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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of:  
**RINLY R. GECOSALA, M.D.**  
Holder of License No. 27229  
For the Practice of Allopathic  
Medicine In the State of Arizona,  
  
Respondent.

NO. MD-03-0688A

**CONSENT AGREEMENT FOR LETTER  
OF REPRIMAND**

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Medical Board (Board) and consistent with the public interest, statutory requirements and responsibilities of the Board and under A.R.S. § 41-1092.07(F)(5) and A.R.S. § 32-1451(F), Rinly R. Gecosala, M.D. ("Respondent"), holder of License No. 27229 for the practice of allopathic medicine in the State of Arizona., and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the final disposition of this matter.

1. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity to discuss this Consent Agreement with an attorney. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter, at which administrative hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes

1 all right to such an administrative hearing, as well as all rights of rehearing, review,  
2 reconsideration, appeal, judicial review or any other administrative and/or judicial action,  
3 concerning the matters set forth herein. Respondent affirmatively agrees that this  
4 Consent Agreement shall be irrevocable.

5 3. Respondent agrees that the Board may adopt this Consent Agreement or  
6 any part of this agreement, under A.R.S. § 32-1451(F). Respondent understands that this  
7 Consent Agreement or any part of the agreement may be considered in any future  
8 disciplinary action against him.

9 4. Respondent understands that this Consent Agreement does not constitute a  
10 dismissal or resolution of other matters currently pending before the Board, if any, and  
11 does not constitute any waiver, express or implied, of the Board's statutory authority or  
12 jurisdiction regarding any other pending or future investigation, action or proceeding.  
13 Respondent also understands that acceptance of this Consent Agreement does not  
14 preclude any other agency, subdivision or officer of this state from instituting other civil  
15 or criminal proceedings with respect to the conduct that is the subject of this Consent  
16 Agreement.

17 5. All admissions made by Respondent in this Consent Agreement are made  
18 solely for the final disposition of this matter, and any related administrative proceedings  
19 or civil litigation involving the board and Respondent. This Consent Agreement is not to  
20 be used for any other regulatory agency proceedings, or civil or criminal proceedings,  
21 whether in the State of Arizona or any other state or federal court, except related to the  
22 enforcement of the Consent Agreement itself.

23 6. Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, Respondent  
25 may not revoke his acceptance of the Consent Agreement or make any modifications to

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1 the document, regardless of whether the Consent Agreement has been issued by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually approved by the parties in writing.

4 7. Respondent understands that the foregoing Consent Agreement shall not  
5 become effective unless and until adopted by the Board and signed by its Executive  
6 Director.

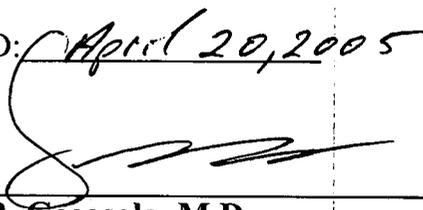
7 8. Respondent understands and agrees that if the Board does not adopt this  
8 Consent Agreement, he will not assert as a defense that the Board's consideration of this  
9 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

10 9. Respondent understands that this Consent Agreement is a public record  
11 that may be publicly disseminated as a formal action of the Board, and shall be reported  
12 as required by law to the National Practitioner Data Bank and the Healthcare Integrity  
13 and Protection Data Bank.

14 10. Respondent understands that any violation of this Consent Agreement  
15 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r)([v]iolating a  
16 formal order, probation, consent agreement or stipulation issued or entered into by the  
17 board or its executive director under the provisions of this chapter) and may result in  
18 disciplinary action pursuant to A.R.S. § 32-1451.

19 ACCEPTED BY:

20 DATED: April 20, 2005

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23 \_\_\_\_\_  
24 **Rinly R. Gecosala, M.D.**

25   
26 \_\_\_\_\_  
**Dan Cavett, Esq.**

1 **FACTUAL ALLEGATIONS**

2 **MD-03-0688A**

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

5 1. Respondent is the holder of license number 27229 for the practice  
6 of allopathic medicine in the State of Arizona.

7 2. The Board initiated case number MD-03-0688A after receiving complaint  
8 regarding Respondent's care and treatment of a 25 year-old female patient ("GT").

9 3. Respondent began treating GT on October 15, 2001 following a motor  
10 vehicle accident involving GT on September 24, 2001. Respondent continued to treat  
11 GT until January 22, 2002.

12 4. There are two separate typewritten reports of the October 15, 2001 office  
13 visit. In one report, Respondent notes as negative, a slump test and a femoral stretch test;  
14 in the other report, he notes both as positive.

15 5. There are two separate typewritten reports of an October 24, 2001 visit. In  
16 one report, Respondent notes the painful arch of the shoulders was at 85 degrees and the  
17 slump test and femoral stretch test was positive. In the other report, Respondent notes  
18 the painful shoulder arch was at 90 degrees and the slump test and femoral stretch test  
19 was negative.

20 6. There are two separate typewritten reports of a November 14, 2001 office  
21 visit. In one report, Respondent describes GT's pain as severe, and in the other report he  
22 describes it as "great". In one report Respondent notes that straight leg raising was  
23 limited to 20 degrees and trigger point injections were highly recommended. In the other  
24 report, Respondent notes that straight leg raising was limited to 50 degrees and that he  
25 did not recommend trigger point injections.

1 7. There are two separate reports of a November 20, 2001 office visit. In one  
2 report Respondent describes GT's pain as severe and great, and in the other report, he  
3 describes it as moderate. In one report, Respondent highly recommends trigger point  
4 injections, and in the other report he terms them "not needed".

5 8. On December 5, 2001, Respondent billed \$45.00 although GT did not show for  
6 the appointment.

