



1 management and opiate usage; Respondent could not justify the amount of medication  
2 that was prescribed to patients; Respondent indicated that he relied heavily on charts or  
3 evaluations completed by other physicians; and Respondent indicated that he had been  
4 audited by healthcare maintenance organizations because of concerns over his charting.

5         5.       During the formal interview Respondent was questioned regarding the chart  
6 entries of particular patients. Respondent was unable to explain how another physician  
7 who was looking at patient's chart would know that there had not been a change in a  
8 patient's condition when Respondent had not documented such a change.

9         6.       In regard to a patient chart that contained a recitation of medicine the  
10 patient was taking and occasionally another sentence relating to headaches, Respondent  
11 was asked if the Board should assume the patient was being treated for headaches.  
12 Respondent indicated that the patient had come to him with a diagnosis of migraines.  
13 Respondent indicated that another physician had diagnosed the patient with migraines,  
14 but that it was not reflected in her chart.

15         7.       Respondent indicated that if a patient has supporting notes from a previous  
16 physician and nothing has changed about the patient's condition he would not doubt the  
17 veracity of the other physician's notes.

18         8.       However, Respondent also indicated that there was no description of the  
19 character or location of the patient's headaches, nor was there any discussion of the  
20 frequency of the headaches.

21         9.       The Board's Medical Consultant ("Medical Consultant") noted that the  
22 transcript of the investigational interview, page 4, discussed one of Respondent's patients  
23 being on Methadone, Trazodone, Klonopin Ativan, Lortabs and Celexa. The transcript  
24 indicated that when Respondent was asked about the combination of these medications  
25 he stated that the patient had not been on all the medications at the same time, but the

1 chart does not reveal which medication the patient was still on and which medication had  
2 been discontinued.

3 8. Respondent indicated that his recordkeeping in the records being reviewed  
4 by the Board was substandard.

5 9. Respondent testified that he was implementing changes as a result of the  
6 Board's investigation. Respondent indicated that he currently dictates his notes and is  
7 more circumspect and careful with regard to patients with chronic pain. Respondent also  
8 indicated that he had attended numerous continuing medical education seminars in the  
9 last year and that he was well ahead of the required minimum hours.

### 10 **CONCLUSIONS OF LAW**

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

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

16 3. The conduct and circumstances above in paragraphs 3, 5, 6, and 8  
17 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e) "[f]ailing or  
18 refusing to maintain adequate records on a patient."

### 19 **ORDER**

20 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS  
21 HEREBY ORDERED that:

22 Respondent is placed on probation for two years with the following terms and  
23 conditions:

24 a) Respondent shall within 60 days of the effective date of this Order, at  
25 Respondent's own expense, undergo an evaluation by the Physician Assessment and

1 Clinical Education Program ("PACE") at the University of California, San Diego. Any and  
2 all reports, assessments or other documents generated by PACE shall be forwarded by  
3 PACE to the Board for review. The Board retains jurisdiction and may initiate a new  
4 action based upon the results of the PACE evaluation.

5 b) Board Staff or its agents shall conduct a chart review not less than every six  
6 months during the two-year probation period. The Board retains jurisdiction and may  
7 initiate a new action based upon the results of the chart review.

8 c) Respondent shall obtain 15 hours of Board Staff pre-approved Category I  
9 Continuing Medical Education ("CME") in pain management and prescribing  
10 pharmacology and provide Board Staff with satisfactory proof of attendance. The CME  
11 shall be in addition to the hours required for biennial renewal of medical license.

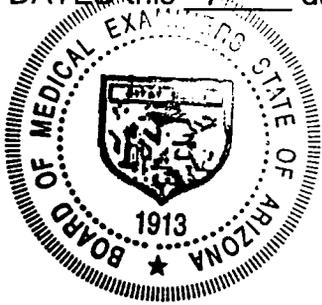
12 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

13 Respondent is hereby notified that he has the right to petition for a rehearing or  
14 review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or  
15 review must be filed with the Board's Executive Director within thirty days after service of  
16 this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons  
17 for granting a rehearing or review. Service of this order is effective five days after date of  
18 mailing. If a motion for rehearing or review is not filed, the Board's Order becomes  
19 effective thirty-five days after it is mailed to Respondent.

20 Respondent is further notified that the filing of a motion for rehearing or review is  
21 required to preserve any rights of appeal to the Superior Court.

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1 DATED this 9<sup>th</sup> day of August, 2002.



6 BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

7  
8 By Barry Cassidy  
BARRY A. CASSIDY, Ph.D., PA-C  
Executive Director

9 ORIGINAL of the foregoing filed this  
10 9 day of August, 2002 with:

11 The Arizona Board of Medical Examiners  
12 9545 East Doubletree Ranch Road  
13 Scottsdale, Arizona 85258

14 Executed copy of the foregoing  
15 mailed by U.S. Certified Mail this  
16 9 day of August, 2002, to:

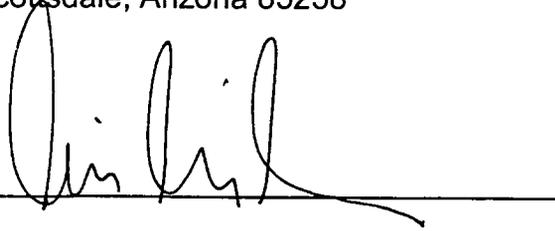
17 Dan Jantsch, Esq.  
18 Olson Jantsch & Bakker  
19 7243 North 16<sup>th</sup> Street  
20 Phoenix, Arizona 85020-5203

21 Executed copy of the foregoing  
22 mailed by U.S. Mail this  
23 9 day of August, 2002, to:

24 A. Harold Meyerowitz, M.D.  
25 6245 W Chandler Blvd Ste E-4  
Chandler AZ 85226-3443

1 Copy of the foregoing hand-delivered this  
2 9 day of August, 2002, to:

3 Christine Cassetta  
4 Assistant Attorney General  
5 Sandra Waitt, Management Analyst  
6 Lynda Mottram, Senior Compliance Officer  
7 Investigations (Investigation File)  
8 Arizona Board of Medical Examiners  
9 9545 East Doubletree Ranch Road  
10 Scottsdale, Arizona 85258

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