

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **THOMAS E. COSMAS, M.D.**

4 Holder of License No. 4685  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-09-0517A

**INTERIM ORDER FOR PRACTICE  
RESTRICTION AND CONSENT TO SAME**

7 **INTERIM CONSENT AGREEMENT**

8 Thomas E. Cosmas, M.D. ("Respondent") elects to permanently waive any right to  
9 a hearing and appeal with respect to this Order for Practice Restriction; admits the  
10 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order  
11 by the Board.

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of License No. 4685 for the practice of allopathic  
16 medicine in the State of Arizona.

17 3. Over a six-year period, Respondent prescribed short-acting opioids to WH  
18 with escalating dosages and frequent early refills. Respondent also performed inadequate  
19 evaluations and his medical records did not contain an adequate rationale for and  
20 response to the medications prescribed to WH.

21 4. The Executive Director has consulted with investigative staff and the Board's  
22 medical consultant, who have reviewed the case and agree that a consent agreement is  
23 appropriate.

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25

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over  
3 Respondent.

4 2. The Executive Director may enter into a consent agreement with a physician  
5 if there is evidence of danger to the public health and safety pursuant to A.R.S. § 32-  
6 1405(C)(25);and § 32-1451(F); A.A.C. R4-16-504.

7 3. Based on the information in the Board's possession there is evidence that if  
8 Respondent were to practice medicine in Arizona there would be a danger to the public  
9 health and safety.

10 ORDER

11 IT IS HEREBY ORDERED THAT:

12 1. Respondent shall not practice clinical medicine or any medicine involving  
13 direct patient care, and is prohibited from prescribing any form of treatment including  
14 prescription medications, until Respondent applies to the Board and receives permission  
15 to do so.

16 2. This is an interim order and not a final decision by the Board regarding the  
17 pending investigative file and as such is subject to further consideration by the Board.

18 DATED AND EFFECTIVE this 11<sup>th</sup> day of December, 2009.



ARIZONA MEDICAL BOARD

23 By *Lisa S. Wynn*  
24 Lisa S. Wynn  
25 Executive Director

CONSENT TO ENTRY OF INTERIM ORDER

1. Respondent has read and understands this Interim Order for Practice  
Restriction and Consent to Same and the stipulated Findings of Fact, Conclusions of Law

1 and Order ("Interim Order"). Respondent acknowledges he has the right to consult with  
2 legal counsel regarding this matter.

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

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

10 4. The Interim Order is not effective until approved and signed by the  
11 Executive Director.

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

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

23 7. This Interim Order is a public record that will be publicly disseminated as a  
24 formal action of the Board and will be reported to the National Practitioner's Data Bank  
25 and on the Board's web site.

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

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

8 *Thomas E Cosmas MD*

9 *Thomas MD*

THOMAS E. COSMAS, M.D.

DATED:

*12/11/09*

10  
11 EXECUTED COPY of the foregoing mailed  
12 this *12th* day of *December* 2009 to:

13 Daniel P. Jantsch  
14 Olson, Jantsch & Bakker  
15 7243 N. 16th Street  
16 Phoenix, Arizona 85020

17 ORIGINAL of the foregoing filed  
18 this *12th* day of *December* 2009 with:

19 Arizona Medical Board  
20 9545 E. Doubletree Ranch Road  
21 Scottsdale, AZ, 85258

22 *Chris Camp*  
23 Arizona Medical Board Staff  
24  
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