

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.

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.

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7 MOUSTAFA E. ALAMY, M.D.

DATED: 9/14/27

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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 number 24095 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-07-0198A after receiving notification
7 that Respondent entered into a Stipulated Order ("Order") with the Medical Board of
8 California ("CA Board").

9 4. On April 4, 2007, Respondent entered into an Order for revocation with CA
10 Board for rendering inappropriate and unnecessary treatment to six patients and for
11 inadequate medical records. The CA Board Order also noted Respondent's inappropriate
12 billing practices. However, CA Board stayed the revocation and Respondent was placed
13 on probation for four years. The probation stipulated that Respondent complete continuing
14 medical education courses and clinical training; be monitored in medical practice and
15 billing; be restricted from supervising physician assistants while on probation and to submit
16 quarterly compliance declarations.

17 5. In his response, Respondent stated there were no admissions by him of the
18 charges or of any wrongdoing. However, Respondent admitted that the Order was a result
19 of an inability to read his medical records.

20 6. A physician is required to maintain adequate legible medical records
21 containing, at a minimum, sufficient information to identify the patient, support the
22 diagnosis, justify the treatment, accurately document the results, indicate advice and
23 cautionary warnings provided to the patient and provide sufficient information for another
24 practitioner to assume continuity of the patient's care at any point in the course of
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1 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because they
2 were illegible.

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter hereof and over
5 Respondent.

6 2. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate
8 records on a patient."); A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of
9 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
10 physical inability to engage safely in the practice of medicine, the doctor's medical
11 incompetence or for unprofessional conduct as defined by that jurisdiction and that
12 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
13 paragraph. The action taken may include refusing, denying, revoking or suspending a
14 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
15 limiting, restricting or monitoring a licensee by that jurisdiction by that jurisdiction or placing
16 a licensee on probation by that jurisdiction."); A.R.S. § 32-1401(27)(q) ("[a]ny conduct or
17 practice that is or might be harmful or dangerous to the health of the patient or the
18 public."); A.R.S. § 32-1401(27)(w) ("[c]harging or collecting a clearly excessive fee. . . .")
19 and A.R.S. § 32-1401 (27)(ll) ("[c]onduct that the board determines is gross negligence,
20 repeated negligence or negligence resulting in harm to or the death of a patient.").

21 **ORDER**

22 IT IS HEREBY ORDERED THAT:

23 1. Respondent is issued a Decree of Censure for being disciplined by the State
24 of California for rendering inappropriate and unnecessary treatment to six patients and for
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1 failure to maintain adequate medical records. Additionally, Respondent is assessed a civil
2 penalty of \$5,000.

3 2. This Order is the final disposition of case number MD-07-0198A.

4 DATED AND EFFECTIVE this 12th day of October, 2007.



ARIZONA MEDICAL BOARD

By *Timothy C. Miller*
TIMOTHY C. MILLER, J.D.
Executive Director

10 ORIGINAL of the foregoing filed
this 12th day of October 2007 with:

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

14 EXECUTED COPY of the foregoing mailed
this 12th day of October, 2007 to:

15 Moustafa E. Alamy, M.D.
16 Address of Record

17 *Moustafa E. Alamy*
18 Investigational Review