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## ARIZONA BOARD OF MEDICAL EXAMINERS

1651 East Morten, Suite 210 • Phoenix, Arizona 85020 • Telephone (602) 255-3751 • FAX (602) 255-1848

### Certified Mail/Return Receipt Requested

Richard J. Metzner, M.D.  
[REDACTED]

Re: **LETTER OF REPRIMAND**  
In Re the Application of Richard J. Metzner, M.D.

Dear Dr. Metzner:

You have agreed in the Consent Agreement attached to this letter that the Arizona Board of Medical Examiners shall resolve the complaint listed above by issuing a Letter of Reprimand to you.

A Letter of Reprimand is defined in A.R.S. §32-1401(15) as "a disciplinary letter issued by the Board that informs the physician that the physician's conduct violates state or federal law but does not require the Board to restrict the license or monitor the physician because the physician's conduct did not harm a patient or the public."

In voting to issue the Letter of Reprimand, the Board adopted the following Findings of Fact, Conclusions of Law, and Order:

### Findings of Fact

1. The Board of Medical Examiners of the State of Arizona is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.

2. Richard Metzner, M.D. is the holder of License No. 24964 for the practice of medicine in the State of Arizona.

3. On October 18, 1996, Richard J. Metzner, M.D. appeared before the Arizona Board of Medical Examiners for an Informal/Application Interview. He was represented by counsel, Darrell E. Davis, Esq. At that interview Dr. Metzner acknowledged that he had treated three (3) patients in Arizona and prescribed medication for two (2) of them without proper Drug Enforcement

Administration registration prior to completing the licensing process. He also advertised in the Red Rock News as a medical doctor, and lent his name and the designation "M.D." to signage on a Sedona, Arizona medical office building, all without benefit of Arizona licensure.

### Conclusions of Law

1. The conduct and circumstances described above constitute a violation of A.R.S. §32-1401(25)(d) (commission of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by any court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission).

2. The conduct and circumstances described above constitute a violation of A.R.S. §32-1401(25)(s) (violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter).

### Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that Richard J. Metzner, M.D. be issued a Letter of Reprimand.

DATED this 12 day of February, 1997.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA



Mark R. Speicher  
Executive Director  
Elaine Hugunin  
Deputy Director

MRS/jm  
Attachment  
cc: Russell A. Kolsrud, Esq.

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

In the Matter of )  
 )  
**RICHARD J. METZNER, M.D.** )  
 )  
Holder of License No. 24964 )  
For the Practice of Medicine )  
In the State of Arizona. )  
 )  
Re: In Re the Application of Richard J. )  
Metzner, M.D. )  
\_\_\_\_\_ )

**CONSENT AGREEMENT  
TO LETTER OF REPRIMAND**

RICHARD J. METZNER, M.D., holder of License No. 24964 for the practice of medicine in the State of Arizona, and the Arizona Board of Medical Examiners ("Board") hereby agree as follows:

1. Pursuant to A.R.S. §32-1451(F) and (G)(3), Dr. METZNER agrees that the Board shall adopt the Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order attached to this Consent Agreement and incorporated by this reference. The Letter of Reprimand shall be effective on the date of the letter. Dr. METZNER admits that the Findings of Fact and Conclusions of Law are true and accurate.

2. By entering into this Consent Agreement, Dr. METZNER freely and voluntarily relinquishes all right to an Informal Interview before the Board, a hearing before a hearing officer and before the Board, and relinquishes all right of rehearing, review, reconsideration, appeal, judicial review or any other judicial action concerning the matters set forth herein. Dr. METZNER affirmatively agrees that the Letter of Reprimand shall be irrevocable.

3. Dr. METZNER has read and understands the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, and voluntarily enters

into this Consent Agreement. Dr. METZNER understands that he may consult legal counsel regarding this matter and agrees that he has done so or affirmatively declines to do so.

4. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law and Order, if adopted by the Board, constitute a resolution of the following case: In Re the Application of Richard J. Metzner, M.D. The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law do not constitute a dismissal or resolution of any other matters and do not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other future investigation, action, or proceeding.

5. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order shall not become effective until adopted by the Board and signed by the Board's Executive Director.

6. Dr. METZNER understands that if the Board does not adopt the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, the case listed in paragraph 4 above will be decided by the Board pursuant to the Medical Practice Act, A.R.S. § 32-1401 et seq. Dr. METZNER agrees that he will not assert as a defense that the Board's consideration of the Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law constitutes bias, prejudice, prejudgment or other similar defense.

7. The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law is a public record and shall be reported as required by law to the National Practitioner Data Bank and also to the Federation of State Medical Boards.

8. The Consent Agreement constitutes the entire agreement of the parties.

9. Any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. §32-1401(25)(r) (violating a formal order, probation or stipulation issued or entered into by the board or its executive director under the

provisions of this chapter) and may result in disciplinary action pursuant to A.R.S. §32-1451.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

Mark R. Speicher  
MARK R. SPEICHER  
Executive Director  
ELAINE HUGUNIN  
Deputy Director

Dated: 2/12/97

Richard J. Metzner, M.D.  
RICHARD J. METZNER, M.D.

Dated: 1/14/97

ORIGINAL of the foregoing Consent Agreement to Letter of Reprimand and Copy of Letter of Reprimand mailed by Certified Mail this \_\_\_\_ day of \_\_\_\_\_, 1997 for signature on the Consent Agreement to:

Richard J. Metzner, M.D.

[Redacted]

COPY of the foregoing signed Consent Agreement to Letter of Reprimand and Letter of Reprimand mailed this 13th day of February, 1997 to:

Richard J. Metzner, M.D.

[Redacted]

COPY of the foregoing unsigned Consent Agreement to Letter of Reprimand and Letter of Reprimand mailed this \_\_\_\_ day of \_\_\_\_\_, 1997 to:

Russell A. Kolsrud, Esq.  
NORLING, KOLSRUD, SIFFERMAN  
SVEJDA & DAVIS, P.L.C.  
The National Bank Plaza  
3101 N. Central Ave., Suite 690  
Phoenix, Arizona 85012  
Attorney for Dr. Metzner

COPY of the foregoing signed Consent Agreement to Letter of Reprimand and Letter of Reprimand mailed this 13th day of February, 1997 to:

Russell A. Kolsrud, Esq.  
NORLING, KOLSRUD, SIFFERMAN  
SVEJDA & DAVIS, P.L.C.  
The National Bank Plaza  
3101 N. Central Ave., Suite 690  
Phoenix, Arizona 85012  
Attorney for Dr. Metzner

\_\_\_\_\_  
Secretary

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