

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **WILLIAM J. ADAMAS-RAPPAPORT**

4 Holder of License No. 15658  
5 For the Practice of Medicine  
6 In the State of Arizona.

Case No. MD-02-0831

**CONSENT AGREEMENT FOR  
LICENSE REACTIVATION AND  
PROBATION**

6 **CONSENT AGREEMENT**

7 By mutual agreement and understanding, between the Arizona Medical Board  
8 ("Board") and William J. Adamas-Rappaport, M.D. ("Respondent"), the parties agreed to  
9 the following disposition of this matter at the Board's public meeting on March 12, 2003.

10 1. Respondent acknowledges that he has read and understands this Consent  
11 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.  
12 Respondent acknowledges that he understands he has the right to consult with legal  
13 counsel regarding this matter and has done so or chooses not to do so.

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

19 3. Respondent acknowledges and understands that this Consent Agreement  
20 and the Order will not become effective until approved by the Board and signed by its  
21 Executive Director.

22 4. All admissions made by Respondent are solely for final disposition of this  
23 matter and any subsequent related administrative proceedings or civil litigation involving  
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent  
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
5 upon signing this agreement, and returning this document (or a copy thereof) to the  
6 Board's Executive Director, Respondent may not revoke his acceptance of the Consent  
7 Agreement and Order. Respondent may not make any modifications to the document.  
8 Any modifications to this original document are ineffective and void unless mutually  
9 approved by the parties.

10 6. Respondent further understands that this Consent Agreement and Order,  
11 once approved and signed, shall constitute a public record document that may be publicly  
12 disseminated as a formal action of the Board.

13 7. If any part of the Consent Agreement and Order is later declared void or  
14 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force  
15 and effect.

16 WR  
17 William J. Adamas-Rappaport, M.D.

Feb 14, 03  
Date

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1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 15658 for the practice of allopathic  
5 medicine in the State of Arizona.

6 3. The Board initiated case number MD-02-0831 after Respondent requested  
7 that his license be reactivated. In October 2002 the Board placed Respondent's license  
8 on inactive status with cause because he had previously been under a Stipulated  
9 Rehabilitation Agreement for substance abuse that terminated on February 15, 1996 and  
10 he had relapsed. A.R.S. § 32-1451(F).

11 4. Subsequent to his license being inactivated with cause, Respondent  
12 completed inpatient treatment at Sierra Tucson. Respondent also has been participating  
13 in a program ("Program") that requires random urine screens. All of the drug screens  
14 performed on Respondent under this program have been negative. The Program has also  
15 reported that Respondent has been diligently participating and is on target to achieve his  
16 treatment plan and goals.

17 5. Respondent met with the Board's contracted addiction medicine specialist  
18 ("Specialist") and with Specialist's Diversion Committee. The Specialist and the Diversion  
19 Committee recommend that Respondent's license be reactivated and that he be permitted  
20 to return to practice.

21 **CONCLUSIONS OF LAW**

22 1. The Arizona Medical Board possesses jurisdiction over the subject matter  
23 hereof and over Respondent.

24 2. The Board has received substantial evidence supporting the Findings of Fact  
25 described above and said findings require the Board to either refer the matter for formal

1 hearing to revoke Respondent's license or reactive Respondent's license and place  
2 Respondent on probation for 5 years with restrictions necessary to assure public safety.  
3 A.R.S. § 32-1452(F).

4 **ORDER**

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

7 1. Respondent's license is reactivated upon payment of the renewal fee.  
8 2. Respondent placed on Probation for five years with the following terms and  
9 conditions:

10 a. Respondent shall submit quarterly declarations under penalty of perjury on  
11 forms provided by the Board, stating whether there has been compliance with all  
12 conditions of probation. The declarations shall be submitted on or before the 15th of  
13 March, June, September and December of each year, beginning on or before June 2003.

