

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2
3 IN THE STATE OF ARIZONA

4 In the Matter of

5 **THOMAS BODNAR, M.D.**

6 Holder of License No. 7036
7 For the Practice of Medicine
8 In the State of Arizona.

INVESTIGATION NOS. 11025 & 11035

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER FOR LETTER
OF REPRIMAND

9 INTRODUCTION

10 This matter was initially heard and considered by the Arizona Board of Medical
11 Examiners (Board) at its public meeting on September 23, 1999, at which Thomas Bodnar,
12 M.D. appeared before the Board for the purpose of the Board conducting a formal
13 interview, pursuant to the authority vested in it by A.R.S. § 32-1451(G). On November 17,
14 1999, the Board resumed consideration of the matter. After due consideration of the facts
15 and law applicable to this matter, the Board voted to issue the following findings of fact,
16 conclusions of law and order.

17 FINDINGS OF FACT

18 1. The Board is the duly constituted authority for the regulation and control of
19 the practice of allopathic medicine in the State of Arizona.

20 2. Dr. Bodnar is the holder of License No. 7036 for the practice of medicine in
21 the State of Arizona.

22 3. On May 19, 1997, patients D.C. and N.C. had a scheduled appointment with
23 Dr. Bodnar. The appointment was made in December 1996. The patients lived more than
24 two and half-hours away from Dr. Bodnar's office. Upon arrival, the patients were told that
25 he was no longer practicing at that location and were referred to his answering service.

1 The patients called the service and left numerous messages for Dr. Bodnar. None of their
2 messages were returned.

3 4. On June 12, 1997, the patients filed a complaint regarding Dr. Bodnar's
4 conduct with the Board. The complaint was assigned Investigative File No. 11025. By
5 letter dated July 25, 1997, the Board notified Dr. Bodnar that it had received a complaint
6 against him and requested, among other things, that Dr. Bodnar provide it with a written
7 narrative response to the allegations and a copy of the patients' records. He was given
8 until August 15, 1997, to comply with this request. On August 25, 1997, the Board notified
9 Dr. Bodnar that it had not received the requested information and gave him until
10 September 1, 1997, to submit the requested information and records. Dr. Bodnar did not
11 respond to the Board's second request.

12 6. As a result of Dr. Bodnar's failure to comply, on October 7, 1997, the Board
13 issued a subpoena compelling his attendance at an investigational interview. The
14 interview was held on October 31, 1997. At that interview, Dr. Bodnar told the Board's
15 medical investigator, Michael Zakrzewski, that the reason why he failed to respond to the
16 Board's previous requests was because he "forgot."

17 7. The Board made no findings of fact regarding Investigation No. 11035 and
18 not action was taken.

19 CONCLUSIONS OF LAW

20 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
21 Bodnar.

22 2. The conduct and circumstances described above in paragraphs 3 to 6
23 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(dd)(failing to furnish
24 information in a timely manner to the board or its investigators or representatives if legally
25 requested by the board.)

1 ORDER

2 Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby
3 ordered that Dr. Bodnar be issued a Letter of Reprimand for failing to provide information
4 to the Board in a timely manner when legally requested.

5 RIGHT TO PETITION FOR REVIEW

6 Dr. Bodnar is hereby notified that he has the right to petition for a rehearing.
7 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with
8 the Board's Executive Director within thirty (30) days after service of this Order and
9 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a
10 rehearing. Service of this Order is effective five (5) days after the date of mailing. If a
11 petition for rehearing is not filed, the order becomes effective thirty-five (35) days after it
12 has been mailed.

13 Dr. Bodnar is further notified that the filing of a petition for rehearing is required to
14 preserve any rights of appeal to the superior court that he may wish to pursue.

15 DATED this 19th day of November, 1999.

16 BOARD OF MEDICAL EXAMINERS
17 OF THE STATE OF ARIZONA

18 [SEAL]



19
20 By Claudia Foutz
21 CLAUDIA FOUTZ
Executive Director

22 ORIGINAL of the foregoing filed this
23 19 day of November, 1999, with:

24 The Arizona Board of Medical Examiners
25 1651 East Morten, Suite 210
Phoenix, AZ 85020

1 EXECUTED COPY of the foregoing mailed by Certified
Mail this 19 day of November 1999, to:

2
3 Thomas Bodnar, M.D.
4 202 E. Acapulco Lane
Phoenix, AZ 85022

5 COPY of the foregoing hand delivered this
6 19 day of November, 1999, to:

7 Michael Harrison, Assistant Attorney General
8 The Arizona Board of Medical Examiners
1651 East Morten, Suite 210
Phoenix, AZ 85020

9
10 Rosalie Matrecito
11 Board Operations