



Jane Dee Hull
Governor

Arizona State Board of Medical Examiners

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Claudia Foutz
Executive Director

Melissa S. Cornelius, JD
Deputy Director

Certified Mail/Return Receipt Requested

Russell L. Hunter, M.D.
1490 N. Turquoise Dr.
Flagstaff, Arizona 86001-1383

Re: **LETTER OF REPRIMAND**
BOMEX Inquiry (10-07-96) - Russell L. Hunter, M.D.
(Investigation No. 10239)

Dear Dr. Hunter:

You have agreed in the Consent Agreement attached to this letter that the Arizona Board of Medical Examiners shall resolve the complaint listed above by issuing a Letter of Reprimand to you.

A Letter of Reprimand is defined in A.R.S. § 32-1401(15) as "a disciplinary letter issued by the Board that informs the physician that the physician's conduct violates state or federal law but does not require the Board to restrict the license or monitor the physician because the physician's conduct did not harm a patient or the public."

In voting to issue the Letter of Reprimand, the Board adopted the following Findings of Fact, Conclusions of Law, and Order:

Findings of Fact

1. The Board of Medical Examiners of the State of Arizona is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.

2. Russell L. Hunter, M.D. is the holder of License No. 6167 for the practice of medicine in the State of Arizona.

3. After receiving a complaint from a Flagstaff pharmacist regarding Dr. Hunter, Board investigators conducted a pharmacy survey in the Flagstaff area on October 1-2, 1996. The survey included ten (10) pharmacies and encompassed a time period from April 1, 1996 through September 30, 1996. Prescriptions for

controlled substances were found in four (4) pharmacies and original prescriptions for controlled substance medications written by Dr. Hunter were found in three (3) pharmacies.

4. With three exceptions, all ninety-eight (98) prescriptions received by the Board from the complainant or obtained by the Board as a result of its pharmacy survey bear the signature of someone other than Dr. Hunter.

5. Two (2) of the ninety-eight (98) prescriptions received by the Board from the complainant or obtained by the Board as a result of its pharmacy survey are for Schedule II controlled substances, only one of which bears the signature of Dr. Hunter. Of the remaining ninety-six (96) prescriptions received by the Board from the complainant or obtained by the Board as a result of its pharmacy survey are for Schedule III or IV controlled substances, only one of which bears the signature of Dr. Hunter.

6. In Dr. Hunter's response to the Board dated October 21, 1996, Dr. Hunter first states "Mea culpa, mea culpa, mea culpa!" and then goes on to state "I have been following a policy of having my Registered Nurse sign my prescriptions under my supervision (emphasis original)." On at least three (3) occasions, Licensed Practical Nurse H. Castillo signed Dr. Hunter's name on prescriptions for patient C.R., all dated 5/17/96.

Conclusions of Law

1. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(a) (violation of any federal or state laws or rules and regulations applicable to the practice of medicine, to wit: A.R.S. §36-2525(B); 21 CFR §1306.05(a); 21 CFR §1306.11(a); and 21 CFR §1306.21(a)).

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (any conduct or practice which is or might be harmful or dangerous to the health of the patient or the public).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(t) (knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution).

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(jj) (knowingly making a

false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board).

Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that Lanny R. Hunter, M.D. be issued a Letter of Reprimand.

DATED this 3rd day of September, 1998.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



Claudia Foutz
Executive Director
Melissa S. Cornelius
Deputy Director

CF/nmk
Attachment: Consent Agreement

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)	
)	
RUSSELL L. HUNTER, M.D.)	
)	
Holder of License No. 6167)	CONSENT AGREEMENT
For the Practice of Medicine)	TO LETTER OF REPRIMAND
In the State of Arizona.)	
)	
Re: BOMEX Inquiry (10-07-96) - Russell)	
L. Hunter, M.D. (Inv. #10239))	
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RUSSELL L. HUNTER, M.D., holder of License No. 6167 for the practice of medicine in the State of Arizona, and the Arizona Board of Medical Examiners ("Board") hereby agree as follows:

1. Pursuant to A.R.S. §32-1451(F)(5), Dr. HUNTER agrees that the Board shall adopt the Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order attached to this Consent Agreement and incorporated by this reference. The Letter of Reprimand shall be effective on the date of the letter. Dr. HUNTER admits that the Findings of Fact and Conclusions of Law are true and accurate.

2. By entering into this Consent Agreement, Dr. HUNTER freely and voluntarily relinquishes all right to an Informal Interview before the Board, a hearing before an administrative law judge and before the Board, and relinquishes all right of rehearing, review, reconsideration, appeal, judicial review or any other judicial action concerning the matters set forth herein. Dr. HUNTER affirmatively agrees that the Letter of Reprimand shall be irrevocable.

3. Dr. HUNTER has read and understands the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, and voluntarily enters into this Consent Agreement. Dr. HUNTER understands that he may consult legal

counsel regarding this matter and agrees that he has done so or affirmatively declines to do so.

4. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law and Order, if adopted by the Board, constitute a resolution of the following case: BOMEX Inquiry (10-07-97) - Russell L. Hunter, M.D. (Investigation No. 10239). The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law do not constitute a dismissal or resolution of any other matters currently pending and do not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action, or proceeding.

5. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order shall not become effective until adopted by the Board and signed by the Board's Executive Director.

6. Dr. HUNTER understands that if the Board does not adopt the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, the case listed in paragraph 4 above will be decided by the Board pursuant to the Medical Practice Act, A.R.S. §32-1401 et seq. Dr. HUNTER agrees that he will not assert as a defense that the Board's consideration of the Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law constitutes bias, prejudice, prejudgment or other similar defense.

7. The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law is a public record and shall be reported as required by law to the National Practitioner Data Bank and also to the Federation of State Medical Boards.

8. The Consent Agreement constitutes the entire agreement of the parties.

9. Any violation of this Consent Agreement or the Letter of Reprimand constitutes unprofessional conduct pursuant to A.R.S. §32-1401(25)(r) (Violating a formal order, probation or stipulation issued or entered into by the board or its

executive director under the provisions of this chapter) and may result in disciplinary action pursuant to A.R.S. §32-1451.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

Claudia Foutz

CLAUDIA FOUTZ
Executive Director
MELISSA S. CORNELIUS
Deputy Director

Dated: 9/3/98

ORIGINAL of the foregoing Consent Agreement to Letter of Reprimand and Copy of Letter of Reprimand mailed by Certified Mail this 15th day of May, 1997 for signature on the Consent Agreement to:

Russell L. Hunter, M.D.
1490 N. Turquoise Dr.
Flagstaff, Arizona 86001-1383

Gene Bejarano
Secretary

Russell L. Hunter

RUSSELL L. HUNTER, M.D.

Dated: June 16, '97

COPY of the foregoing **signed** Consent Agreement to Letter of Reprimand and Letter of Reprimand mailed this 16 day of June, 1997 to:

Russell L. Hunter, M.D.
1490 N. Turquoise Dr.
Flagstaff, Arizona 86001-1383