

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **SAM HOCHANE, M.D.**

4 Holder of License No. 32092
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-09-0602A

**ORDER FOR DECREE OF CENSURE
AND PROBATION AND CONSENT TO
SAME**

7 Sam Hochane, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Decree of Censure and Probation; admits
9 the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this
10 Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 32092 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-09-0472A after receiving notification
17 that Respondent was arrested for sexual abuse that alleged that Respondent
18 inappropriately touched a female patient during a medical examination.

19 4. On April 24, 2009, patient DF complained to the police department that
20 Respondent had sexually assaulted her. Specifically, on that same date, DF presented to
21 Respondent complaining of severe migraines. Respondent performed an injection to the
22 back of DF's neck. Following the procedure, it is alleged that Respondent inappropriately
23 touched DF. Subsequently, during a recorded telephone conversation with DF,
24 Respondent made statements that he acted inappropriately towards her.
25

1 the patient was the licensee's spouse at the time of the contact or, immediately preceding
2 the physician-patient relationship, was in a dating or engagement relationship with
3 licensee, for purposes of this subdivision, "Sexual Conduct" includes: (i) Engaging in or
4 soliciting sexual relationships, whether consensual or nonconsensual. (ii) Making sexual
5 advances, requesting sexual favors or engaging in other verbal conduct or physical
6 contact of a sexual nature. (iii) Intentionally viewing a completely or partially disrobed
7 patient in the course of treatment if the viewing is not related to patient diagnosis or
8 treatment under current practice standards.") and A.R.S. § 32-1401(27)(ss)("[p]rescribing,
9 dispensing or furnishing a prescription medication or a prescription-only device as defined
10 in section 32-1901 to a person unless the licensee first conducts a physical examination of
11 that person or has previously established a doctor-patient relationship. . . .").

12 **ORDER**

13 **IT IS HEREBY ORDERED THAT:**

- 14 1. Respondent is issued a Decree of Censure.
- 15 2. Respondent's practice is restricted in that he shall only see male patients for
16 a minimum of six months.
- 17 3. Respondent is placed on probation for five years with the following terms
18 and conditions:
- 19 a. Respondent shall enter a contract with a Board pre-approved
20 monitoring company to provide all monitoring services. Respondent shall bear all costs of
21 monitoring requirements and services.
- 22 b. Respondent shall immediately obtain individual psychotherapy with an
23 approved psychotherapist who specializes in sexual issues. Respondent shall comply with
24 the psychotherapist's recommendations for continuing care and treatment. Respondent
25 shall instruct the psychotherapist to release, upon request, all records relating to

1 Respondent's treatment regarding diagnosis, prognosis, medications, and
2 recommendations for continuing care and treatment of Respondent. Respondent shall
3 provide the psychotherapist with a copy of this order. After twelve months, Respondent
4 may submit a written request to the Executive Director requesting termination of the
5 requirement that Respondent remain in treatment with a psychotherapist. The decision to
6 terminate will be based, in part, upon the treating psychotherapist's recommendation for
7 continued care and treatment.

8 c. Respondent shall attend biweekly group therapy sessions unless
9 excused by the Executive Director for good cause such as illness or vacation.
10 Respondent shall instruct the group therapy facilitator to release, upon request, all records
11 relating to Respondent's treatment, attendance, and progress.

12 d. Respondent shall participate in a 12-step recovery program to
13 address his sexual issues. Respondent shall attend a minimum of two 12-step meetings
14 per week. One of those meetings may be on-line. Additionally, Respondent shall attend
15 Caduceus meetings biweekly. Respondent must maintain a log of all meetings. Board
16 Staff will provide the log to Respondent.

17 e. Respondent shall establish and participate in the Professional
18 Enhancement Program (PEP) at Pine Grove care monitoring in the workplace.

19 f. Respondent shall within six months after the date of this Order
20 present to PEP for a re-evaluation and determination of future workplace
21 recommendations, including, but not limited to an assessment to determine whether
22 Respondent can see female patients and whether he needs a chaperone. Respondent
23 shall instruct PEP to release, upon request, all records relating to Respondent's treatment
24 regarding diagnosis, prognosis, and recommendations for continuing care and treatment of
25 Respondent.

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g. Respondent shall submit to polygraph testing every six months.

h. Respondent shall within six months of the effective date of this Order obtain 10 - 15 hours of pre-approved Category I Continuing Medical Education (CME) in boundaries and 10 - 15 hours in prescribing. Respondent shall submit a certificate of completion as satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical license.

i. Respondent's medical practice should include patient satisfaction surveys that explore levels of comfortableness with Respondent.

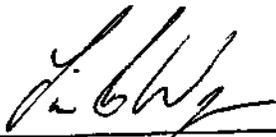
j. Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

k. In the event Respondent should leave Arizona to reside or practice outside the State or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall notify the Executive Director in writing within ten days of departure and return or the dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days during which Respondent is not engaging in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary period.

DATED AND EFFECTIVE this 2ND day of DECEMBER, 2009.



ARIZONA MEDICAL BOARD

By 
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

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

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

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

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

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

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

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

1 Bank and on the Board's web site as a disciplinary action.

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

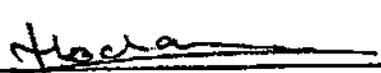
4 9. If the Board does not adopt this Order, Respondent will not assert as a
5 defense that the Board's consideration of the Order constitutes bias, prejudice,
6 prejudgment or other similar defense.

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

11 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2533(E), he cannot
12 act as a supervising physician for a physician assistant while his license is under
13 probation.

14 12. *Respondent has read and understands the conditions of probation.*

15

16 

DATED: OCT/30/09

17 **SAM HOCHANE, M.D.**

18

19 EXECUTED COPY of the foregoing mailed
this 2nd day of December, 2009 to:

20

21 Stephen C. Yost
22 Campbell, Yost, Clare & Norell, PC
101 N. 1st Avenue, Suite 2500
Phoenix, Arizona 85003-1904

23 EXECUTED COPY of the foregoing mailed
24 this 2nd day of December, 2009 to:

25 Sam Hochane, M.D.
Address of Record

1 ORIGINAL of the foregoing filed
2 this 2nd day of December, 2009 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

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7 _____
8 Arizona Medical Board Staff

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