

1 5. On April 26, 2013, Respondent's Attorney reported to the Board that
2 Respondent received a DUI on April 25, 2013. Respondent was referred to PHP who
3 recommended that the physician undergo chemical dependency treatment. Respondent
4 presented to an inpatient treatment center and successfully completed treatment on
5 August 13, 2013. On September 10, 2013, Respondent entered into a confidential 5 year
6 SRA and was required to undergo monitoring by a psychiatrist, psychotherapist, and an
7 endocrinologist.

8 6. On November 5, 2013, the PHP Contractor reported to Board staff that on
9 November 3, 2013, Respondent received a DUI. It was noted that on November 4, 2013,
10 Respondent was admitted to another inpatient treatment center for psychiatric care and
11 was discharged one week later. PHP recommended that following discharge, Respondent
12 should be required to complete long-term residential treatment for his substance
13 dependence and psychiatric issues. The PHP determined that Respondent was not safe to
14 practice at that time.

15 7. On November 19, 2013, Respondent entered into an Interim Consent
16 Agreement for Practice Restriction. On February 11, 2014, the PHP reported that
17 Respondent was successfully discharged from treatment on February 10, 2014. The PHP
18 reported that Respondent was safe to practice with participation in PHP for a period of five
19 years.

20 8. On March 4, 2014, Respondent entered into an Interim Consent Agreement
21 for PHP participation. In addition to the standard terms of the Interim Order for PHP
22 participation, Respondent is required to undergo monitoring by psychiatry, psychotherapy,
23 and a hormone replacement physician. Board staff reports that Respondent is in
24 compliance with the terms of the Interim Order to participate in PHP.

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1 IT IS HEREBY ORDERED THAT:

2 1. Respondent is issued a Letter of Reprimand.

3 2. Respondent's license is placed on Probation for **five years** and is subject to
4 his continued participation¹ in the Board's Physician Health Program ("PHP") and
5 compliance with the following terms and conditions:

6 A. Respondent shall not consume alcohol or any food or other substance
7 containing poppy seeds or alcohol. Respondent shall not take any illegal drugs or mood
8 altering medications.

9 B. Respondent shall attend the PHP's relapse prevention group therapy
10 sessions one time per week for the duration of this Order, unless excused by the relapse
11 prevention group facilitator for good cause. Individual relapse therapy may be substituted
12 for one or more of the group therapy sessions, if PHP pre-approves substitution. The
13 relapse prevention group facilitators or individual relapse prevention therapist shall submit
14 monthly reports to the PHP regarding attendance and progress.

15 C. If requested by the PHP, Respondent shall attend ninety 12-step
16 meetings or other self-help group meetings appropriate for substance abuse and approved
17 by the PHP, for a period of ninety days. Upon completion of the ninety meetings in ninety
18 days, Respondent shall participate in a 12-step recovery program or other self-help
19 program appropriate for substance abuse as recommended by the PHP. Respondent shall
20 attend a minimum of three 12-step or other self-help program meetings per week. Two
21 meetings per month must be Caduceus meetings. Respondent must maintain a log of all
22 self-help meetings.

23 D. Respondent shall enroll in and complete a Board approved professional
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¹ Respondent's PHP participation is retroactive to March 4, 2014.

1 boundaries course within 90 days of the date of this Order.

2 E. Respondent shall promptly obtain a primary care physician ("PCP") and
3 shall submit the name of the physician to the PHP in writing for approval. The approved
4 PCP shall be in charge of providing and coordinating Respondent's medical care and
5 treatment. Except in an Emergency, Respondent shall obtain medical care and treatment
6 only from the PCP and from health care providers to whom the PCP refers Respondent.
7 Respondent shall promptly provide a copy of this Order to the PCP. Respondent shall also
8 inform all other health care providers who provide medical care or treatment that
9 Respondent is participating in PHP. "Emergency" means a serious accident or sudden
10 illness that, if not treated immediately, may result in a long-term medical problem or loss of
11 life.

