



1           5.     The Board received a copy of the Bullhead City Police Department Report  
2 concerning the accident and learned that Respondent had ran a stop sign at an  
3 intersection and that another vehicle containing four passengers, including two children,  
4 had a collision with Respondent's vehicle. Although both vehicles were totaled, no one  
5 was seriously injured.

6           6.     The Bullhead Police reported finding two bags of methamphetamine  
7 Respondent's car, a scale containing drug residue that later was confirmed to be  
8 methamphetamine, two empty baggies, a straw, and two boxes of synthetic urine.

9           The Bullhead Police arrested Respondent at the scene of the accident after a brief  
10 struggle. Respondent did not want to be evaluated at a hospital and the police delivered  
11 him to the hospital emergency room after another struggle with the police.

12           7.     When enrolled in MAP, Respondent executed a Consent Agreement with the  
13 Board that required him to "appear and submit to specimen collection not later than two  
14 hours after telephonic notice to appear is given." Exhibit 21 at 3.

15           8.     Kathleen Muller (Ms. Muller), employed by the Board, contacted Respondent  
16 on November 12, 2008, at a 24 hour telephone contact number Respondent provided to  
17 the Board, requiring him to appear to submit to a specimen collection. Respondent failed  
18 to appear within the requisite two hour prior after such notification.

19           9.     On November 12, 2008, Ms. Muller sent an email to Respondent notifying  
20 him that an investigation was opened regarding the November 2008 accident concerning  
21 substance abuse asking for a responsive narrative regarding the accident and the  
22 presence of amphetamines and drug paraphernalia found in his vehicle.

23           10.    On November 12, 2008, Ms. Muller sent an email to Respondent with a  
24 Board Order requiring him to appear for an investigational interview to take place at the  
25 Board's offices on November 14, 2008 at 10:15 a.m.

          11.    On November 13, 2008, Ms. Muller contacted Respondent about receipt of  
the November 12, 2008 emails and inquired as to whether Respondent provided a drug  
screen. Respondent informed Ms. Muller that he did not receive the voice message left on  
his contact number that he provided to the Board. Respondent was advised to go  
immediately and provide a drug sample for drug screening.

1           12. Respondent provided a drug sample; the results of the drug screen came  
2 back negative for the drugs that were screened for at the request of the Board. Just before  
3 the November 14, 2008 interview, Respondent contacted the Board and informed it that he  
4 would be unable to appear for the interview due to a medical condition. Subsequently,  
5 Respondent provided the Board with a letter from his treating physician explaining his  
6 inability to appear for the interview.

7           13. The investigative interview was rescheduled and Respondent appeared for  
8 the investigative interview on November 21, 2008. Present at the interview were  
9 Respondent, Ms. Muller, and David Greenberg, who is an addiction medicine specialist  
10 consultant contracted with the Board. During the interview, he claimed that the  
11 methamphetamine, scale, and synthetic urine did not belong to him and he had no idea  
12 how they were placed in his vehicle.

13           14. Respondent was ordered to undergo urine and hair testing. The urinalysis  
14 came back negative even though Respondent listed certain drugs he had taken within 7  
15 days of the drug test. The hair test came back positive for cocaine. Based on the  
16 interview, a review of the investigative file, Dr. Michael Sucher (Dr. Sucher), an addiction  
17 medicine specialist contracted with the Board as a consultant, concluded that it was not  
18 safe for Respondent to perform health care tasks as a physician assistant.

19           15. The Board ordered Respondent to undergo a residential evaluation at a  
20 Board approved facility within 14 days of the effective date of the Board Order and  
21 Respondent was required to comply with any recommendations made by the evaluating  
22 facility as approved by the Board. The Board provided Respondent with a list of Board  
23 approved facilities.

24           16. To date, Respondent has not complied with the Board Order and has not  
25 undergone evaluation treatment in a Board approved facility within 14 days of the effective  
date of the above-mentioned Board Order.

          17. Dr. Sucher testified concerns he has about Respondent's ability to be safe  
while licensed as a physician's assistant. According to Dr. Sucher, there is no legitimate  
use for synthetic urine and its only use would be to affect a urinalysis by either substitution  
of a sample or dilution of a sample.

1           18. Dr. Sucher was concerned that after the accident, Respondent was  
2 prescribed and took his drug of choice, Vicodin.

3           19. Respondent did not notify the Board of the accident, the criminal charges or  
4 conviction and did not initiate on his own a drug test after the accident even though  
5 methamphetamine and drug paraphernalia were found in his vehicle immediately after the  
6 accident.

7           20. With respect to the drug test that occurred on November 21, 2008,  
8 Respondent listed having taken certain medications, none of which showed up in the  
9 results as positive, though Dr. Sucher testified that based on the information provided to  
10 the Board as to the recent drug usage, he would have expected those drugs to be  
11 reflected as being present in the drug test. That fact, along with the positive hair test taken  
12 on the same date, the results having showed the presence of cocaine, led Dr. Sucher to  
13 question whether the drug specimen obtained from Respondent was his urine rather than  
14 synthetic urine. Dr. Sucher also noted that there were no records or information presented  
15 that showed Respondent had been prescribed cocaine.

