



1 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
2 pending or future investigation, action or proceeding. The acceptance of this Consent  
3 Agreement does not preclude any other agency, subdivision or officer of this State from  
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to  
13 the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will  
21 be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

1           11. Any violation of this Consent Agreement constitutes unprofessional conduct  
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,  
3 probation, consent agreement or stipulation issued or entered into by the board or its  
4 executive director under this chapter") and 32-1451.

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SMITA C. PATEL, M.D.

DATED: 7/18/07

1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of license number 35013 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-06-0840A following Respondent's  
7 failure to provide information in a timely manner, as the supervising physician, in an  
8 investigation by the Arizona Regulatory Board of Physician Assistants ("ARBoPA") for  
9 failure to adequately supervise three physician assistants ("PA").

10 4. On September 20, 2006, Board Staff noticed Respondent of an investigation  
11 by ARBoPA concerning case number PA-06-0029A against PA #1, as Respondent was  
12 the supervising physician. Board Staff requested Respondent provide a complete copy of  
13 the patient's chart, dates of case management review with PA and list of patients charts  
14 reviewed and a copy of the scheduling book of all patients scheduled from July 22, 2006  
15 through September 18, 2006 at the clinic. Respondent did not provide all the requested  
16 documents. In response to the Board's investigation, Respondent stated the Board would  
17 have to subpoena records from the Thunderbird clinic because she is only employed at the  
18 Cave Creek clinic. Board Staff subpoenaed the records, but only received partial records.

19 5. In her response to the Board, Respondent stated that although she was the  
20 named supervising physician for PA #1, the supervising physician's agent supervised PA  
21 #1's work and not her. During the investigation, Staff noted The Notice of Supervision  
22 ("NOS") application filed with ARBoPA only lists Respondent as PA #1's supervising  
23 physician. Although, PA #1 lists both the Cave Creek and Thunderbird clinic as  
24 employment locations, PA #1 only works at the Thunderbird clinic and Respondent only  
25 works at the Cave Creek clinic. A supervising physician is required to provide appropriate

1 direction, collaboration or direct supervision of a physician assistant assigned to the  
2 physician and is to meet, in person, with the physician assistant at least weekly to discuss  
3 patient management. The NOS application did not provide for this geographical  
4 separation. In her response to the Board's investigation in case number PA-06-0029A, PA  
5 #1 stated that she worked ten weeks at the Thunderbird clinic prior to meeting Respondent  
6 and at the initial meeting, PA #1 asked Respondent three times for a direct contact  
7 number. Respondent instructed PA #1 to go through the main business number to  
8 immediately contact her. A review of the schedules for July 2006, August 2006, and  
9 September 2006 obtained from the clinics revealed there were days when no physician  
10 was on duty at the Thunderbird location indicating PA #1 was working without adequate  
11 supervision.

12         6.       On October 20, 2006, the Board noticed Respondent of another investigation  
13 conducted by ARBoPA regarding case number PA-06-0333A regarding another physician  
14 assistant ("PA #2"), as Respondent was the supervising physician. Board staff requested  
15 work schedules from both clinics beginning on August 1, 2006 along with dates of weekly  
16 meetings and a list of all cases reviewed. Respondent failed to provide the requested  
17 documents in a timely manner, stating that the work schedules were under the control of  
18 her employer.

19         7.       On December 6, 2006, Respondent's former physician assistant ("PA #3")  
20 contacted Board Staff and complained that there were no weekly meetings between him  
21 and Respondent. PA #3 stated Respondent was not available for immediate contact and in  
22 one case had to refer the patient to another urgent care center for treatment. Respondent  
23 disputed these allegations.

24         8.       During the investigation, Staff noted that PA #2 and PA #3 listed the  
25 Thunderbird clinic as their only work site and that Respondent worked only at the Cave

1 Creek clinic. The NOS application did not provide for this geographical work site  
2 separation.

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter hereof and over  
5 Respondent.

6 2. The conduct and circumstances described above constitute unprofessional  
7 conduct pursuant to A.R.S. § 32-1401(27)(a) (“[v]iolating any federal or state laws or rules  
8 or regulations applicable to the practice of medicine”), specifically, A.R.S. § 32-2533(F)  
9 (“[t]he board may approve the performance of health care tasks by a physician assistant in  
10 a place which is geographically separated from the supervising physician’s primary place  
11 for meeting patients if: 1. [a]dequate provision for immediate communication between the  
12 supervising physician or supervising physician’s agent and the physician assistant exists.

13 2. [t]he physician assistant’s performance of health care tasks is adequately supervised  
14 and reviewed. 3. [a] printed announcement which contains the names of the physician  
15 assistant and supervising physician and states that the facility employs a physician  
16 assistant who is performing health care tasks under the supervision of a license physician  
17 is posted in the waiting room of the geographically separated site.”); A.R.S. § 32-2531(D)  
18 (“[a] physician assistant shall meet in person with the supervising physician at least once  
19 each week to discuss patient management. If the supervising physician is unavailable due  
20 to vacation, illness, or continuing education programs, a physician assistant may meet with  
21 the supervising physician’s agent. If the supervising physician is unavailable for any other  
22 reason, the fulfillment of this responsibility by the supervising physician’s agent is subject  
23 to board approval.”) and A.R.S. § 32-1401 (27)(ii) (“[l]ack of or inappropriate direction,  
24 collaboration or direct supervision of a medical assistant or a licensed, certified or  
25 registered health care provider employed by, supervised by or assigned to the physician.”).

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent is issued a Letter of Reprimand for failure to adequately  
4 supervise physician assistants.

5 2. This Order is the final disposition of case number MD-06-0840A.

6 DATED AND EFFECTIVE this 10<sup>th</sup> day of August, 2007.

7  
8 (SEAL)



ARIZONA MEDICAL BOARD

9  
10 By 

TIMOTHY C. MILLER, J.D.  
Executive Director

11  
12 ORIGINAL of the foregoing filed  
13 this 10<sup>th</sup> day of August, 2007 with:

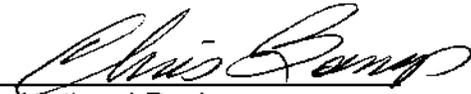
14 Arizona Medical Board  
15 9545 E. Doubletree Ranch Road  
16 Scottsdale, AZ 85258

17 EXECUTED COPY of the foregoing mailed  
18 this 10<sup>th</sup> day of August, 2007 to:

19 Karen Owens  
20 Coppersmith Gordon Schermer Owens & Nelson, PLC  
21 2800 N Central Ave Ste 1000  
22 Phoenix AZ 85004-1008

23 EXECUTED COPY of the foregoing mailed  
24 this 10<sup>th</sup> day of August, 2007 to:

25 Smita C. Patel, M.D.  
Address of Record

  
Investigational Review