

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **HILARIO JUAREZ, M.D.**

5 Holder of License No. **12148**
6 For the Practice of Medicine
7 In the State of Arizona.

Board Case No. MD-00-0735

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

(Letter of Reprimand)

8 On May 1, 2002, Hilario Juarez, M.D., ("Respondent") appeared before a Review
9 Committee ("Review Committee") of the Arizona Board of Medical Examiners ("Board")
10 with legal counsel, Christina Chait, for a formal interview pursuant to the authority vested
11 in the Review Committee by A.R.S. § 32-1451(Q). The matter was referred to the Board
12 for consideration at its public meeting on July 10, 2002. After due consideration of the
13 facts and law applicable to this matter, the Board voted to issue the following findings of
14 fact, conclusions of law and order.
15

16 **FINDINGS OF FACT**

- 17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of allopathic medicine in the State of Arizona.
- 19 2. Respondent is the holder of License No. 12148 for the practice of medicine
20 in the State of Arizona.
- 21 3. The Board initiated case number MD-00-0735 after receiving information
22 from a pharmacist regarding Respondent's prescribing of controlled substances to a
23 female ("P.J") also known as ("a.k.a") P.B. Follow-up investigation of pharmacy records
24 revealed that Respondent had written numerous prescriptions for P.J. for Xanax, Prozac,
25 Ambien, Glipizide, Welbutrin, belladonna alkaloids and Lorazepam, as well as other
prescriptions.

1 4. Board investigators attempted to reach Respondent at his home address for
2 comments about these prescriptions, but were unsuccessful because he had moved and
3 failed to notify the Board of his new address.

4 5. A subpoena for medical records of Respondent relating to P.B. revealed
5 that Respondent had no medical records for P.B. Board investigators discovered that
6 P.J., a.k.a. P.B., was Respondent's wife. When Board investigators spoke with
7 Respondent he admitted to writing prescriptions for antibiotics for his wife and asked if
8 such conduct was not allowed under statute. Respondent was informed that writing
9 prescriptions for antibiotics was permitted, if there was proper documentation.
10 Respondent stated that he did not have documentation.

11 6. Although the pharmacy records indicated Respondent had prescribed
12 controlled substances, Respondent initially admitted to prescribing only antibiotics.
13 Pharmacy records indicated Respondent began writing prescriptions for controlled
14 substances for his wife in 1997 in the names of P.J. and P.B.

15 7. Respondent provided a narrative response explaining that his wife had
16 suffered from depression for many years and when her physician was not available to
17 issue prescriptions, Respondent would do so. Respondent admitted to the wrongdoing.
18 Respondent also indicated that he wrote the prescriptions using the two names and filled
19 the prescriptions at two different pharmacies in a conscious attempt to minimize the risk
20 of his conduct being exposed.

21 8. At the formal interview Respondent testified that his conduct had been poor
22 judgment on his part and that he has not written prescriptions for his wife since sometime
23 in 2000. Respondent also indicated that he has learned from his conduct. Respondent
24 indicated that not keeping records and not informing Board of his new address were
25 oversights on his part.

1 **CONCLUSIONS OF LAW**

2 1. The Board of Medical Examiners of the State of Arizona possesses
3 jurisdiction over the subject matter hereof and over Respondent.

4 2. The Board has received substantial evidence supporting the Findings of
5 Fact described above and said findings constitute unprofessional conduct or other
6 grounds for the Board to take disciplinary action.

7 3. The conduct and circumstances above in paragraphs 5 through 8 constitute
8 unprofessional conduct pursuant to A.R.S. § § 32-1401(25)(e) “[f]ailing or refusing to
9 maintain adequate records on a patient;” 32-1401(25)(h) “[p]rescribing or dispensing
10 controlled substances to members of the physician’s immediate family;” 32-1401(25)(q)
11 “[a]ny conduct or practice that is or might be harmful or dangerous to the health of the
12 patient or the public;” 32-1401(25)(jj) “[k]nowingly making a false or misleading statement
13 to the board or on a form required by the board or in written correspondence, including
14 attachments, with the board.” Respondent’s conduct above in paragraph 4 is a violation
15 of A.R.S. § 32-1435(B) “[e]ach active licensee shall promptly inform that board of the
16 licensee’s current residence address, office address and telephone number and of each
17 change in residence address and home telephone number.”

18 **ORDER**

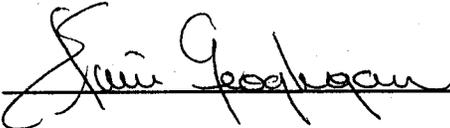
19 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS
20 HEREBY ORDERED that Respondent is issued a Letter of Reprimand for writing
21 improper prescriptions, for not keeping proper medical records, for making false
22 statements to Board investigators and for failing to inform the Board of his current
23 address.

1 Executed copy of the foregoing
mailed by U.S. Mail this
2 10th day of Dec, 2002, to:

3 Hilario Juarez, M.D.
4 525 N. 18th Street, Suite 306
Phoenix, Arizona 85006-3734

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6 Copy of the foregoing hand-delivered this
7 10th day of Dec, 2002, to:

8 Christine Cassetta
9 Assistant Attorney General
10 Sandra Waitt, Management Analyst
Investigations (Investigation File)
11 Arizona Board of Medical Examiners
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

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