12 F. All prescriptions for controlled substances shall be approved by the PHP
13 prior to being filled except in an Emergency. Controlled substances prescribed and filled in
14 an emergency shall be reported to the PHP within 48 hours. Respondent shall take no
15 Medication unless the PCP or other health care provider to whom the PCP refers
16 Respondent prescribes and the PHP approves the Medication. Respondent shall not self-
17 prescribe any Medication. "Medication" means a prescription-only drug, controlled
18 substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen, and
19 plain acetaminophen. Respondent shall submit to random biological fluid, hair and nail
20 testing for two years from the date of this Order (as specifically directed below) to ensure
21 compliance with PHP.

22 G. Respondent shall provide the PHP in writing with one telephone number
23 that shall be used to contact Respondent on a 24 hour per day/seven day per week basis
24 to submit to biological fluid, hair and nail testing to ensure compliance with PHP. For the
25 purposes of this section, telephonic notice shall be deemed given at the time a message to

1 appear is left at the contact telephone number provided by Respondent. Respondent
2 authorizes any person or organization conducting tests on the collected samples to
3 provide testing results to the PHP. Respondent shall comply with all requirements for
4 biological fluid, hair and nail collection. Respondent shall pay for all costs for the testing.

5 H. Respondent shall provide the PHP with written notice of any plans to
6 travel out of state.

7 I. Respondent shall immediately notify the Board and the PHP in writing of
8 any change in office or home addresses and telephone numbers.

9 J. Respondent provides full consent for the PHP to discuss the
10 Respondent's case with the Respondent's PCP or any other health care providers to
11 ensure compliance with PHP.

12 K. The relationship between the Respondent and the PHP is a direct
13 relationship. Respondent shall not use an attorney or other intermediary to communicate
14 with the PHP on participation and compliance issues.

15 L. Respondent shall be responsible for all costs, including PHP costs
16 associated with participating in PHP at the time service is rendered, or within 30 days of
17 each invoice sent to the Respondent. An initial deposit of two months PHP fees is due
18 upon entering the program. Failure to pay either the initial PHP deposit or monthly fees 60
19 days after invoicing will be reported to the Board by the PHP and may result in disciplinary
20 action up to and including license revocation.

21 M. Respondent shall immediately provide a copy of this Order to all
22 employers, hospitals and free standing surgery centers where Respondent currently has
23 or in the future gains employment or privileges. Within 30 days of the date of this Order,
24 Respondent shall provide the PHP with a signed statement of compliance with this
25 notification requirement. Respondent is further required to notify, in writing, all employers,

1 hospitals and free standing surgery centers where Respondent currently has or in the
2 future gains employment or privileges, of a chemical dependency relapse or violation of
3 this Order.

4 N. In the event Respondent resides or practices in a state other than
5 Arizona, Respondent shall participate in the rehabilitation program sponsored by that
6 state's medical licensing authority or medical society. Respondent shall cause the
7 monitoring state's program to provide written quarterly reports to the PHP regarding
8 Respondent's attendance, participation, and monitoring. The monitoring state's program
9 and Respondent shall immediately notify the PHP if Respondent: a) is non-compliant with
10 any aspect of the monitoring requirements; b) relapses; c) tests positive for controlled
11 substances; d) has low specific gravity urine drug test(s), missed and/or late urine drug
12 tests, or otherwise rejected urine drug tests; and e) is required to undergo any additional
13 treatment.

14 O. The PHP shall immediately notify the Board if Respondent: a) is non-
15 compliant with any aspect of this Order; b) relapses; c) tests positive for controlled
16 substances; d) has low specific gravity urine drug test(s), missed and/or late urine drug
17 tests, or otherwise rejected urine drug tests; and e) is required to undergo any additional
18 treatment.

