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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of  
**DONALD K. HOPEWELL, M.D.**  
Holder of License No. **33348**  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Board Case No. MD-06-0018A  
**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**  
(Letter of Reprimand)

The Arizona Medical Board ("Board") considered this matter at its public meeting on February 8, 2007. Donald K. Hopewell, M.D., ("Respondent") appeared before the Board without legal counsel for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H). The Board voted to issue the following Findings of Fact, Conclusions of Law and Order after due consideration of the facts and law applicable to this matter.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 33348 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-06-0018A after learning that Respondent had been denied a license in another state, but had not disclosed this denial on the July 13, 2004 license application he filed with the Board. Respondent applied to the Colorado Department of Regulatory Agencies ("CDRA") for a Colorado medical license on April 7, 2003. On October 24, 2003, before his license was approved, CDRA received a complaint against Respondent. CDRA investigated the complaint and denied Respondent's application on May 12, 2004. CDRA notified Respondent of this decision in writing on May 17, 2004. Respondent appealed the denial. CDRA denied Respondent's appeal on August 11, 2004 and informed him of the denial in writing on

1 August 27, 2004<sup>1</sup>. Respondent's Arizona license was issued on September 29, 2004. On  
2 December 2005 the Board discovered the CDRA denial of license.

3 4. At the time Respondent applied for the Colorado license he had licenses in  
4 multiple states because he was working with a company that provided intra-operative monitoring  
5 and neurodiagnostic testing, somasensory testing, and electromyogram during surgical  
6 procedures when potential nerve damage was a concern. These services were provided to  
7 patients in various states from outside the state, but Respondent was required to be licensed in  
8 those states where the patients who received his services were located. Respondent is no longer  
9 providing such monitoring services and is in private practice in Missouri.

10 5. The application Respondent submitted to the Board was one of many filled out by  
11 a staff person of the company he was working with. Respondent signed the application, swearing  
12 to its accuracy. Despite receiving the denial letter Respondent believed he could provide CDRA  
13 with more information and they would reconsider. The information Respondent submitted to  
14 CDRA after the May denial was submitted in appeal of the denial and that appeal was denied on  
15 August 11, 2004. Respondent filed his application with the Board in July 2004 and answered no  
16 to the question regarding whether he had ever been denied a license in any other state.  
17 Respondent agreed the best approach would have been to tell the Board of the CDRA action and  
18 his appeal. Although Respondent was represented by legal counsel in the CDRA matter he never  
19 inquired of his counsel or Board Staff how to answer the question regarding license denial.

20 6. In Respondent's February 9, 2006 response letter to the Board he stated he  
21 received the CDRA Notice of Investigation and Complaint sometime in late spring or summer of  
22 2004, that he did not know when he received the notice of denial, but it was also in the summer of  
23 2004, and that the Arizona application had been filed prior to the notice. The letter from CDRA to  
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25 <sup>1</sup> In October 2005 an Administrative Law Judge dismissed CDRA's grounds for denial after the parties entered a settlement agreement wherein Respondent withdrew his application.

1 Respondent dated May 17, 2004 states "[a]fter careful consideration of all the information  
2 contained in your application file, it was the decision of the licensing panel to deny your request  
3 for a medical license." Respondent's Arizona application was filed in July 2004. Respondent  
4 claimed he did not have any of the documents available to him when he filed the February 9,  
5 2006 response because he had left the company and did not have access to the documents.  
6 However, Respondent was president and medical director of the company. Respondent also  
7 claimed he did not intend to defraud the Board and was not trying to hide the Colorado denial –  
8 he believed it was not a final denial.

9 **CONCLUSIONS OF LAW**

10 1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof  
11 and over Respondent.

12 2. The Board has received substantial evidence supporting the Findings of Fact  
13 described above and said findings constitute unprofessional conduct or other grounds for the  
14 Board to take disciplinary action.

15 3. The conduct and circumstances described above constitutes unprofessional  
16 conduct pursuant to A.R.S. § 32-1401(27)(jj) ("[k]nowingly making a false or misleading statement  
17 to the board or on a form required by the board or in a written correspondence, including  
18 attachments, with the Board.").

19 **ORDER**

20 Based upon the foregoing Findings of Fact and Conclusions of Law,

21 IT IS HEREBY ORDERED:

22 Respondent is issued a Letter of Reprimand for making a false statement on the license  
23 application he filed with the Board.  
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**RIGHT TO PETITION FOR REHEARING OR REVIEW**

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATE 13<sup>th</sup> day of April 2007.



THE ARIZONA MEDICAL BOARD

By *[Signature]*  
TIMOTHY C. MILLER, J.D.  
Executive Director

ORIGINAL of the foregoing filed this 13<sup>th</sup> day of April, 2007 with:

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 April, 2007, to:

Donald K. Hopewell  
Address of Record

*[Signature]*