14 b. Respondent shall pay the costs associated with monitoring his probation as  
15 designated by the Board each and every year of probation. Such costs may be adjusted  
16 on an annual basis. Costs are payable to the Board no later than 60 days after the  
17 effective date of this Order and thereafter on an annual basis. Failure to pay these costs  
18 within 30 days of the due date constitutes a violation of probation.

19 c.1. **Participation.** Respondent shall promptly enroll in and participate in the  
20 Monitored Aftercare Program ("MAP") for the treatment and rehabilitation of physicians  
21 who are impaired by alcohol or drug abuse. Respondent shall remain in MAP for five  
22 years from the effective date of this Order. Respondent's participation in MAP may be  
23 unilaterally terminated with or without cause at the Board's discretion at any time after the  
24 issuance of this Order.

25 2. **Group Therapy.** Respondent shall attend MAP's group therapy sessions

1 one time per week for the duration of this Order, unless excused by the MAP group  
2 therapist for good cause such as illness or vacation. Respondent shall instruct the MAP  
3 group therapist to release to the Board, upon its request, all records relating to his  
4 treatment, and to submit monthly reports to the Board regarding attendance and progress.  
5 The reports shall be submitted on or before the 10th day of each month.

6 **3. 12 Step or Self-Help Group Meetings.** Respondent shall attend ninety 12-  
7 step meetings or other self-help group meetings appropriate for substance abuse and  
8 approved by the Board, for a period of ninety days beginning not later than either (a) the  
9 first day following his discharge from chemical dependency treatment or (b) the date of this  
10 Order.

11 **4.** Following completion of the ninety meetings in ninety days, Respondent shall  
12 participate in a 12-step recovery program or other self-help program appropriate for  
13 substance abuse as recommended by the MAP group therapist and approved by the  
14 Board. Respondent shall attend a minimum of three 12-step or other self-help program  
15 meetings per week.

16 **5. Board-Approved Primary Care Physician.** Respondent shall promptly  
17 obtain a primary care physician and shall submit the name of the physician to Board Staff  
18 in writing for approval. The Board-approved primary care physician ("PCP") shall be in  
19 charge of providing and coordinating Respondent's medical care and treatment. Except in  
20 an *Emergency*, Respondent shall obtain his medical care and treatment only from the PCP  
21 and from health care providers to whom the PCP refers Respondent from time to time.  
22 Respondent shall request that the PCP document all referrals in the medical record.  
23 Respondent shall promptly inform the PCP of his rehabilitation efforts and provide a copy  
24 of this Order to that physician. Respondent shall also inform all other health care  
25 providers who provide medical care or treatment that he is participating in the Board's

1 rehabilitation program.

2       **6. Medication.** Except in an *Emergency*, Respondent shall take no  
3 *Medication*, unless his PCP or other health care provider to whom the PCP makes a  
4 referral has prescribed the *Medication*. Respondent shall not self-prescribe any  
5 *Medication*.

6       **7.** If a controlled substance is prescribed, dispensed, or is administered to  
7 Respondent by any person other than PCP, Respondent shall notify the PCP in writing  
8 within 48 hours. The notification shall contain all information required for the medication  
9 log entry specified in paragraph 8. Respondent shall request that the notification be made  
10 a part of the medical record. This paragraph does not authorize Respondent to take any  
11 *Medication* other than in accordance with paragraph 6.

12       **8. Medication Log.** Respondent shall maintain a current legible log of all  
13 *Medication* taken by or administered to him, and shall make the log available to the Board  
14 and its Staff upon request. For *Medication* (other than controlled substances) taken on an  
15 on-going basis, Respondent may comply with this paragraph by logging the first and last  
16 administration of the *Medication* and all changes in dosage or frequency. The log, at a  
17 minimum, shall include the following:

- 18       a. Name and dosage of *Medication* taken or administered;
- 19       b. Date taken or administered;
- 20       c. Name of prescribing or administering physician;
- 21       d. Reason *Medication* was prescribed or administered.

