



1 sparse and lack the necessary details to allow competent follow-up care by another  
2 physician.

3 6. One chart revealed that Respondent examined a 79 year-old man  
4 ("Patient"), noted weight and vital signs, noted left low abdominal pain and referred  
5 Patient to surgery without describing a history of present illness or completing a physical  
6 examination.

7 7. Respondent examined the same Patient on an earlier date and Patient  
8 complained of burning with urination. Respondent conducted a urinalysis, but did not do  
9 a physical examination.

10 8. Respondent acknowledged that, although he does not do so, documenting  
11 an examination followed by a diagnosis or impression and a plan is part of the standard  
12 of care.

13 **CONCLUSIONS OF LAW**

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

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

19 3. The conduct and circumstances above in paragraphs 5 through 8 constitute  
20 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e) "[f]ailing or refusing to  
21 maintain adequate records on a patient."

22 ...  
23 ...

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1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law,

3 IT IS HEREBY ORDERED that:

4 1. Respondent is issued a Letter of Reprimand for inadequate record keeping  
5 and lack of documentation.

6 2. Respondent is placed on Probation for two years with the following terms  
7 and conditions:

8 a. Respondent shall within six months of the effective date of this Order,  
9 obtain 20 hours of Board Staff pre-approved Category I Continuing Medical Education  
10 ("CME") in recordkeeping and documentation and provide Board Staff with satisfactory  
11 proof of attendance. The CME hours shall be in addition to the hours required for  
12 biennial renewal of Respondent's medical license.

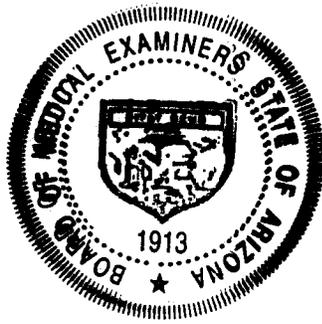
13 b. Board staff shall perform an office survey within six months after the  
14 completion of the CME.

15 **RIGHT TO PETITION FOR REVIEW**

16 Respondent is hereby notified that he has the right to petition for a rehearing.  
17 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed  
18 with the Board's Executive Director within thirty (30) days after service of this Order and  
19 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a  
20 rehearing. Service of this order is effective five (5) days after date of mailing. If a motion  
21 for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it  
22 is mailed to Respondent.

23 Respondent is further notified that the filing of a motion for rehearing is required to  
24 preserve any rights of appeal to the Superior Court.

25 DATED this 12<sup>th</sup> day of October, 2001.



BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

By Claudia Foutz  
CLAUDIA FOUTZ  
Executive Director

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ORIGINAL of the foregoing filed this  
17th day of October, 2001 with:

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

Executed copy of the foregoing  
mailed by U.S. Certified Mail this  
17th day of October, 2001, to:

Michael Ryan  
Broening Oberg Woods Wilson & Cass PC  
1122 East Jefferson Street  
PO Box 20527  
Phoenix, Arizona 85036-0527

Executed copy of the foregoing mailed this  
17th day of October, 2001, to:

Miguel De La Torre, M.D.  
1140 South San Jose  
Suite A  
Mesa, Arizona 85202-3879

Copy of the foregoing hand-delivered this  
17th day of October, 2001, to:

Christine Cassetta  
Assistant Attorney General  
Sandra Waitt, Management Analyst  
Lynda Mottram, Compliance Officer  
Lisa Maxie-Mullins, Legal Coordinator (Investigation File)  
Arizona Board of Medical Examiners  
9545 East Doubletree Ranch Road  
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James A. Jones