



1 Passive Aggressive personality traits," secondary to chronic back pain and related  
2 disability. There were three outpatient visits, the last being on October 1, 1993. At that  
3 last visit, Darryl R. Stern, M.D., recommended admission to Desert Vista Hospital to  
4 continue medication trials in a supervised setting.

5 5. Patient G.S. was admitted to Desert Vista Hospital on October 2, 1993 and  
6 discharged October 12, 1993. In the hospital the patient "was found able to take  
7 Norpramin 50 mg. h.s., Loxitane 25 mg. h.s., and Ativan 1 mg. q.i.d. without side effects  
8 and it was expected that we would increase his Norpramin as an outpatient." A hospital  
9 treatment plan to have a family meeting prior to discharge was not followed and the  
10 meeting was changed to take place after discharge. Patient G.S. was also to schedule  
11 an appointment with a neurologist regarding possible surgery to alleviate chronic back  
12 pain. Dr. Stern also stated that the patient "was discharged at that time as the goal of  
13 hospitalization was to enable him to begin to take medications, which was met, and not to  
14 definitively treat his depression prior to discharge."

15 6. During the evening hours post-discharge, the patient had an argument with  
16 his wife who then left for work. Sometime after attempting to page his wife, the patient  
17 barricaded himself in the bathroom and died from an apparent overdose of medications.  
18 The Maricopa County Medical Examiner determined that the patient died due to an  
19 intentional overdose of oxycodone that resulted in acute acetaminophen toxicity.  
20 Toxicology reports indicate that Narpramin, Ativan and Loxitane were not the potential  
21 causation.

22 7. Dr. Stern failed to diagnose and treat chemical dependency, including  
23 alcoholism. He was aware of the patient's dependence on narcotic analgesics. Dr. Stern  
24 also failed to note that other clinicians consulting on the case recognized drug  
25 dependence and he failed to investigate the laboratory results which would have pointed

1 to chemical dependency, especially alcoholism (increased MCV, increased GGT and  
2 decreased folic acid). He also failed to fully determine the patient's mental state prior to a  
3 poorly planned discharge. Dr. Stern failed to provide adequate medical diagnosis and  
4 treatment was a direct and significantly contributing factor in the death of the patient,  
5 whether or not his death was due to an intentional overdose of oxycodone.

6 **CONCLUSIONS OF LAW**

7 1. The Board of Medical Examiners of the State of Arizona possesses  
8 jurisdiction over the subject matter hereof and over Darryl R. Stern, M.D.

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

12 3. The conduct and circumstances described above in paragraphs 4 through 7  
13 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(l) (conduct that the  
14 Board determines is gross malpractice, repeated malpractice or any malpractice resulting  
15 in the death of a patient).

16 **ORDER**

17 Based on the foregoing Findings of Fact and Conclusions of Law,

18 IT IS HEREBY ORDERED AS FOLLOWS:

19 A Letter of Reprimand is issued to Dr. Stern for the aforementioned unprofessional  
20 conduct.

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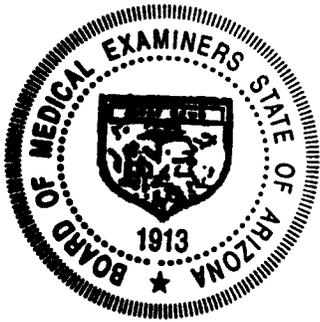
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1 **RIGHT TO APPEAL TO SUPERIOR COURT**

2 Dr. Stern is hereby notified that this Order is the final administrative decision of the  
3 Board and he has exhausted his administrative remedies. Dr. Stern is advised that an  
4 appeal to superior court in Maricopa County may be taken from this decision pursuant to  
5 title 12, chapter 7, article 6.

6 DATED this 19 day of July, 2001.



BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

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By *Tom Adams*

CLAUDIA FOUTZ  
Executive Director  
TOM ADAMS  
Deputy Director

ORIGINAL of the foregoing filed this  
19 day of July, 2001 with:

The Arizona Board of Medical Examiners  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

and

Executed copy of the foregoing  
mailed by U.S. Certified Mail this  
19 day of July, 2001, to:

Darryl R. Stern, M.D.  
2034 East Southern Avenue  
Tempe, Arizona 85282-7522

and

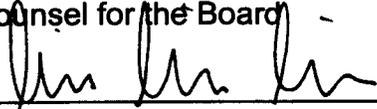
Executed copy of the foregoing  
mailed this 19 day of July, 2001, to:

Duane A. Olson

1 Olson, Jantsch, Bakker & Blakey, P.A.  
2 7243 North 16<sup>th</sup> Street  
3 Phoenix, Arizona 85012

4 Copy of the foregoing hand-delivered this  
5 19 day of July, 2001, to: —

6 Christine Cassetta, Assistant Attorney General  
7 c/o Arizona Board of Medical Examiners  
8 9545 East Doubletree Ranch Road  
9 Scottsdale, Arizona 85258  
10 Counsel for the Board

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