

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **ASLAM PERVEZ, M.D.**

4 Holder of License No. 35476
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-06-0935A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Aslam Pervez, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement of any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of other
matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 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) to
13 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 will
21 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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Aslam Pervez

 ASLAM PERVEZ, M.D.

DATED: 5/8/07

FINDINGS OF FACT

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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 35476 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-06-0935A after receiving notification
7 from a pharmacy alleging Respondent prescribed controlled substances to a family
8 member.

9 4. On November 16, 2006, a pharmacist provided information to the Board that
10 on July 21, 2006, Respondent wrote a prescription for sixty Methadone 10 mg tablets and
11 on November 7, 2006, for sixty Lortab 10 mg tablets for his wife. The Lortab prescription
12 was rejected by the insurance company because a similar prescription had previously
13 been submitted on October 7, 2006 to a different pharmacy. Following the rejection of the
14 prescription, Respondent contacted the pharmacist and instructed the prescription be
15 destroyed.

16 5. On November 16, 2006, during an investigational interview with Staff,
17 Respondent admitted writing prescriptions for his wife because they did not have health
18 insurance coverage and would not be covered until September 2006. Respondent stated
19 that he was unaware he was not allowed to write prescriptions to a family member, until a
20 pharmacist informed him that he would not be allowed to fill the order for Methadone and
21 upon speaking with his colleagues.

22 6. Board Staff obtained three pharmacy surveys indicating that since the
23 issuance of Respondent's Arizona medical license on May 3, 2006, he wrote controlled
24 substance and non-controlled substance prescriptions for his wife including Hydrocodone,
25 Oxycodone, Elmiron, Methocarbam, Protonix, Nitrofurantn, Frova, Celegrex, and

1 Azithromycin from May 30, 2006 through November 7, 2006. Additionally, even though
2 Respondent's wife saw physicians who specialize in pain management on October 13,
3 2006 and November 7, 2006 and was covered by her insurer for prescriptions as of
4 September 2006, Respondent continued to write prescriptions for her.

5 7. On February 1, 2007, Board Staff sent Respondent a notification letter
6 requesting he submit a copy of his wife's medical records relating to any treatments he
7 provided to her. In his response to the Board's investigation, Respondent admitted that he
8 did not maintain medical records for treatments he provided to his wife, indicating he did
9 not conduct a physical examination on her prior to prescribing the medications.
10 Respondent also stated copies of other treating physician's records were available.
11 Respondent also stated that because his wife was the patient, she was available every
12 day for interviews and physical examinations and he was aware of her complete medical
13 history.

14 8. A physician is required to maintain adequate legible medical records
15 containing, at a minimum, sufficient information to identify the patient, support the
16 diagnosis, justify the treatment, accurately document the results, indicate advice and
17 cautionary warnings provided to the patient and provide sufficient information for another
18 practitioner to assume continuity of the patient's care at any point in the course of
19 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did
20 not maintain medical records for treatments he provided to his wife prior to prescribing
21 medications.

22 **CONCLUSIONS OF LAW**

23 1. The Board possesses jurisdiction over the subject matter hereof and over
24 Respondent.

1 this 8th day of June, 2007 to:

2 Aslam Pervez, M.D.
3 Address of Record

4 Chris Camp
5 Investigational Review

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