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## ARIZONA MEDICAL BOARD

In the Matter of

**JOHN M. RITLAND, M.D.**

Holder of License No. 17268  
For the Practice of Allopathic Medicine  
In the State of Arizona.

**No. 03A-17268-MDX**

**Case No. 03-0859**

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER FOR REVOCATION,  
STAYED, AND  
PROBATION.**

On February 12 and 13, 2004 this case came before the Arizona Medical Board ("Board") for oral argument and consideration of the Recommended Decision of the Administrative Law Judge ("ALJ") containing proposed findings of fact, conclusions of law and a recommended order. John M. Ritland, M.D. ("Respondent") appeared and was represented by Robert Milligan. Assistant Attorney General Dean Brekke represented the State. Assistant Attorney General Christine Cassetta advised the Board. The Board considered the ALJ's recommendation and the entire administrative record in the case and issued Findings of Fact, Conclusions of Law and Order ("2004 Order").

Respondent filed for Judicial Review of the 2004 Order. The Superior Court upheld the Board's decision. Respondent appealed to the Arizona Court of Appeals. The Court of Appeals vacated the Board's decision and remanded the matter to the Board, for the Board to establish on the record whether it understands it can reject a credibility determination and to consider the record in light of this understanding.

On October 12, 2006 the Board heard oral argument and considered the Recommended Decision of the ALJ in light of the Court of Appeal's remand. John M. Ritland, M.D. ("Respondent") appeared and was represented by Robert Milligan. Assistant Attorney General Dean Brekke represented the State. Assistant Attorney General Christine Cassetta advised the Board. Having considered the ALJ's recommendation, the entire administrative record in this case, and the Court of Appeals opinions, the Board hereby issues the following Findings of Fact, Conclusions of Law and Order.

1 FINDINGS OF FACT

2 1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing and  
3 regulating the practice of allopathic medicine in the State of Arizona.

4 2. Respondent, John M. Ritland, M.D., is the holder of License No. 17268 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. On September 24, 2003 the Board summarily restricted Respondent's practice based on  
7 allegations of sexual conduct with minor girls, a sexual relationship with a patient, inappropriate  
8 prescribing practices, and inadequate patient records.

9 4. After the Board's summary restriction of Respondent's practice, he timely filed a request  
10 for an administrative hearing.

11 5. Respondent is an obstetrician/gynecologist who has practiced in Flagstaff, Arizona since  
12 1987.

13 6. Respondent graduated from Andrews University in 1977, with honors, with a Bachelor of  
14 Science degree in biology.

15 7. Respondent earned his Medical Degree from Loma Linda School of Medicine in 1981.

16 8. In 1985, Respondent completed his residency training in Obstetrics and Gynecology at the  
17 University of Illinois/MacNeal Hospital in Chicago, Illinois.

18 9. After completing his residency, Respondent entered private practice in Livingston,  
19 Tennessee.

20 10. Respondent has been board certified by the American Board of Obstetrics and Gynecology  
21 since 1987 and is a Fellow of the American College of Obstetrics and Gynecology.

22 11. Respondent has held privileges at the Flagstaff Medical Center in Flagstaff, Arizona since  
23 1987.



1 23. LB stated she was talking to Respondent because he was a mature doctor and a friend of  
2 the family. She felt he was someone she could trust.

3 24. On December 26, 2000 Respondent provided LB with a prescriptive medication, Prozac.

4 25. LB had been feeling depressed and had told Respondent's daughter, who apparently  
5 relayed the information to Respondent. Respondent drove LB to his medical office and provided her with  
6 the Prozac.

7 26. Respondent did not conduct any physical examination of LB prior to providing her with  
8 the Prozac.

9 27. Respondent stated that LB was "suicidal."

10 28. The standard of care for a gynecologist/obstetrician diagnosing depression requires that at  
11 least five of nine symptoms be found through an extensive evaluation and interview prior to providing  
12 medication and requires psychiatric intervention to prevent suicide.

13 29. Respondent did not open a patient chart detailing a history and physical examination prior  
14 to providing LB with Prozac.

15 30. During early 2001, Respondent asked LB to begin taking birth control medication. He  
16 told LB that he wanted her to take it to make it easier to convince her sister, RB, to go on birth control.  
17 Respondent also told LB that it would help her acne.

18 31. Because of the lack of medical documentation by Respondent, it is unclear whether LB  
19 had acne, or if she did to what extent she had acne.

