

1 BEFORE THE ARIZONA MEDICAL BOARD

2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **ROBERT ROGERS, M.D.**

5 Holder of License No. 9607  
6 For the Practice of Medicine  
7 In the State of Arizona.

Board Case No. MD-00-0565

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

(Letter of Reprimand & Probation)

8 On July 10, 2002, Robert Rogers, M.D., ("Respondent") appeared before a Review  
9 Committee ("Review Committee") of the Arizona Medical Board ("Board") without legal  
10 counsel, for a formal interview pursuant to the authority vested in the Review Committee  
11 by A.R.S. § 32-1451(P). The matter was referred to the Board for consideration at its  
12 public meeting on August 28, 2002. After due consideration of the facts and law  
13 applicable to this matter, the Board voted to issue the following findings of fact,  
14 conclusions of law and order.  
15

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of License No. 9607 for the practice of medicine  
20 in the State of Arizona.

21 3. The Board initiated case number MD-00-0565 after receiving a complaint  
22 regarding Respondent's care and treatment of a 46 year-old female patient ("Patient").  
23 The complaint alleged that for at least ten years while treating Patient's fibromyalgia and  
24 chronic headaches Respondent prescribed Histussin HC syrup and hydrocodone tablets  
25 resulting in Patient's addiction to codeine medications. The complaint included printouts  
of prescriptions from two pharmacies. The printouts indicated that Respondent had

1 prescribed Histussin HC and hydrocodone since at least January 1994 through  
2 December 1995 and during 1999.

3 4. In his response to the Board Respondent indicated that he had treated  
4 Patient for many years using conventional types of treatment modalities and therapy,  
5 including non-narcotic medications, physical therapy and massage therapy. When  
6 Patient did not respond as Respondent hoped he prescribed approximately 125 Vicodin  
7 per month and monitored her. Respondent stated that although Patient signed a contract  
8 to obtain her refills on a monthly basis, she continued to refill them early. Respondent  
9 stated that he treated Patient responsibly and adequately and that Patient was not a  
10 drug-seeking addict.

11 5. A Board Medical Consultant ("Medical Consultant") reviewed Patient's chart  
12 and opined that Respondent was not effective in preventing Patient from obtaining early  
13 refills of her prescriptions and that the entries on Patient's medical records and the  
14 pharmacy records were not in concurrence. According to the Medical Consultant, in  
15 1999 Patient refilled Vicodin prescriptions for nearly 2,700 doses in addition to about one  
16 quart per month of codeine-based cough syrup. The Medical Consultant opined that  
17 Respondent's follow-up was insufficient, and while Respondent saw Patient monthly, it  
18 was only for a status check and he did not perform any laboratory work or any other  
19 diagnostic checks.

20 6. In an investigational interview with Respondent he admitted to Board  
21 investigative staff that he failed to appropriately monitor Patient. Respondent stated that  
22 he was not aware that Patient was using different pharmacies to refill her prescriptions  
23 early. Respondent admitted that he failed to obtain pharmacy records and to query  
24 Patient about the narcotic use. Respondent stated that he did not refer Patient to a  
25 neurologist, rheumatologist or a pain specialist or clinic.





1 DATED this 28<sup>th</sup> day of August, 2002.



ARIZONA MEDICAL BOARD

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By *Barry Cassidy*  
BARRY A. CASSIDY, Ph.D, PA-C  
Executive Director

16 ORIGINAL of the foregoing filed this  
17 28<sup>th</sup> day of AUGUST, 2002 with:

18 The Arizona Medical Board  
19 9545 East Doubletree Ranch Road  
20 Scottsdale, Arizona 85258

21 Executed copy of the foregoing  
22 mailed by U.S. Certified Mail this  
23 29<sup>th</sup> day of AUGUST, 2002, to:

24 Robert Rogers, M.D.  
25 630 N. Alvernon Way, Suite 251  
Tucson, Arizona 85711-1879

Copy of the foregoing hand-delivered this  
29<sup>th</sup> day of AUGUST, 2002, to:

Christine Cassetta  
Assistant Attorney General  
Sandra Waitt, Management Analyst  
Lynda Mottram, Senior Compliance Officer  
Investigations (Investigation File)  
Arizona Medical Board  
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*Kevin J. Jorgensen*