

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 OF THE STATE OF ARIZONA

3 In the Matter of:

Investigation No. 13710

4 **HOLLIS E. PHILLIPS, M.D.**

**CONSENT AGREEMENT AND ORDER
FOR LETTER OF REPRIMAND**

5 Holder of License No. 7081
6 For the Practice Allopathic Medicine
7 In the State of Arizona,

8 **CONSENT AGREEMENT**

9 **RECITALS**

10 In the interest of a prompt and judicious settlement of the above-captioned matter before
11 the Arizona State Board of Medical Examiners ("Board") and consistent with the public interest,
12 statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 41-
13 1092.07(F)(5), Hollis E. Phillips, M.D., holder of license number 7081 to practice allopathic
14 medicine in the State of Arizona ("Respondent"), and the Board enter into the following
15 Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the final
16 disposition of this matter.
17

18 1. Respondent acknowledges that he has read and understands everything
19 in the Consent Agreement and has had the opportunity to discuss this Consent Agreement with
20 an attorney or has waived the opportunity to discuss this Consent Agreement with an attorney.
21 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the
22 expense and uncertainty of an administrative hearing.
23

24 2. Respondent understands that he has a right to t public administrative hearing
25 concerning all allegations set forth in this matter, at which time he could present evidence and
26 cross-examine witnesses. By entering into this Consent Agreement, he voluntarily relinquishes

1 all right to such an administrative hearing as well as all rights of a rehearing, review, appeal,
2 judicial review or any other administrative and/or judicial action concerning the matters set forth
3 herein. Respondent agrees that this Consent Agreement shall be irrevocable.

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5 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
6 of this agreement, under A.R.S. § 32-1451(G)(5). Respondent understands that this Consent
7 Agreement or any part of the agreement may be considered in any future disciplinary action
8 against him.

9
10 4. Respondent understands that this Consent Agreement does not constitute a
11 dismissal or resolution of other matters currently pending before the Board, if any, and does not
12 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
13 regarding any other pending or future investigation, action or proceeding. Respondent also
14 understands that acceptance of this Consent Agreement does not preclude any other agency,
15 subdivision or officer of this state from instituting other civil or criminal proceedings with
16 respect to the conduct that is the subject of this Consent Agreement.

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18 5. Respondent acknowledges and agrees that, upon signing this Consent Agreement
19 and returning this document to the Board's Executive Director or an Assistant Attorney General,
20 Respondent may not revoke his acceptance of the Consent Agreement or make any
21 modifications to the document, regardless of whether the Consent Agreement has been issued by
22 the Executive Director. Any modification to this original document is ineffective and void
23 unless mutually approved by the parties in writing.

24
25 6. Respondent understands that the foregoing Consent Agreement shall not become
26 effective unless and until adopted by the Board and signed by its Executive Director.

1 Fact and Conclusions of Law:

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

4 2. Respondent is the holder of License No. 7081 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. Patient B.L. was examined by Respondent on or about April 13, 2000. At that
7 time, Respondent had a blood sample drawn for liver and other tests. Patient B.L. indicated to
8 Respondent that she had been told that she had abnormal liver function in January 2000 by
9 another health care provider. According to the patient, she believed that the results of the tests
10 would be available the day following her examination by Respondent. According to the
11 laboratory records, results were reported on April 14, 2000. According to Respondent, results
12 were obtained on April 17, 2000. According to the patient, she made numerous telephone calls
13 to Respondent to obtain the test results. She did not receive the results until on or about May
14 23, 2000, which indicated abnormal test results.

15 4. The clinical record of patient B.L.'s examination by Respondent on April 13,
16 2001 does not indicate that Respondent questioned the patient regarding the following: history
17 of jaundice, hepatitis, or toxic exposure. It further does not indicate that Respondent desired to
18 or attempted to obtain the results of the patient's prior test results from January, 2000, and fails
19 to mention any portion of the physical examination of the patient, other than a notation of
20 negative findings in the abdomen.

21 5. On or about May 21, 1999, Respondent received an Advisory Letter regarding
22 poor patient communication from the Board.

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CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent.
2. The conduct and circumstances described in paragraphs 3 and 4, above, constitutes 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 in paragraphs 3 and 4, above, constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e), (failing to maintain adequate records on a patient).

ORDER

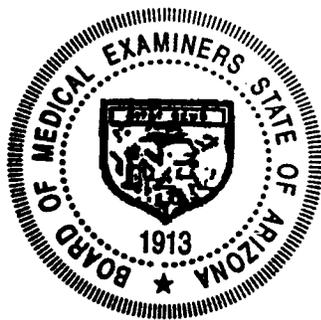
IT IS THEREFORE ORDERED that:

A Letter of Reprimand be entered against Respondent's license to practice allopathic medicine, License No. 7081.

DATED AND EFFECTIVE this 22nd day of March, 2001.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]



Claudia Foutz

CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Deputy Director

1 **Original** of the foregoing filed this
2 22nd day of March, 2001, with:

3 Arizona Board of Medical Examiners
4 9545 E. Doubletree Ranch Road
5 Scottsdale, Arizona 85258

6 **Executed Copy** of the foregoing mailed
7 mailed by U.S. Certified Mail, this
8 22nd day of March, 2001, to:

9 Hollis E. Phillips, M.D.
10 5040 North 15th Ave. Ste. 202
11 Phoenix, Arizona 85015
12 Respondent

13 **Copy** of the foregoing mailed this
14 22nd day of March, 2001, to:

15 M. Elizabeth Burns
16 Assistant Attorney General
17 1275 W. Washington, CIV/LES
18 Phoenix, Arizona 85007
19 Attorney for State

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21 _____
22 Board Operations
23 #328639

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