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## 1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **ARNOLD H. MEYEROWITZ, M.D.**

4 License No. 13263

5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-06-0612A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND AND  
PROBATION**7 CONSENT AGREEMENT

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and Arnold H. Meyerowitz, M.D. ("Respondent"), the parties agreed to the  
10 following disposition of this matter.

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

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

20 3. This Consent Agreement is not effective until approved by the Board and  
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement of any part thereof. This  
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of  
other matters currently pending before the Board, if any, and does not constitute any

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1 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
2 other pending or future investigation, action or proceeding. The acceptance of this  
3 Consent Agreement does not preclude any other agency, subdivision or officer of this  
4 State from instituting other civil or criminal proceedings with respect to the conduct that is  
5 the subject of this Consent Agreement.

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

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

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

20 9. This Consent Agreement, once approved and signed, is a public record that  
21 will be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

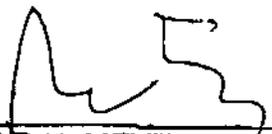
23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

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1           11. Any violation of this Consent Agreement constitutes unprofessional conduct  
 2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[V]iolating a formal order,  
 3 probation, consent agreement or stipulation issued or entered into by the board or its  
 4 executive director under this chapter") and 32-1451.

5           12. ***Respondent has read and understands the condition(s) of probation.***

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 9 ARNOLD H. MEYEROWITZ, M.D.

DATED: 6.14.07

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### 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 13263 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-06-0612A after receiving a complaint from a pharmacist regarding Respondent's care and treatment of a forty-eight year-old male patient ("ES"). The pharmacist also provided information regarding a twelve year-old female patient ("GA"). Following the complaint the Board reviewed records of three randomly chosen patients.

### PATIENT ES

4. ES transferred to Respondent's care in April 2005. ES had documented degenerative changes in the knees and shoulders and his previous treating physician prescribed non-steroidal anti-inflammatory drugs ("NSAIDs") and physical therapy.

5. A pharmacy survey showed Respondent wrote monthly prescriptions for Hydrocodone during 2005 and changed the prescription to Oxycodone in 2006. However, Respondent's notes did not contain ongoing prescriptions in the form of a flow sheet or copies of the prescriptions in the record. Additionally, Respondent's handwriting made it difficult to read his notes.

6. Shortly after changing ES from Hydrocodone to Oxycodone Respondent obtained a consultation with a pain specialist. The specialist concurred with Respondent's continued conservative treatment management with Percocet twice a day for ES's chronic nonmalignant pain. ES signed an opioid contract on March 17, 2006 and Respondent noted ES remains active with exercise and ballroom dancing.



1 **PATIENT PM**

2 11. Respondent treated PM, a forty-seven year-old female patient, for various  
3 problems including sleep apnea and hyperlipidemia. Respondent noted PM had some pain  
4 issues, but it was difficult to determine whether he prescribed PM any medication because  
5 his notes were illegible.

6 12. A physician is required to maintain adequate legible medical records  
7 containing, at a minimum, sufficient information to identify the patient, support the  
8 diagnosis, justify the treatment, accurately document the results, indicate advice and  
9 cautionary warnings provided to the patient and provide sufficient information for another  
10 practitioner to assume continuity of the patient's care at any point in the course of  
11 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because they did  
12 not contain ongoing prescriptions in the form of a flow sheet or copies of the prescriptions  
13 in the record; several of his notes were illegible and he did not document a history or  
14 physical examination including history of illnesses, review of symptoms, vital sign check or  
15 examination of the patient's extremities or back.

16 **CONCLUSIONS OF LAW**

17 1. The Board possesses jurisdiction over the subject matter hereof and over  
18 Respondent.

19 2. The conduct and circumstances described above constitute unprofessional  
20 conduct pursuant to A.R.S. § 32-1401(27) (e) ("[f]ailing or refusing to maintain adequate  
21 records on a patient. ") and A.R.S. § 32-1401(27) (k) ("[s]igning a blank, undated or  
22 predated prescription form.").



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1 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
2 non-practice within Arizona, will not apply to the reduction of the probationary period.

3 3. This Order is the final disposition of case number MD-06-0612A.

4 DATED AND EFFECTIVE this 14<sup>th</sup> day of June, 2007.



ARIZONA MEDICAL BOARD

By

TIMOTHY C. MILLER, J.D.  
Executive Director

10 ORIGINAL of the foregoing filed  
11 this 14<sup>th</sup> day of June, 2007 with:

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

15 EXECUTED COPY of the foregoing mailed  
16 this 14<sup>th</sup> day of June, 2007 to:

17 Arnold H. Meyerowitz, M.D.  
18 Address of Record

Investigational Review