20 32. Respondent provided LB about six months of birth control medication

21 33. At the time he provided LB with the birth control medication he asked her whether she  
22 had regular menstrual cycles. He did not perform a physical examination of her.

23 34. The standard of care for a gynecologist/obstetrician prescribing birth control to adolescent  
24 females requires that a physician obtain and record a detailed patient and family history and perform a  
25 minimum physical examination consisting of recording blood pressure, weight, allergies and a urinalysis.  
Also, a patient needs to be informed of the risks and benefits of taking the medication.





1           56.     Respondent admits that he delivered C's second child, unassisted, at his office and that  
2 this was the only child that he has ever delivered in his office.

3           57.     The standard of care for a reasonable and prudent physician intimately involved with a  
4 patient requires the physician to either end the intimate relationship or to provide an alternate physician to  
5 give medical care.

6                           **DR. GRAY'S PSYCHOLOGICAL EVALUATION AND TREATMENT PLAN**

7           58.     Steven R. Gray, Ed.D. was retained by the Board to conduct a psycho-sexual evaluation  
8 on Respondent. Dr. Gray is a licensed psychologist who specializes in the assessment and treatment of  
9 sexual abusers and victims of sexual assault.

10          59.     Dr. Gray's evaluation determined sexual boundary issues and made the following  
11 recommendations as to the appropriate monitoring for preventing the occurrence of such issues:

12                   •        "Dr. Ritland should participate in a program where he receives  
13 supervision feedback regarding his practice technique on a random basis  
14 for at least one year. These feedback devices be forwarded to the Board of  
15 Medical Examiners (sic). Feedback devices should be provided by two  
16 distinct entities: a) patients (i.e. "how are we doing? type of device) and  
17 b) staff members associated with his practice, i.e. nurses, nurse  
18 practitioners, physicians and physician assistants."

19                   •        "Dr. Ritland should be precluded from engaging in sexuality  
20 counseling with patients. Based on at least two patient reports, it is clear  
21 he has been unable to consistently judge patient responses to his sexuality  
22 counseling or advice."

23                   •        "Completion of at least thirty hours of CME relative to boundary  
24 issues."  
25

1 • "Completion of a polygraph examination on a six month basis for  
2 two years and then annually for an extended period of time (to be  
3 determined). The polygraph examiner shall be selected by the Board of  
4 Medical Examiners (sic)."

5 • "Participation in counseling to further assess his motivation  
6 regarding sexual comments which were unsettling to at least two patients.  
7 He should read and complete the responses to the book entitled  
8 Streetwise: Practical Risk Management for Practicing Physicians, by  
9 Rosemary Gafner, Medical Risk Management, October 1992.

10 60. Dr. Gray's recommendations are found to be appropriate in light of the evidence of record.

11 61. Prior to the commencement of the instant matter, Respondent had been the subject of only  
12 two prior complaints lodged with either the Board or its predecessor, the Arizona Board of Medical  
13 Examiners.

14 62. One of those complaints resulted in the issuance of a non-disciplinary advisory letter for  
15 giving unwanted and unsolicited sexual advice and using non-medical sexual terminology with a patient.  
16 The record supports the finding that Respondent has continued to give unwanted and unsolicited sexual  
17 advice and has used non-medical sexual terminology since the issuance of the advisory letter.

18 63. The second complaint against Respondent was investigated and dismissed as being  
19 without merit.

20 **CONCLUSIONS OF LAW**

21 1. The Board possesses jurisdiction over the subject matter of this disciplinary action and  
22 over the Respondent. A.R.S. § 32-1401 et seq.

23 2. The Board's "primary duty is to protect the public from unlawful, incompetent,  
24 unqualified or unprofessional practitioners of allopathic medicine." A. R.S. § 32-1403.  
25

1           3.       The Board has the burden of proving the allegations of unprofessional conduct by  
2 Respondent. A.A.C. R2-19-119(B).

3           4.       The burden of proof in this administrative action is a preponderance of the evidence.  
4 A.A.C. R2-19-119(A).

5           5.       A trier of fact may rely upon the demeanor of witnesses when giving weight to the  
6 credibility of witnesses. Based upon the Administrative Law Judge's observation of Respondent, RB and  
7 LB during the hearing and during their respective testimony, the Administrative Law Judge concludes that  
8 RB and LB were credible.