22 This paragraph does not authorize Respondent to take any *Medication* other than in  
23 accordance with paragraph 6.

24       **9. No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or  
25 any food or other substance containing poppy seeds or alcohol.

1           **10. Biological Fluid Collection.** During all times that Respondent is physically  
2 present in the State of Arizona and such other times as Board Staff may direct,  
3 Respondent shall promptly comply with requests from Board Staff, the MAP group  
4 therapist, or the MAP director to submit to witnessed biological fluid collection. If  
5 Respondent is directed to contact an automated telephone message system to determine  
6 when to provide a specimen, she shall do so within the hours specified by Board Staff.  
7 For the purposes of this paragraph, in the case of an in-person request, "promptly comply"  
8 means "immediately". In the case of a telephonic request, "promptly comply" means that,  
9 except for good cause shown, Respondent shall appear and submit to specimen collection  
10 not later than two hours after telephonic notice to appear is given. The Board in its sole  
11 discretion shall determine good cause.

12           **11.** Respondent shall provide Board Staff in writing with one telephone number  
13 that shall be used to contact him on a 24 hour per day/seven day per week basis to submit  
14 to biological fluid collection. For the purposes of this section, telephonic notice shall be  
15 deemed given at the time a message to appear is left at the contact telephone number  
16 provided by Respondent. Respondent authorizes any person or organization conducting  
17 tests on the collected samples to provide testing results to the Board and the MAP  
18 director.

19           **12.** Respondent shall cooperate with collection site personnel regarding  
20 biological fluid collection. Repeated complaints from collection site personnel regarding  
21 Respondent's lack of cooperation regarding collection may be grounds for termination  
22 from the program.

23           **13. Payment for Services.** Respondent shall pay for all costs, including  
24 personnel and contractor costs, associated with participating in the Monitored  
25 Aftercare Program at time service is rendered, or within 30 days of each invoice

1 sent to him.

2 14. Examination. Respondent shall submit to mental, physical, and medical  
3 competency examinations at such times and under such conditions as directed by the  
4 Board to assist the Board in monitoring his ability to safely perform as a physician and his  
5 compliance with the terms of this Order.

6 15. Treatment. Respondent shall submit to all medical, substance abuse, and  
7 mental health care and treatment ordered by the Board, or recommended by the MAP  
8 director.

9 16. Obey All Laws. Respondent shall obey all federal, state and local laws, and  
10 all rules governing the practice of medicine in the State of Arizona.

11 17. Interviews. Respondent shall appear in person before the Board and its  
12 Staff and committees for interviews upon request, upon reasonable notice.

13 18. Address and Phone Changes, Notice. Respondent shall immediately  
14 notify the Board in writing of any change in office or home addresses and telephone  
15 numbers. Respondent shall provide Board Staff at least three business days advance  
16 written notice of any plans to be away from office or home for more than five consecutive  
17 days. The notice shall state the reason for the intended absence from home or office, and  
18 shall provide a telephone number that may be used to contact Respondent.

19 <sup>NP</sup> 19. Relapse, Violation. In the case of chemical dependency relapse by  
20 Respondent or Respondent's use of drugs or alcohol in violation of the Order,  
21 Respondent's license shall be **REVOKED**. Respondent agrees to waive formal hearing on  
22 the revocation. In the alternative, Respondent may **SURRENDER HIS LICENSE** if he  
23 agrees in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

24 20. Notice Requirements.

25 (A) Respondent shall immediately provide a copy of this Order to all

1 employers and all hospitals and free standing surgery centers a which he currently has  
2 privileges. Within 30 days of the date of this Order; Respondent shall provide the Board  
3 with a signed statement that he has complied with this notification requirement. Upon any  
4 change in employer or upon the granting of privileges at additional hospitals and free  
5 standing surgery centers, Respondent shall provide the employer, hospital or free standing  
6 surgery center with a copy of this Order. Within 30 days of a change in employer or upon  
7 the granting of privileges at additional hospitals and free standing surgery centers,  
8 Respondent shall provide the Board with a signed statement that he has complied with this  
9 notification requirement.

