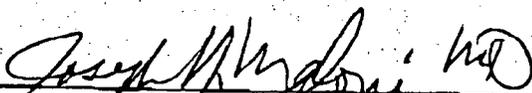


1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

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. Respondent may not make any modifications to the document. Any
8 modifications to this original document are ineffective and void unless mutually approved
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once
11 approved and signed, is a public record that may be publicly disseminated as a formal
12 action of the Board and will be reported to the National Practitioner Data Bank and to the
13 Arizona Medical Board's website.

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

17
18 
19 Joseph D. Meloni, M.D.

DATED: 7-17-03

20 **FINDINGS OF FACT**

21
22 1. The Board is the duly constituted authority for the regulation and control of
23 the practice of allopathic medicine in the State of Arizona.

24 2. Respondent is the holder of license number 20500 for the practice of
25 allopathic medicine in the State of Arizona.

1 3. The Board initiated case number MD-03-0357 after Respondent failed to pay
2 his \$5,000.00 civil penalty within 60-days according to the terms and conditions of his
3 Consent Agreement for Decree of Censure and Order ("Consent Agreement").

4 4. On January 17, 2003, Respondent signed a Consent Agreement for
5 prescribing medications without a doctor/patient relationship.

6 5. On February 12, 2003, the Board voted upon and approved of the Consent
7 Agreement. One of the provisions within the Consent Agreement was that Respondent
8 shall pay a \$5,000.00 civil penalty within 60 days of the Board Order. The 60 day time
9 frame expired on April 14, 2003.

10 6. On March 31, 2003, Respondent's spouse telephoned Board Staff
11 to request an interest free payment plan because Respondent would be unable to pay the
12 full \$5,000.00 civil penalty. This request was subsequently denied because a payment
13 schedule was not part of the Board Order.

14 7. On April 4, 2003, Respondent wrote a letter to Board Staff to again request a
15 payment plan to pay the \$5,000.00 civil penalty due to financial hardship. Respondent
16 requested an interest free payment plan of \$500.00 per month for 10 months and enclosed
17 a check in the amount of \$500.00. On the back of the check, Respondent had written
18 "Note: Acceptance and negotiation of this check constitutes acceptance of interest free
19 payment plan of \$500 per month for 10 months." Board Staff telephoned Respondent
20 stating it could not cash this check because it did not comply with the terms of the Board
21 Order and returned it to Respondent.

22 8. On May 13, 2003, Respondent wrote a letter to Board Staff to detail his
23 financial hardship and enclosed another \$500.00 payment. Respondent wrote that he
24 recognized his failure to pay the entire civil penalty and that he has made some payment
25 to the Board in the spirit of compliance and good faith. Board Staff telephoned

1 Respondent again to deny his request because it was not part of the Board Order, and
2 advise that his check was being returned.

3 9. On June 6, 2003, Board Staff received a check from Respondent in the
4 amount of \$500.00 with the same handwritten note that acceptance and negotiation of the
5 check constitutes acceptance of interest free payment plan of \$500 per month for 10
6 months. Again, the check was not negotiated and was returned to Respondent.

7 10. Despite the Board Order for payment of the \$5,000.00 civil penalty in full
8 within 60 days from the date of the Order, Respondent has implemented his own payment
9 schedule.

10 **CONCLUSIONS OF LAW**

11 1. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 2. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(24)(r) – (“[v]iolating a formal order, probation,
15 consent agreement or stipulation issued or entered into by the board or its executive
16 director under the provisions of this chapter.”).

17 **ORDER**

18 IT IS HEREBY ORDERED THAT:

19 1. Respondent is issued a Letter of Reprimand for violation of a Board Order.

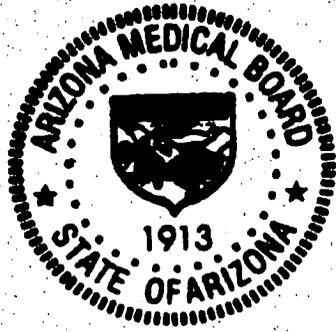
20 2. Respondent shall pay a civil penalty in the amount of \$5,000.00, within 60
21 days, as he had agreed to in his signed Board approved Consent Agreement and Order
22 dated February 12, 2003.

23 3. Respondent shall pay a civil penalty in the amount of \$1000.00 within 60
24 days.

25 ...

1 4. This Order is the final disposition of case number MD-03-0357.

2 DATED AND EFFECTIVE this 15th day of August, 2003.



ARIZONA MEDICAL BOARD

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

9 ORIGINAL of the foregoing filed this
10 15th day of August, 2003 with:

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

13 EXECUTED COPY of the foregoing mailed by
14 Certified Mail this 15th day of August, 2003 to:

15 Joseph D. Meloni, M.D.
16 4100 E. Broadway Road, Suite 130
Phoenix AZ 85040-8809

17 EXECUTED COPY of the foregoing
18 hand-delivered this 15th day of
August, 2003, to:

19 Christine Cassetta, Assistant Attorney General
20 Sandra Waitt, Management Analyst
21 D.K. Keenom, Investigations
22 c/o Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

23 *Brenda A. ...*
24 Board Operations