BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **RINLY GECOSALA, M.D.** Holder of License No. 27229 For the Practice of Medicine In the State of Arizona.	Case No. MD-14-1547A **ORDER FOR SURRENDER OF LICENSE AND CONSENT TO THE SAME**

Rinly Gecosala, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

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

2. Respondent is the holder of license number 27229 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-14-1547A after receiving a complaint regarding Respondent's care and treatment of a 31 year-old male patient ("KT") alleging inappropriate prescribing of controlled substances over a nine year period.

4. KT subsequently provided a second complaint that alleged that he and Respondent had a personal relationship between 2005 and 2011 and again from 2013 through 2014 that included taking trips together and spending time together at Respondent's home. KT alleged that Respondent prescribed several prescriptions for controlled substances to him during their personal relationship. KT further alleged that he was hospitalized from December 8, 2014 through December 19, 2014 for cardiomyopathy and congestive heart failure that he attributed in part to Respondent's prescriptions.

5. KT established care with Respondent on August 15, 2006. Respondent's initial treatment during 2006 and 2007 included prescriptions for Percocet, Lortab, Phentermine, and Oxycodone. At the establishment of care, Respondent failed to establish a pain generator, and failed to review prior medical records or perform additional studies to assess the etiology of the patient's pain. KT's Controlled Substances Agreement stated that no prescriptions would be given via telephone.

6. An x-ray of KT obtained on June 18, 2008 showed minimal levorotoscoliosis of the lumbar spine with the apex at the mid lumbar level, and limited forward flexion mobility was noted. There were no other findings. Despite this relatively normal result, Respondent continued to prescribe opioid medications and muscle relaxants to treat KT's complaints of chronic back pain.

7. KT's Controlled Substance Prescription Monitoring Program ("CSPMP") profile showed serial early refills of Vicodin in 2010.

8. Text messages exchanged between KT and Respondent in 2013 and 2014 were inappropriate and sexual in nature. Additionally, KT requested prescriptions via text message which Respondent agreed to have filled. During one text exchange that began March 23, 2014, KT requested a prescription for Hydrocodone. Respondent originally advised KT that he was out of town and instructed him to go to the Emergency Room. Upon repeated text requests from KT describing signs and symptoms consistent with opiate withdrawal and other symptomatology, Respondent agreed to prescribe 30 tabs to KT. A review of KT's CSPMP profile showed a prescription for Hydrocodone and Acetaminophen 10/325 mg #30 provided by Respondent on March 24, 2014 and filled by KT on March 25, 2014. There is no documentation of this interaction in KT's patient record.

9. During a site inspection performed on March 11, 2015, Board investigators found a pre-signed prescription pad with blank spaces for the name and date of birth of the patient, and stating, "Please dispense weight loss meds per Dr. Gecosala's instructions. Above patient has been examined and cleared to take the medication(s): __ bottles of Phentermine 37.5 mg, Take __ tabs __ a day. __ bottles of Diethylproprion 25 mg, Take __ tabs __ a day. __ bottles of Phentermine cap 37.5. Take __ tabs __ a day."

10. Also during the site inspection performed on March 11, 2015, Patient AC was in a car accident 45 minutes after an appointment at Respondent's office. AC left the scene of the accident and returned to the parking lot of Respondent's office. Board investigators contacted Respondent and asked him to call law enforcement and emergency services. Respondent contacted emergency services and conducted an evaluation of the patient. AC appeared impaired and was acting inappropriately. Records subsequently obtained for that patient did not include any reference to the incident.

11. On April 1, 2015, the Board found that the public health, safety, and welfare imperatively required emergency action and Respondent's medical license was summarily suspended by Order dated April 2, 2015.

12. On April 3, 2015, Respondent wrote a prescription for a patient in violation of the Order for Summary Suspension of License.

13. Respondent admits to the facts described in paragraph 10 above and further admits that the facts described in paragraph 10 constitute unprofessional conduct. While Respondent does not admit or deny the allegations in the remaining paragraphs above, Respondent acknowledges it is the Board's position that, if this matter proceeded to formal hearing, the Board could establish sufficient evidence to support a conclusion that certain aspects of Respondent's conduct constituted unprofessional conduct. Nothing in this

paragraph constitutes an admission, except to the extent it relates to paragraph 10, for any purposes.

14. Respondent agrees that he will not reapply for a medical license in the State of Arizona.

CONCLUSIONS OF LAW

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

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate records on a patient.").

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(k) ("[s]igning a blank, undated or predated prescription form.")

5. The conduct and circumstances described above constitute 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.").

6. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter.").

7. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(z) ("[e]ngaging in sexual conduct with a current

patient or with a former patient within six months after the last medical consultation unless the patient was the licensee's spouse at the time of the contact or, immediately preceding the physician-patient relationship, was in a dating or engagement relationship with the licensee. For the purposes of this subdivision, "sexual conduct" includes: . . . (ii) Making sexual advances, requesting sexual favors or engaging in any other verbal conduct or physical contact of a sexual nature. . . .").

ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender License Number 27229, issued to Rinly Gecosala, M.D., for the practice of allopathic medicine in the State of Arizona, and return his certificate of licensure to the Board.

DATED and effective this 11th day of March, 2016.

ARIZONA MEDICAL BOARD

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

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. Respondent consents to the entry of the Order set forth below as a compromise of a disputed matter between Respondent and the Board, and does so only

for the purpose of terminating the disputed matter by agreement. Respondent acknowledges it is the Board's position that, if this matter proceeded to formal hearing, the Board could establish sufficient evidence to support a conclusion that certain aspects of Respondent's conduct constituted unprofessional conduct. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

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

6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.

8. If any part of the Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

9. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.

RINLY GECOSALA, M.D.

Dated: 2/3/16

EXECUTED COPY of the foregoing mailed by US Mail this 11th day of March, 2016 to:

Rinly Gecosala, M.D.
Address of Record

Michael Harwin, Esq.
Law Offices of Michael Aaron Harwin, P.C.
239 North Church Avenue
Tucson, AZ 85701
Attorney for Respondent

ORIGINAL of the foregoing filed this 11th day of March, 2016 with:

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

Mary Bober
Board Staff
AF:yfl - #4409240