



1 supervising physician. During the site inspection, the investigator noticed unsigned orders  
2 for prescriptions on the desk where one of the PAs was working. These orders were  
3 confiscated by the investigator as directed by the WVB's legal advisor.

4       5. Subsequently, the WVB interviewed the physician who previously supervised  
5 the PAs. He informed the WVB that Respondent was never present at the Clinic. In  
6 September 2009, the WVB noticed Respondent regarding the investigation. Respondent  
7 stated that he had not practiced at the Clinic since 2002, after his move to Arizona. He  
8 explained that the physician who contacted the Board was a colleague from his previous  
9 practice who became his employee at the Clinic. Respondent further explained that he and  
10 the physician were listed as the supervising physicians for the two PAs. When the  
11 physician terminated himself as the supervising physician, Respondent was listed at the  
12 supervisor for only one of the PAs.

13       6. Respondent additionally stated that his attorney was in contact with the WVB  
14 to resolve the emergent issue of the physician leaving the facility without notice in August.  
15 Respondent reported that the Clinic was closed in 2009 and that his business manager  
16 provides medical records services upon request. The WVB continued to pursue the  
17 investigation and later took disciplinary action against both Respondent and the physician.  
18 Respondent entered into an agreement for a Letter of Reprimand for failing to properly  
19 supervise physician extenders, failure to personally evaluate the clinic's patients, failure to  
20 assess the patients to determine the appropriateness of prescribing controlled substances  
21 to the patients, and failure to ensure that patient records met the standard of care for a  
22 practicing physician. He was also assessed a civil fine in the amount of \$5,000.

23       7. Board staff observed that Respondent's license profile for the WVB currently  
24 indicates that his license has been expired and that the disciplinary action was closed on  
25 June 30, 2012. The California and South Carolina Boards have taken disciplinary action

1 against Respondent in the form of letters of reprimand based on the action taken by the  
2 WVB. Respondent currently holds active medical licenses in North Carolina, Tennessee,  
3 and Virginia with no other disciplinary action reported.

4 **CONCLUSIONS OF LAW**

5 1. The Board possesses jurisdiction over the subject matter hereof and over  
6 Respondent.

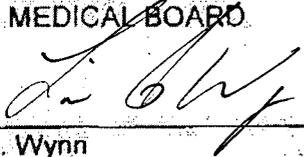
7 2. The conduct and circumstances described above constitute unprofessional  
8 conduct pursuant to A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of  
9 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or  
10 physical inability to engage safely in the practice of medicine, the doctor's medical  
11 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
12 corresponds directly or indirectly to an act of unprofessional conduct prescribed by  
13 this paragraph. The action taken may include refusing, denying, revoking or  
14 suspending a license by that jurisdiction or a surrendering of a license to that  
15 jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or  
16 placing a licensee on probation by that jurisdiction.")

17  
18 **ORDER**

19 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

20  
21 DATED AND EFFECTIVE this 7<sup>th</sup> day of FEBRUARY, 2012. 3

22  
23 ARIZONA MEDICAL BOARD

24 By   
25 Lisa S. Wynn  
Executive Director

1  
2 **CONSENT TO ENTRY OF ORDER**

3 1. Respondent has read and understands this Consent Agreement and the  
4 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
5 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

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

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

20 6. Upon signing this agreement, and returning this document (or a copy thereof)  
21 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
22 the Order. Respondent may not make any modifications to the document. Any  
23 modifications to this original document are ineffective and void unless mutually approved  
24 by the parties.  
25

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

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

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

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

13  
14   
15 \_\_\_\_\_  
Cecil C. Graham, M.D.

DATED: 12/20/12

16 EXECUTED COPY of the foregoing mailed  
17 this 7th day of Feb, 2012 to:

18 Bryan S. Bailey  
19 Milligan Lawless Taylor Murphy & Bailey  
20 4647 N. 32<sup>nd</sup> St., Suite 185  
Phoenix, AZ 85018

21 ORIGINAL of the foregoing filed 3  
22 this 7th day of Feb, 2012 with:

23 Arizona Medical Board  
24 9545 E. Doubletree Ranch Road  
25 Scottsdale, AZ 85258

  
Arizona Medical Board Staff