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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

TAMMY L. TADOM, M.D.

Holder of License No. 31547
For the Practice of Allopathic Medicine in the
State of Arizona

Docket No. **05A-31547-MDX**

Case No. MD-05-0885A

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR
REVOCATION OF LICENSE**

On February 8, 2006 this matter came before the Arizona Medical Board ("Board") for oral argument and consideration of the Administrative Law Judge ("ALJ") Michael L. Barth's proposed Findings of Fact and Conclusions of Law and Recommended Order involving Tammy L. Tadam, M.D. ("Respondent"). Respondent was notified of the Board's intent to consider this matter at the Board's public meeting. Respondent did not appear and was not represented by counsel. The State was represented by Assistant Attorney General Stephen A. Wolf. Christine Cassetta, of the Solicitor General's Section of the Attorney General's Office provided legal advice to the Board.

The Board having considered the ALJ's report and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. Despite having been provided notice of the hearing in this matter as required by applicable law, Respondent failed to appear.

2. The Board is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

3. Respondent holds License No. 31547 for the practice of allopathic medicine in the State of Arizona.

1 4. Based on the credible and uncontroverted testimony of the Board's
2 Senior Medical Investigator, Maricarmen Martinez, in combination with reliable and
3 uncontroverted correspondence from Carlos Lerner, M.D., Chief of Staff of Kayente
4 Health Center, where Respondent was working at the time of the conduct in question
5 (Exhibit 1), and the Adverse Action Report from the National Practitioner Data Bank
6 (Exhibit 2), this tribunal makes the findings below.

7 5. On or about August 15, 2005 while practicing medicine at Kayente
8 Health Center ("Kayente") as an employee of the Medical Doctors' Associates (an entity
9 with which Kayente contracted to provide physicians go work at its clinic) Respondent
10 was found to be in possession of 2 partially empty bottles of Acetaminophen/Oxycodone
11 (controlled substances) with blank labels.

12 6. Respondent had removed these bottles of medication from an automatic
13 dispenser using a patient's identification and diverted these medications for her
14 personal use instead of administering them to the patient for whom they had been
15 prescribed.

16 7. Despite having diverted the medications for her own use, Respondent
17 charted that the medication had been prescribed and dispensed to the patient.

18 8. As a result of the medication diversion incident, on that same date,
19 Respondent's professional relationship with Kayente was terminated and pursuant to
20 Article VI, Section 1.1c of the Medical Staff By-laws, Respondent's appointment to
21 Kayente's medical staff and all clinical privileges were automatically revoked.

22 9. The medication diversion incident was reported to the National
23 Practitioner Data Bank by Dr. Lerner on or about August 17, 2005.

24 10. The medication diversion incident was reported to the Board on or about
25 August 18, 2005.

1 11. The Board's Investigative Staff made repeated efforts to contact
2 Respondent at her address, phone number and email addresses of record without
3 success.

4 12. On August 24, 2005 Investigator Martinez telephoned Respondent at 3
5 phone numbers of record. On one of the phone numbers of record, Investigator
6 Martinez left a voice mail, requesting Respondent to contact her as soon as possible.
7 The person answering Investigator Martinez' call to a second phone number of record
8 denied knowing Respondent. The person answering Investigator Martinez' call to a
9 third phone number of record, advised that she had received numerous calls for the
10 Respondent, but believed that she had been mistakenly assigned Respondent's phone
11 number by the phone company.

12 13. On that same date, Investigator Martinez also sent an email to
13 Respondent's e-mail address of record, advising Respondent of the open investigation
14 into the foregoing medication diversion incident and requesting Respondent to contact
15 her immediately as well as to provide current personal contact information. The e-mail
16 was neither returned as being undeliverable nor responded to by Respondent.

17 14. A notice letter sent to Respondent at her Salt Lake City, Utah address of
18 record on that same date was also neither returned as being undeliverable nor
19 responded to by Respondent.

20 15. A notice sent to a Stóckbridge, Georgia address for Respondent as well
21 as a second notice sent to the Salt Lake City address on September 8, 2005 were
22 neither returned as being undeliverable nor responded to by Respondent.

23 16. A telephonic message left with Medical Doctors' Associates on
24 September 2, 2005 requesting assistance in locating Respondent was not returned.
25

1 17. A letter sent to Medical Doctors' Associates on September 9, 2005
2 requesting information on Respondent was neither returned as being undeliverable nor
3 responded to by Medical Doctors' Associates.

4 18. On September 27, 2005 Respondent called Investigator Martinez leaving
5 a phone number where she could be reached as well as advising that the letter sent to
6 the Georgia address had been forwarded to her.