9           6.       The Board understood in 2004 when it first considered the ALJ's Recommended Order  
10 and understands now that it may reject an ALJ's credibility determination. The Board declines to reject the  
11 ALJ's credibility determination.

12           7.       "A person commits sexual abuse by intentionally or knowingly engaging in sexual contact  
13 with any person fifteen or more years of age without the consent of such person." A.R.S. § 13-1404.  
14 Sexual abuse is a class 5 felony.

15           8.       A.R.S. § 13-1401(2) defines sexual contact as "any direct or indirect touching, fondling or  
16 manipulating of any part of the genitals, anus or female breasts by any part of the body or by any object or  
17 causing a person to engage in such contact."

18           9.       The conduct and circumstances described in the above Findings of Fact constitutes  
19 unprofessional conduct by Respondent pursuant to A.R.S. § 32-1401(27)<sup>2</sup>(d) (Committing a felony,  
20 whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,  
21 conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the  
22 commission).

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<sup>2</sup> All references to A.R.S. § 32-1401(26) were updated to reflect the current statutory citation of A.R.S. § 32-1401(27).



1 is initiated, but not resolved prior to the termination of the probation, the Board shall have continuing  
2 jurisdiction and the period of probation shall extend until the matter is final.

3 1. Respondent must have a female chaperone present in all settings when he is with a female  
4 patient under the age of eighteen years including, but not limited to office, hospital, or clinic. The female  
5 chaperone must be an allied healthcare provider (a medical assistant, registered nurse or licensed practical  
6 nurse) employed by Respondent, hospital or clinic and may not be a representative or relative who  
7 accompanied the patient. Respondent shall instruct the chaperone to document her presence by dating and  
8 then signing and legibly printing her name on each patient's chart at the time of the examination.  
9 Respondent shall instruct the chaperone to immediately report any inappropriate behavior to Respondent  
10 and the Board. Board Staff may perform random periodic reviews to ensure compliance with this  
11 requirement.

12 2. Respondent shall pay the costs of the administrative hearing. Board Staff will notify  
13 Respondent of the amount due. Respondent shall pay the costs within 60 days of receiving notification of  
14 the amount due.

15 3. Respondent shall obey all federal, State and local laws, and all rules governing the practice  
16 of medicine in Arizona.

17 4. In the event Respondent should leave Arizona to reside or to practice medicine outside the  
18 State or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall notify  
19 the Board's Executive Director in writing within 10 days of departure and return or the dates of non-  
20 practice in Arizona. Non-practice is any period of time exceeding thirty days during which Respondent is  
21 not engaged in the practice of medicine. Periods of temporary or permanent residence of practice outside  
22 of Arizona or of non-practice within Arizona do not apply to the reduction of the probationary period.

23 5. Respondent shall submit quarterly declarations under penalty of perjury on forms provided  
24 by the Board stating whether he has been compliant with all conditions of probation. The declarations  
25 must be submitted on or before the 15<sup>th</sup> of March, June, September and December of each year.



1 Executed copy of the foregoing  
mailed by US MAIL  
2 this ~~16~~ day of October, 2006 to:

3 Robert Milligan  
Gallagher & Kennedy PA  
4 2575 East Camelback Road  
Phoenix, Arizona 85016-9225

5  
6 John M. Ritland, M.D.  
Address of Record

7 Dean Brekke  
Assistant Attorney General  
8 Office of the Attorney General  
1275 West Washington  
9 Phoenix, Arizona 85007

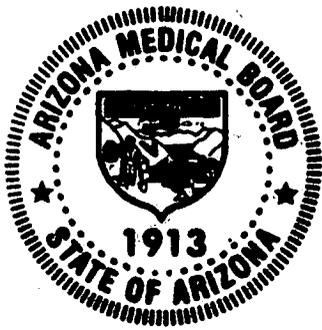
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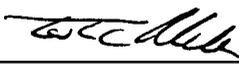


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DATED this 12<sup>th</sup> day of December, 2006.



ARIZONA MEDICAL BOARD

By   
TIMOTHY C. MILLER, J.D.  
Executive Director

ORIGINAL of the foregoing filed this  
13<sup>th</sup> day of December, 2006 with:

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

Executed copy of the foregoing  
mailed by U.S. Mail this 13<sup>th</sup> day  
of December, 2006, to:

Robert J. Milligan  
Gallagher & Kennedy, P.A.  
2575 E Camelback Rd  
Phoenix AZ 85016-4240

John M. Ritland, M.D.  
Address of Record