16           21. Dr. Sucher testified that a professional who is a habitual substance abuser,  
17 such as Respondent, will go to great lengths to alter a drug test for career purposes.

18           Upon review of all of the information, including missing the called upon drug test  
19 until the following day, and Respondent's failure to above by Board Orders, Dr. Sucher  
20 expressed his belief that Respondent is not safe to perform health tasks as a physician  
21 assistant.

22           22. The Board found as a fact in its Interim Findings of Fact, Conclusions of Law  
23 and Order for Summary Suspension of License issued on November 25, 2008 that the  
24 agreement Respondent entered into with the Board required him to notify the Board  
25 immediately of any change in his supervising physician. The Board found that one of  
Respondent's supervising physician suspended supervision of Respondent after the  
accident and Respondent did not notify the Board of the change of supervision, as  
required by the Consent Agreement.

          23. Respondent failed to present any evidence to refute or rebut the evidence  
presented by the Department as set forth above.

**CONCLUSIONS OF LAW**

1           1.     The Board has jurisdiction over this matter. See A.R.S. § 32-2504.

2           2.     Respondent engaged in unprofessional conduct as set forth in A.R.S. § 32-  
3 2501(21)(d). That provision defines unprofessional conduct as "[h]abitual intemperance in  
4 the use of alcohol or habitual substance abuse".

5           3.     Respondent engaged in unprofessional conduct as set forth in A.R.S. § 32-  
6 2501(21)(q) That provision defines unprofessional conduct as "[using controlled  
7 substances that have not been prescribed by a physician, physician assistant, dentist or  
8 nurse practitioner for use during a prescribed course of treatment".

9           4.     Respondent engaged in unprofessional conduct as set forth in A.R.S. § 32-  
10 2501(21)(z) by failing to "furnish legally request information to the board or its investigator  
11 in a timely manner".

12           5.     Respondent's conduct and the circumstances as set forth above constitute  
13 unprofessional conduct as set forth in A.R.S. § 32-2501(21)(cc) by "Failing to submit to  
14 bodily fluid examination and other examination known to detect the presence of alcohol or  
15 other drugs pursuant to an agreement with the board or an order of the board".

16           6.     Respondent engaged in unprofessional conduct as set forth in A.R.S. § 32-  
17 2501(21)(dd). That provision defines unprofessional conduct as "Violating a formal order,  
18 probation agreement or stipulation issued or entered into by the board or its executive  
19 director".

20           7.     The conduct of Respondent and circumstances set forth above demonstrate  
21 that Respondent is mentally or physically unable to safely engage in the practice of  
22 medicine within the meaning of A.R.S. § 32-2551(J).

23           8.     Based upon the above, grounds existed to support the issuance of the Order  
24 Summarily Suspending Respondent from practicing as a physician assistant in the State of  
25 Arizona. See A.R.S. § 32- 2551(C).

          9.     The Board met its burden of proving by a preponderance of the evidence  
that grounds exist for the Board to revoke the License pursuant to A.R.S. § 32-2551(I).

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law,  
3 IT IS HEREBY ORDERED: On the effective date of the Order entered in this matter  
4 License No. 1843 shall be revoked.

5 **RIGHT TO PETITION FOR REHEARING AND REVIEW**

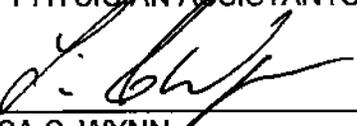
6 Respondent is hereby notified that he has the right to petition for a rehearing or review.  
7 The petition for rehearing or review must be filed with the Board's Executive Director within thirty  
8 (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review  
9 must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103.  
10 Service of this order is effective five (5) days after the date of mailing. A.R.S. § 41-1092.09(C). If  
11 a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35)  
12 days after it is mailed to Respondent.

13 Respondent is further notified that the filing of a motion for rehearing or review is required  
14 to preserve any rights of appeal to the Superior Court.



16 \_\_\_\_\_ day of November, 2009.

17 THE ARIZONA REGULATORY BOARD  
18 OF PHYSICIAN ASSISTANTS

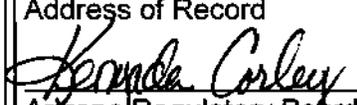
19 By   
20 LISA S. WYNN  
21 Executive Director

22 ORIGINAL of the foregoing filed this  
23 18 day of November, 2009 with:

24 Arizona Regulatory Board of Physician Assistants  
25 9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing  
mailed by U.S. Mail this  
18 day of November, 2009, to:

William J. LiPuma, P.A.  
Address of Record

  
Arizona Regulatory Board  
of Physician Assistants Staff