7 19. On the morning of September 28, 2005 Investigator Martinez returned
8 Respondent's call, leaving a message in which she requested Respondent to provide a
9 current address and fax number in order to mail/fax the written notice of the summary
10 action meeting scheduled for noon that day to Respondent. In addition, Investigator
11 Martinez provided an 800 telephone number by which Respondent could participate in
12 the summary action meeting, telephonically.

13 20. The phone number left by Respondent on Investigator Martinez' voice
14 mail was from Tampa, Florida.

15 21. Later on the morning of September 28, 2005 at or about 10:30 a.m.,
16 Investigator Martinez placed another call to Respondent, leaving a second message
17 with the call-in number for the meeting, as well as sending an e-mail with that
18 information.

19 22. Since leaving the telephone message with the Board on September 27,
20 2005 Respondent has not contacted the Board or its Investigative Staff.

21 23. Respondent has been licensed in multiple states, although her only
22 current active out-of-state license is in Florida.

23 24. Respondent's Florida license is reported as active without any negative
24 action thereon.

25

1 2. The burden of proof generally at an administrative hearing falls to the
2 party asserting a claim, right or entitlement or seeking to impose a penalty. A.A.C. R2-
3 19-119(B). Further, the standard of proof is that the "preponderance of the evidence."
4 *Smith v. Arizona Department of Transportation*, 146 Ariz. 430, 706 P.2d 756 (App.
5 1985); see also A.A.C. R2-19-119(A). This standard is not met unless the evidence is
6 sufficient to persuade the finder of fact that the proposition is "more likely true than not."
7 In re *Arnold and Baker Farms*, 177 Bankr. 648, 654 (Bankr. 9th Cir. 1994). The
8 evidence taken as a whole must convince the decision maker that the party who bears
9 the burden, in this case the Board, is more probably correct on the issues in dispute.

10 3. Observing the aforementioned standard, the Board demonstrated, as
11 discussed below, that Respondent committed unprofessional conduct for which her
12 license was and is subject to discipline.

13 4. If on investigation of a physician, the Board finds that public health,
14 safety or welfare imperatively requires emergency action, said physician's medical
15 license may be summarily suspended pending proceedings for revocation or other
16 action. A.R.S. § 32-1451(D).

17 5. The Board is authorized to discipline licensees for unprofessional
18 conduct. A.R.S. § 32-1451.

19 6. Having used controlled substances without prescription by another
20 physician, Respondent engaged in unprofessional conduct. A.R.S. § 32-1401(27)(g).

21 7. Having failed to timely furnish information legally requested by the Board
22 in a timely manner, Respondent engaged in unprofessional conduct. A.R.S. § 32-
23 1401(27)(dd).

1 .8. Because Respondent posed an imminent threat to the public health,
2 safety and welfare, the Board's issuance of the Interim Order for Summary Suspension
3 of License was proper.

4 **ORDER**

5 Based upon the Findings of Fact and Conclusions of Law as adopted, the Board
6 hereby enters the following Order:

7 1. Respondent's license No. 31547 to practice allopathic medicine in the
8 State of Arizona is revoked on the effective date of this Order and Respondent shall
9 return her wallet card and certificate of licensure to the Board.

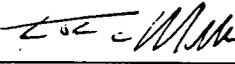
10 **RIGHT TO APPEAL TO SUPERIOR COURT**

11 Respondent is hereby notified that this Order is the final administrative decision
12 of the Board and that Respondent has exhausted her administrative remedies.
13 Respondent is advised that an appeal to Superior Court in Maricopa County may be
14 taken from this decision pursuant to Title 12, Chapter 7, Article 6.
15

16 Dated this 9th day of FEBRUARY, 2006.



ARIZONA MEDICAL BOARD

22 By: 
23 Timothy C. Miller, J.D.
24 Executive Director
25

Original of the foregoing filed this
9th day of FEBRUARY, 2006, with:

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

1 Copy of the foregoing filed this
2 ~~9~~ day of ~~FEBRUARY~~, 2006, with:

3 Cliff J. Vanell, Director
4 Office of Administrative Hearings
5 1400 W. Washington, Ste. 101
6 Phoenix, AZ 85007

7 Executed copy of the foregoing mailed
8 by Certified Mail this 04 day of ~~FEBRUARY~~,
9 2006, to:

10 Tammy L. Tadam, M.D.
11 (Address of record)

12 Executed copy of the foregoing mailed
13 this 04 day of ~~FEBRUARY~~, 2006, to:

14 Dean Brekke
15 Assistant Attorney General
16 Office of the Attorney General
17 CIV/LES
18 1275 W. Washington
19 Phoenix, Arizona 85007

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