10 (B) Respondent is further required to notify, in writing, all employers,  
11 hospitals and free standing surgery centers at which Respondent currently has or in the  
12 future gains employment or privileges, of a chemical dependency relapse, use of drugs or  
13 alcohol in violation of this Order and/or entry into a treatment program. Within seven days  
14 of any of these events Respondent shall provide the Board written confirmation that he  
15 has complied with this notification requirement.

16 (C) Respondent shall immediately submit to the Board under penalty of  
17 perjury, on a form provided by the Board, the name(s) and address(es) of all employers  
18 and all hospitals and free standing surgery centers at which he currently holds privileges to  
19 practice. Respondent is further required to, under penalty of perjury, on a form provided  
20 by the Board, immediately notify the Board of any changes in employment and of any  
21 hospitals and free standing surgery centers at which he gains privileges after the effective  
22 date of this Order.

23 21. **Public Record.** This Order is a public record.

24 22. **Out-of State.** In the event Respondent resides or practices as a physician in  
25 a state other than Arizona, he shall participate in the rehabilitation program sponsored by

1 that state's medical licensing authority or medical society. Respondent shall cause the  
2 other state's program to provide written reports to the Board regarding his attendance,  
3 participation, and monitoring. The reports shall be due on or before the 15th day of March  
4 and September of each year, until the Board terminates this requirement in writing.

5 **23.** Respondent shall immediately obtain a treating psychiatrist approved by  
6 Board Staff and shall remain in treatment with the psychiatrist for a minimum of **12**  
7 **months.** Respondent shall comply with the psychiatrist's recommendations for continuing  
8 care and treatment. Respondent shall instruct the psychiatrist to submit quarterly written  
9 reports to the Board regarding diagnosis, prognosis, and recommendations for continuing  
10 care and treatment. The reports must be submitted on or before the 15th day of March,  
11 June, September and December of each year. Respondent shall pay the expenses of  
12 psychiatric care and is responsible for paying for the preparation of the quarterly reports.  
13 After **12 months** Respondent may submit a written request to the Executive Director  
14 requesting that the Board terminate the requirement that Respondent remain in treatment  
15 with a psychiatrist. The decision to terminate will be based in part upon the treating  
16 psychiatrist's recommendation for continued care and treatment.

17 **24.** This Order supersedes all previous consent agreements and stipulations  
18 between the Board and Respondent.

19 **25.** The Board retains jurisdiction and may initiate new action based upon any  
20 violation of this Order.

## 21 **II. DEFINITIONS**

22 **"Medication"** means "prescription-only drug, controlled substance, and over-the  
23 counter preparation, other than plain aspirin and plain acetaminophen."

24 **"Emergency"** means "a serious accident or sudden illness that, if not treated  
25 immediately, may result in a long-term medical problem or loss of life."

1 This Order is the final disposition of case number MD-02-0831.

2 DATED this 12<sup>th</sup> day of March, 2003.



ARIZONA MEDICAL BOARD

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

10 ORIGINAL of the foregoing filed this  
11 17<sup>th</sup> day of MARCH, 2003 with:

12 The Arizona Medical Board  
13 9545 East Doubletree Ranch Road  
14 Scottsdale, Arizona 85258

15 Executed copy of the foregoing  
16 mailed by U.S. Certified Mail this  
17 17<sup>th</sup> day of MARCH, 2003, to:

18 William J. Adamas-Rappaport, M.D.  
19 1181 E. Placita Graciela  
20 Tucson, Arizona 85718

21 Copy of the foregoing hand-delivered this  
22 17<sup>th</sup> day of MARCH, 2003, to:

23 Christine Cassetta  
24 Assistant Attorney General  
25 Sandra Waitt, Management Analyst  
Kathleen Muller, Senior Compliance Officer  
Investigations (Investigation File)  
Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

John G. Gagliardi