over  
3 Respondent, holder of License No. 27229 for the practice of allopathic medicine in the  
4 State of Arizona.

5           2.     The conduct and circumstances described above constitute unprofessional  
6 conduct pursuant to A.R.S. § 32-1401(27)(j) (“[p]rescribing, dispensing or administering  
7 any controlled substance or prescription-only drug for other than accepted therapeutic  
8 purposes.”).

9           3.     The conduct and circumstances described above constitute unprofessional  
10 conduct pursuant to A.R.S. § 32-1401(27)(k) (“[s]igning a blank, undated or predated  
11 prescription form.”).

12           4.     The conduct and circumstances described above constitute unprofessional  
13 conduct pursuant to A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or might be  
14 harmful or dangerous to the health of the patient or the public.”).

15           5.     The conduct and circumstances described above constitute unprofessional  
16 conduct pursuant to A.R.S. § 32-1401(27)(z) (“[e]ngaging in sexual conduct with a current  
17 patient or with a former patient within six months after the last medical consultation unless  
18 the patient was the licensee's spouse at the time of the contact or, immediately preceding  
19 the physician-patient relationship, was in a dating or engagement relationship with the  
20 licensee. For the purposes of this subdivision, "sexual conduct" includes: (i) Engaging in or  
21 soliciting sexual relationships, whether consensual or nonconsensual. (ii) Making sexual  
22 advances, requesting sexual favors or engaging in any other verbal conduct or physical  
23 contact of a sexual nature. . . .”).



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

EXECUTED COPY of the foregoing mailed by  
US Mail this 2<sup>nd</sup> day of April 2015 to:

Michael Harwin, Esq.  
Law Offices of Michael Aaron Harwin, P.C.  
250 North Meyer Avenue  
Tucson, Arizona 85701  
Attorney for Respondent

DeeDee Holden  
Holden & Armer Pc  
6101 S Rural Rd Ste 112  
Tempe, AZ. 85283  
Co-counsel for Respondent

ORIGINAL of the foregoing filed this  
2<sup>nd</sup> day of April, 2015 with:

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

Mary Robee  
Board Staff