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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
PHILIP M. HARMON, M.D.
Holder of License No. 44519
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-14-0697A
**ORDER FOR LETTER OF
REPRIMAND; AND CONSENT TO THE
SAME**

Philip M. Harmon, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license number 44519 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-14-0697A after receiving Respondent's self-report that he had a relationship with patient KR, but had since terminated the doctor-patient relationship. The Board subsequently received a complaint from patient KR's husband alleging that KR was having an ongoing sexual relationship with Respondent.
4. In his self-report to the Board, Respondent stated that he was in a relationship with KR. He admitted to prescribing silver sulfadiazine cream to KR, knowing that it would be used for her husband, TR. A review of the Controlled Substance Prescription Monitoring Program ("CSPMP") indicated that Respondent has not prescribed any controlled substances to KR since the relationship was initiated.
5. Respondent underwent a psychological evaluation, which concluded that there was no evidence found of predatory behavior and he was not a risk to other patients.

1 It was felt that Respondent is safe to practice medicine. Respondent also completed a
2 professional boundaries course.

3 6. During the course of the Board's investigation, Respondent's care and
4 treatment of patient KR was reviewed by a Medical Consultant ("MC") who determined that
5 the medical records of KR are in order and give no indication of any medical
6 mismanagement.

7 7. The standard of care requires Respondent to maintain a professional
8 relationship with his patients. Respondent deviated from the standard of care by failing to
9 maintain a professional relationship with patient KR.

10 8. There was the potential for disruption of the marriages of both families
11 involved, as well as long-term mental stress of patient KR's husband and family.

12 CONCLUSIONS OF LAW

13 a. The Board possesses jurisdiction over the subject matter hereof and over
14 Respondent.

15 b. The conduct and circumstances described above constitute unprofessional
16 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[A]ny conduct that is or might be harmful or
17 dangerous to the health of the patient or the public.").

18 c. The conduct and circumstances described above constitute unprofessional
19 conduct pursuant to A.R.S. § 32-1401(27)(z) ("[E]ngaging in sexual conduct with a current
20 patient or with a former patient within six months after the last medical consultation unless
21 the patient was the licensee's spouse at the time of the contact or, immediately preceding
22 the physician-patient relationship, was in a dating or engagement relationship with the
23 licensee.").

24 d. The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401(27)(ss) ("[P]rescribing, dispensing or furnishing a

1 prescription medication or a prescription-only device as defined in section 32-1901 to a
2 person unless the licensee first conducts a physical examination of that person or has
3 previously established a doctor-patient relationship.”).

4 **ORDER**

5 IT IS HEREBY ORDERED THAT:

6 1. Respondent is issued a Letter of Reprimand.

7
8 DATED AND EFFECTIVE this 4th day of June, 2015.

9 ARIZONA MEDICAL BOARD

10
11 By Patricia E. McSorley
12 Patricia E. McSorley
13 Executive Director

14 **CONSENT TO ENTRY OF ORDER**

15 1. Respondent has read and understands this Consent Agreement and the
16 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
17 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

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

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

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

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

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

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

20 10. *Respondent has read and understands the terms of this agreement.*

21
22 
23 PHILIP M. HARMON, M.D.

DATED: 4/10/2015

24 EXECUTIVE COPY of the foregoing mailed
25 this 4th day of June, 2015 to:

1 Robert J. Milligan
Milligan Lawless, PC
2 5050 N 40th Street
Suite 200
3 Phoenix, AZ 85015
4 Attorney for Respondent

5 ORIGINAL of the foregoing filed
this 4th day of June, 2015 with:

6 Arizona Medical Board
7 9545 E. Doubletree Ranch Road
8 Scottsdale, AZ 85258

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10 Board Staff

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