19 P. In the event of chemical dependency relapse by Respondent or
20 Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall
21 be **summarily suspended pending a hearing for revocation**. In the alternative,
22 Respondent may **SURRENDER HIS LICENSE** if he agrees in writing to being impaired by
23 alcohol or drug abuse. A.R.S. § 32-1452(G).

24 Q. Respondent shall immediately obtain a treating psychiatrist,
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1 psychotherapist, and Board certified endocrinologist or Board certified urologist with
2 expertise in treatment of low testosterone and hypogonadism to provide hormone
3 replacement therapy ("hormone management physician") approved by the Monitor and
4 shall remain in treatment with the psychiatrist, psychotherapist, and hormone management
5 physician until further instructed. Respondent shall instruct the psychiatrist,
6 psychotherapist, and hormone management physician to release to the Monitor, upon
7 request, all records relating to Respondent's treatment, and to submit quarterly written
8 reports to the Monitor regarding diagnosis, prognosis, medications, and recommendations
9 for continuing care and treatment of Respondent. Respondent shall provide the
10 psychiatrist, psychotherapist, and hormone replacement physician with a copy of this
11 order. Respondent shall pay the expenses of the psychiatric, psychotherapist, and
12 hormone management physician's care and for the preparation of the quarterly reports.
13 After **twelve months**, Respondent may submit a written request to the Monitor requesting
14 termination of the requirement that Respondent remain in treatment with a psychiatrist,
15 psychotherapist, and hormone management physician. The decision to terminate will be
16 based, in part, upon the treating psychiatrist's, psychotherapist's, and hormone
17 management physician's recommendation for continued care and treatment.

18 R. Respondent shall obey all federal, state and local laws, and all rules
19 governing the practice of medicine in the State of Arizona.

20 S. Respondent shall appear in person before the Board and/or its staff and
21 PHP for interviews upon request, with reasonable notice.

22 T. This Order supersedes all previous consent agreements and stipulations
23 between the Board and/or the Executive Director and Respondent.

24 U. The Board retains jurisdiction and may initiate new action based upon any
25 violation of this Order.

1 V. Prior to the termination of Probation, Respondent must submit a written
2 request to the Board for release from the terms of this Order. Respondent's request for
3 release will be placed on the next pending Board agenda, provided a complete submission
4 is received by Board staff no less than 14 days prior to the Board meeting. Respondent's
5 request for release must provide the Board with evidence establishing that he has
6 successfully satisfied all of the terms and conditions of this Order. The Board has the sole
7 discretion to determine whether all of the terms and conditions of this Order have been
8 met or whether to take any other action that is consistent with its statutory and regulatory
9 authority.
10

11 DATED AND EFFECTIVE this 5th day of June, 2015.
12

13 ARIZONA MEDICAL BOARD

14 By Patricia E. McSorley
15 Patricia E. McSorley
16 *fm* ~~Interim Acting~~ Executive Director

17 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

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

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

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

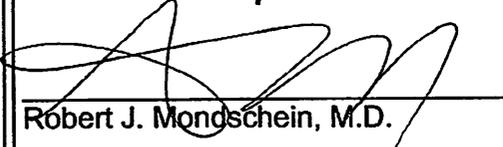
21 9. If the Board does not adopt this Order, Respondent will not assert as a
22 defense that the Board's consideration of the Order constitutes bias, prejudice,
23 prejudgment or other similar defense.

24 10. Any violation of this Order constitutes unprofessional conduct and may result
25 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,

1 consent agreement or stipulation issued or entered into by the board or its executive
2 director under this chapter”) and 32-1451.

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11. Respondent has read and understands the conditions of probation.


Robert J. Mondschein, M.D.

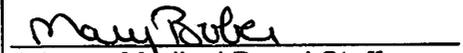
DATED: 5/20/15

EXECUTED COPY of the foregoing mailed
this 5th day of June, 2015 to:

Calvin L. Raup, Attorney at Law
Biltmore Pavilion, Suite A-114
2525 E. Arizona Biltmore Circle
Attorney for Respondent

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

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


Arizona Medical Board Staff