



1 gross negligence in that he failed to modify his treatments when patients had alarming  
2 inconsistencies in their medical records, incongruencies in their urine drug screens and  
3 reports from third parties about grave concerns.

4 5. On February 19, 2014, Respondent entered into The First Agreed Order with  
5 the KMB. Multiple stipulations were outlined in The First Agreed Order, including a  
6 restriction from prescribing. On May 15, 2014, the KMB reinstated Respondent's  
7 prescribing privileges ("Second Agreed Order"); however, Respondent remains on an  
8 indefinite practice restriction with the KMB that includes periodic third party chart reviews  
9 and additional continuing medical education requirements. This Second Agreed Order  
10 remains in effect.

11 6. On June 18, 2014, Board staff mailed a notice letter requesting a response  
12 from Respondent regarding the current investigation, with a deadline of July 2, 2014.  
13 Board staff called Respondent's office on July 8, 2014 and left a message requesting a call  
14 back, as he had not responded to the Board's letter. On July 24, 2014, Board staff called  
15 Respondent's office again and spoke with his Medical Assistant who stated that  
16 Respondent did not receive the initial letter requesting a response. The June 18, 2014  
17 letter was then faxed to Respondent's office. Respondent failed to respond to these  
18 attempts to contact him.

19 7. Respondent submitted a licensee response on March 21, 2015.

20 8. According to the KMB, Respondent is currently in compliance with his  
21 Second Agreed Order, including completion of required continuing medical education  
22 ("CME") requirements and two successful chart reviews.

23 9. On March 26, 2014, Respondent requested an opportunity to resolve the  
24 current investigation and keep his Arizona license.

25

1 **CONCLUSIONS OF LAW**

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

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

14 c. The conduct and circumstances described above constitute unprofessional  
15 conduct pursuant to A.R.S. §32-1401(27)(dd) ("[f]ailing to furnish information in a timely  
16 manner to the board or the board's investigators or representatives if legally requested by  
17 the board.").

18 **ORDER**

19 IT IS HEREBY ORDERED THAT:

- 20 1. Respondent is issued a Letter of Reprimand.  
21 2. Respondent is placed on Probation for a period of time equal to the length of  
22 time remaining on the Second Agreed Order with the following terms and conditions:

23 a. **Compliance with the Second Agreed Order**

24 Respondent shall remain compliant with the Second Agreed Order at all  
25 times. Respondent shall authorize the KMB to communicate with Board staff regarding the

1 status of his compliance with the Second Agreed Order, including providing the Board with  
2 a point of contact, and executing any releases necessary to facilitate full communication  
3 between the Board and the KMB, and allowing the KMB to contact the Board directly in the  
4 event that Respondent is no longer in compliance with the Second Agreed Order.

5 **b. Practice Restriction**

6 Respondent shall not prescribe controlled substances in Arizona until  
7 termination of this Order.

8 **c. Obey All Laws**

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

12 **d. Probation Termination**

13 Prior to the termination of Probation, Respondent must submit a written  
14 request to the Board for release from the terms of this Order. Respondent's request for  
15 release will be placed on the next pending Board agenda, provided a complete submission  
16 is received by Board staff no less than 14 days prior to the Board meeting. Respondent's  
17 request for release must provide the Board with evidence establishing that he has  
18 successfully satisfied all of the terms and conditions of this Order and the Second Agreed  
19 Order issued by the KMB. The Board has the sole discretion to determine whether all of  
20 the terms and conditions of this Order have been met or whether to take any other action  
21 that is consistent with its statutory and regulatory authority.

22 3. The Board retains jurisdiction and may initiate new action against  
23 Respondent based upon any violation of this Order.  
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1 DATED AND EFFECTIVE this 4<sup>th</sup> day of June, 2015.

2  
3 ARIZONA MEDICAL BOARD

4  
5 By Patricia E. McSorley  
6 Patricia E. McSorley  
7 Executive Director

8 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

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

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

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

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

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

18          11.   Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he  
19 cannot act as a supervising physician for a physician assistant while his license is on  
20 probation.

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1  
2 12. Respondent has read and understands the conditions of probation.  
3

4   
5 SAMUEL W. GEHRING, M.D.

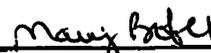
DATED: 4/17/15

6  
7 EXECUTED COPY of the foregoing mailed  
8 this 1<sup>st</sup> day of June, 2015 to:

9 Samuel W. Gehring  
10 Address of Record

11 ORIGINAL of the foregoing filed  
12 this 4<sup>th</sup> day of June, 2015 with:

13 Arizona Medical Board  
14 9545 E. Doubletree Ranch Road  
15 Scottsdale, AZ 85258

16   
17 Board Staff