7 9. There are two different typewritten reports of a January 22, 2002 office  
8 visit. In the first report, dictated before the patient arrived, Respondent describes a  
9 detailed review and discussion. However, the report does not indicate with whom the  
10 discussion was held, that the patient was not present or that a physical exam was  
11 performed. This report followed the SOAP format. In the second report, Respondent  
12 includes a physical examination indicating limited range of motion of GT's back and  
13 noted medications and physical therapy. Respondent billed \$117.00, coded 99632 for a  
14 60 minute medical conference, in addition to an office visit code 99214 charge of  
15 \$101.28.

16 10. Respondent admitted during a deposition that he added a surcharge of thirty  
17 percent to all personal injury cases he treats.

18 11. Respondent is required to maintain adequate medical records containing at  
19 a minimum sufficient information to identify the patient, support the diagnosis, justify  
20 the treatment, accurately document the results, indicate advice and cautionary warnings  
21 provided to the patient and provide sufficient information for another practitioner to  
22 assume continuity of the patient's care at any point in the course of treatment. A.R.S. §  
23 32-1401(2). Respondent's medical records were not adequate because they did not  
24 accurately document result and did not provide sufficient information for another  
25 practitioner to assume continuity of GT's care.

1 12. By maintaining two versions of medical records with conflicting information and  
2 altering the medical records, Respondent knowingly made false written entries in the  
3 medical records. A.R.S. § 32-1401(27)(t).

4 13. Respondent charged a fee for services not rendered, obtained a fee by  
5 misrepresentation, and charged and collected excessive fees. A.R.S. § 32-1401(27)(u)  
6 and (w)

7 **ALLEGATIONS OF UNPROFESSIONAL CONDUCT**

8 1. The Board possesses jurisdiction over the subject matter hereof and over  
9 Rinly R. Gecosala, M.D. ("Respondent"), holder of License No. 27229, for the practice  
10 of allopathic medicine in the State of Arizona.

11 2. The conduct and circumstances described above constitute unprofessional  
12 conduct pursuant to A.R.S. § 32-1401(26)(e) - ("[f]ailing or refusing to maintain  
13 adequate records on a patient.").

14 3. The conduct and circumstances described above constitute unprofessional  
15 conduct pursuant to A.R.S. § 32-1401(26)(t) - ("[k]nowingly making any false or  
16 fraudulent statement, written or oral, in connection with the practice of medicine . . . .")

17 4. The conduct and circumstances described above constitute unprofessional  
18 conduct pursuant to A.R.S. § 32-1401(26)(u) - ("[c]harging a fee for services not rendered  
19 . . . .").

20 5. The conduct and circumstances described above constitute unprofessional  
21 conduct pursuant to A.R.S. § 32-1401(26)(w) - ("[c]harging or collecting a clearly  
22 excessive fee . . . .")

23 **ORDER**

24 **IT IS THEREFORE ORDERED** that:

25 1. Respondent, Rinly R. Gecosala, M.D. holder of License No. 27229, is  
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1 hereby issued a Letter of Reprimand for failing to maintain adequate medical records,  
2 altering medical records, making false written entries in medical records, charging a fee  
3 for services not rendered, obtaining a fee by misrepresentation, and charging and  
4 collecting excessive fees.

5 2. Respondent is placed on probation for five years with the following terms  
6 and conditions:

7 A. Board staff shall conduct quarterly chart reviews during the term of  
8 probation. Respondent shall bear the expense of the chart reviews. The Board retains  
9 jurisdiction to take additional disciplinary or remedial action based upon the results of  
10 the chart reviews.

11 B. Respondent shall, within six (6) months of the effective date of this  
12 Order, obtain 20 hours of Board staff pre-approved Continuing Medical Education in  
13 medical record keeping and provide Board staff with satisfactory proof of attendance.  
14 The CME hours shall be in addition to the hours required for the biennial renewal of  
15 medical license.

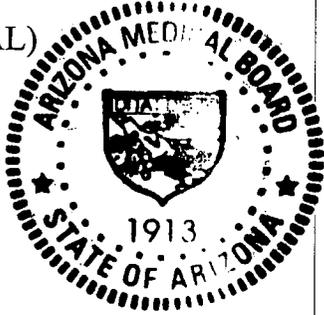
16 3. Respondent is assessed a civil penalty of \$1,000.00 to be paid within sixty  
17 (60) days of this Order becoming final and effective.

18 4. This Order is the final disposition of case number MD-03-0688A.

19 DATED AND EFFECTIVE this 4<sup>th</sup> day of May, 2005.

20 ARIZONA MEDICAL BOARD

21 (SEAL)



22 By: Timothy C. Miller  
23 TIMOTHY C. MILLER, J.D.  
24 Executive Director

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1 Original of the foregoing filed this  
13<sup>th</sup> day of MAY, 2005, with:

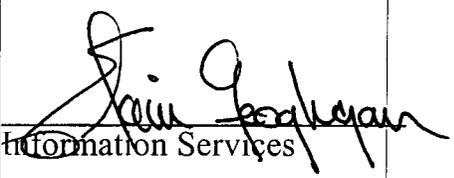
2 Arizona Medical Board  
3 9545 E. Doubletree Ranch Road  
4 Scottsdale, Arizona 85258

5 EXECUTED COPY of the foregoing mailed by U.S.  
6 Certified Mail this 13<sup>th</sup> day  
of MAY, 2005, to:

7 Mr. Dan Cavett, Esq.  
8 Cavett & Gulton, P.C.  
9 6035 E. Grant Road  
10 Tucson, AZ 85712-2317

11 EXECUTED COPY of the foregoing mailed  
12 this 13<sup>th</sup> day of MAY, 2005, to:

13 Rinly R. Gecosala, M.D.  
14 Address of Record

15   
16 Information Services

17 Doc #440254

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