

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JAMES GOUGH, M.D.**

4 Holder of License No. 7317
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-05-1211A

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

(Letter of Reprimand and Probation)

7 The Arizona Medical Board ("Board") considered this matter at its public meeting on
8 October 9, 2008. James Gough, M.D., ("Respondent") appeared before the Board with legal
9 counsel Gary A. Fadell for a formal interview pursuant to the authority vested in the Board by
10 A.R.S. § 32-1451(H). The Board voted to issue Findings of Fact, Conclusions of Law and Order
11 after due consideration of the facts and law applicable to this matter.

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of License No. 7317 for the practice of allopathic
16 medicine in the State of Arizona.

17 3. The Board initiated case number MD-05-1211A after receiving a complaint from an
18 attorney representing RN, a former female patient of Respondent, that Respondent failed to
19 timely provide patient records upon receipt of a written authorization in violation of A.R.S. section
20 32-1401(27)(a) and A.R.S. section 12-2293(A).

21 4. The matter came before the Board at a formal interview in April 2007. During the
22 interview, Board members voted to continue the matter because the last note in Respondent's file
23 indicated that RN was diagnosed with a brain tumor. Board members noted that Respondent had
24 treated RN for eight years; however, the medical records failed to indicate that Respondent
25 performed a neurological examination before diagnosing or prescribing medication to RN. The

1 Board voted to continue the matter to review the quality of care issues and bring the matter back
2 to the Board.

3 5. After further investigation, the case returned to the Board for a Formal Interview
4 on October 9, 2008.

5 6. RN's first office visit with Respondent occurred on July 19, 1996. The records of
6 that visit contain no documentation of a physical examination; review of symptoms or systems;
7 patient history; mental status; diagnosis; or plan. In addition, the records contain no evidence that
8 Respondent prescribed medications for RN.

9 7. Although the medical records for July 19, 1996 do not document that Respondent
10 prescribed medications to RN, Respondent's files contain an August 12, 1996 office message
11 from RN in which she states that she cannot sleep while taking Prozac and which contains a
12 reference to Klonopin. RN's next office visit note dated August 20, 1996 also contains a
13 reference to Prozac and Klonopin.

14 8. Respondent's medical file on RN also contains information regarding
15 Respondent's treatment of RN's family members.

16 9. Respondent treated patient RN for eight years, but the medical records contain no
17 evidence that he ever conducted a physical examination of RN.

18 10. Respondent claimed that he did perform a physical examination of RN, but
19 admitted that there was nothing in RN's medical records to substantiate that claim. Respondent
20 also conceded that if a medical procedure is not documented, then the presumption is that it did
21 not take place.

22 11. At the formal interview, Respondent admitted that his records of his initial and
23 follow-up visits with this patient were insufficient. He also admitted that he improperly
24 commingled treatment records for members of RN's family in the file designated for patient RN.
25

1 violation of this Order.

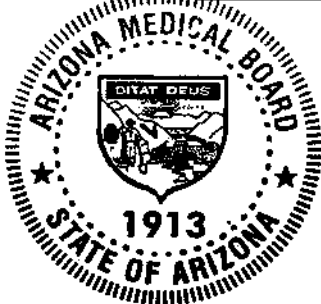
2 5. In the event Respondent should leave Arizona to reside or practice outside the State
3 or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall
4 notify the Executive Director in writing within ten days of departure and return or the dates of
5 non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days
6 during which Respondent is not engaging in the practice of medicine. Periods of temporary or
7 permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply
8 to the reduction of the probationary period.

9 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

19 DATED this 4th day of December, 2008.



21 THE ARIZONA MEDICAL BOARD

22 By [Signature]
23 Lisa S. Wynn
24 Executive Director

25 ORIGINAL of the foregoing filed this
4th day of December, 2008 with:

1 Arizona Medical Board
9545 East Doubletree Ranch Road
2 Scottsdale, Arizona 85258

3 Executed copy of the foregoing
mailed by U.S. Mail this
4 11th day of December, 2008, to:

5
6 Gary A. Fadell
Fadell, Cheney & Burt, PLLC
1601 North Seventh Street, Suite 400
7 Phoenix, Arizona 85006-2204

8 James S. Gough, M.D.
Address of Record
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