BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of: **PHILLIP T. RAJADAS, M.D.,** Holder of License No. 43411 For the Practice of Allopathic Medicine In the State of Arizona.	Case No: 14A-43411-MDX Board Case No. MD-13-0885A **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Revocation)**

On October 1, 2014, this matter came before the Arizona Medical Board ("Board") for consideration of the Administrative Law Judge ("ALJ") Tammy L. Eigenheer's proposed Findings of Fact, Conclusions of Law and Recommended Order. Phillip T. Rajadas, M.D., ("Respondent") did not appear; Assistant Attorney General Marc H. Harris, represented the State. Christopher Munns with the Solicitor General's Section of the Attorney General's Office, was available to provide independent legal advice to the Board.

The Board, having considered the ALJ's decision and the entire record in this matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

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

2. Respondent is the holder of License No. 43411 for the practice of allopathic medicine. Respondent has been licensed in Arizona since 2010.

3. On June 25, 2013, the Colorado Medical Board suspended Respondent's license to practice medicine in Colorado for his failure to properly treat a 24 year-old male patient on narcotic medications. The Colorado Medical Board found that Respondent inappropriately continued to write narcotic prescriptions for the patient despite the patient's demonstrated signs of drug addiction. The patient subsequently died following a third drug overdose.

4. On August 2, 2013, Respondent self-reported to the Board that the Colorado Medical Board had suspended his license to practice there. The Board initiated an investigation based on Respondent's self-report.

5. On October 20, 2013, Board staff obtained a Controlled Substance Prescription Monitoring Program query for 2013 and determined that Respondent had been prescribing controlled medications to nine patients in Arizona from January 2013 through August 2013. Respondent informed Board staff that he had a clinic in Arizona and that he only had about five patient encounters.

6. On October 25, 2013, Board staff offered Respondent an Interim Consent Agreement for Practice Restriction prohibiting him from prescribing controlled medications pending the final results of the Colorado Medical Board action.

7. On November 12, 2013, Respondent told Board staff that the Colorado action was resolved and that his Colorado license was no longer suspended, so he was unwilling to enter into a Practice Restriction. Upon investigation, Board staff found that the Colorado Medical Board's website still indicated that Respondent's license was suspended.

8. On November 15, 2013, the Board notified Respondent that if he did not provide documentation that the matter in Colorado had been resolved or enter into the Practice Restriction, the Board would move forward with a summary suspension of Respondent's Arizona license.

9. On November 15, 2013, the Colorado Medical Board issued Respondent a Stipulated Order and Five Year Probation ("Colorado Order"). The Colorado Order found the Respondent specifically admitted and the Panel found that Respondent failed to refer patients for consultations, further evaluation, and non-opioid treatment modalities by other practitioners while prescribing large doses of opioids, failed to make critical referrals to

psychiatrists and addiction specialists, and "failed to document essential entries in the patients' records." The Colorado Order required Respondent to complete a Center for Personalized Education for Physicians ("CPEP") competency assessment, follow all CPEP recommendations, complete continuing medical education in prescribing controlled substances, and obtain a practice monitor to conduct monthly chart reviews for a period of three years.

10. Respondent provided the Board with a copy of the Colorado Order.

11. On January 21, 2014, Board staff confirmed with Colorado Medical Board staff that Respondent's Colorado license was "active with restrictions." Colorado Medical Board staff indicated that Respondent was in full compliance with the Colorado Order except that he had been given an extension to obtain the practice monitor because Respondent had reported a death in the family. The Colorado Medical Board would not release its investigative file, but the Board was able to obtain some records through public records requests.

12. On April 21, 2014, the Colorado Medical Board suspended Respondent's license due to his failure to comply with any of the requirements of the stipulated order. Respondent had obtained a practice monitor, but had prevented the monitor from accessing any of his patient charts.

13. On May 2, 2014, Board staff offered Respondent a Practice Restriction, which was due by May 7, 2014. Board staff made multiple attempts to contact Respondent via telephone and email and through his attorney in Colorado.

14. Respondent did not reply to Board staff.

15. On May 12, 2014, the Board held an emergency meeting at which it found that the public health, safety, or welfare imperatively required emergency action and summarily suspended Respondent's medical license pursuant to A.R.S. § 32-1451(D).

16. On May 21, 2014, the Board issued a Complaint and Notice of Hearing to Respondent alleging Respondent had engaged in unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public"); and A.R.S. § 32-1401(27)(o) ('[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a license by that jurisdiction or placing a license on probation by that jurisdiction."). The Complaint and Notice of Hearing was sent via certified mail to Respondent at his address of record.

17. A hearing was held at the Office of Administrative Hearings ("OAH") on June 24, 2014. Respondent did not request to appear telephonically at the duly noticed hearing and did not request that the hearing be continued. Although the start of the hearing was delayed 20 minutes to allow Respondent additional travel time, he did not appear, personally or through an attorney, and did not contact the OAH to request that the start of the hearing be further delayed. Consequently, Respondent did not present any evidence to defend his license.

CONCLUSIONS OF LAW

1. The Complaint and Notice of Hearing that the Board mailed to Respondent at his address of record was reasonable, and Respondent is deemed to have received notice of the hearing. See A.R.S. § 41-1092.04; A.R.S. § 41-1061(A).

2. The Board has jurisdiction over Respondent and the subject matter in this case.

3. Pursuant to A.R.S. § 41-1092.07(G)(2) and A.A.C. R2-19-119(B), the Board has the burden of proof in this matter. The standard of proof is by clear and convincing evidence. A.R.S. § 32-1451.04.

4. The evidence demonstrated that Respondent admitted the acts of unprofessional conduct set forth in the Colorado Order. Therefore, the Board established that Respondent committed unprofessional conduct as defined by A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public").

5. The evidence further demonstrated that Respondent's Colorado license was suspended pursuant to the Order of Suspension issued by the Colorado Medical Board on April 21, 2014. Therefore, the Board established that Respondent committed unprofessional conduct as defined by A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction").

6. The Arizona legislature created the Board to protect the public. See Laws 1992, Ch. 316, § 10. Respondent's unwillingness to comply with the Colorado Order and failure to respond to the Board communication indicate that he cannot be regulated at this time.

ORDER

The Board's summary suspension of Respondent's License No. 43411 in Case No. MD-13-0885A is UPHELD and AFFIRMED.

Based on the foregoing, it is ORDERED that Respondent's License No. 43411 for the practice of allopathic medicine in Arizona is REVOKED.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 3rd day of October, 2014.

THE ARIZONA MEDICAL BOARD

By: Patricia E. McSorley
Patricia E. McSorley
Interim Acting Executive Director

ORIGINAL of the foregoing filed this 3rd day of October, 2014 with:

Arizona Medical Board
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COPY of the foregoing filed this
3rd day of October, 2014 with:

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Executed copy of the foregoing
mailed by U.S. Mail this
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Phillip T. Rajadas, M.D.
Address of Record
Respondent

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3rd day of October, 2014 to:

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