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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

DAVID K. PATZER, M.D.

Holder of License No. 26950
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-02-0708

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and David K. Patzer, M.D. ("Respondent") the parties agree to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.

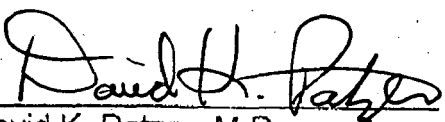
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation

1 involving the Board and Respondent. Therefore, said admissions by Respondent are
2 not intended or made for any other use, such as in the context of another state or
3 federal government regulatory agency proceeding, civil or criminal court proceeding, in
4 the State of Arizona or any other state or federal court.

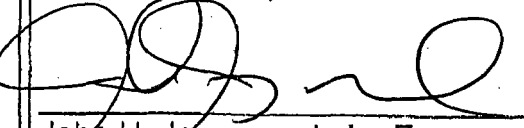
5 5. Respondent acknowledges and agrees that, although said Consent
6 Agreement and Order has not yet been accepted by the Board and issued by the
7 Executive Director, Respondent may not make any modifications to the document.
8 Upon signing this agreement, and returning this document (or a copy thereof) to the
9 Board's Executive Director, Respondent may not revoke acceptance of the Consent
10 Agreement and Order. Any modifications to this Consent Agreement and Order are
11 ineffective and void unless mutually approved by the parties.

12 6. Respondent further understands that this Consent Agreement and Order,
13 once approved and signed, shall constitute a public record document that may be
14 publicly disseminated as a formal action of the Board and will be reported to the
15 National Practitioner's Data Bank and will be reported to the Arizona Medical Board's
16 website.

17 7. If any part of the Consent Agreement and Order is later declared void or
18 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
19 and effect.

20 
21 David K. Patzer, M.D. M.D.

Dated: January 28, 2003

22 
23 John H. Jongeward, Jr., Esq.
24 Approved as to Form

Dated: 1-28-2003

FINDINGS OF FACT

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

4 2. Respondent is the holder of License No. 26950 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. On September 29, 2000, Respondent and the Board entered into a
7 Stipulated Rehabilitation Agreement ("SRA"). The SRA required Respondent to refrain
8 from taking any medications unless prescribed by his primary care physician.

9 4. On October 12, 2001, Respondent violated the SRA when his random
10 biological fluid sample tested positive for Amphetamine, a medication not prescribed by
11 Respondent's primary care physician. As a result, on June 5, 2002, Respondent and
12 the Board entered into a Consent Agreement for a Stayed Suspension and Probation
13 ("Consent Agreement"). The Consent Agreement provided that if Respondent had a
14 chemical dependency relapse or used drugs or alcohol in violation of the Consent
15 Agreement, he would promptly enter into an Interim Agreement that required he not
16 practice medicine until such time as he successfully completed an inpatient or
17 residential treatment program and obtained the affirmative approval of the Board to
18 return to the practice of medicine.

19 5. On November 1, 2002, Respondent wrote a fraudulent prescription for
20 Ritalin using the assumed name of Dr. Barios. Karl Johnson, later identified as
21 Respondent, picked up the prescription.

22 6. On November 5, 2002, Respondent telephoned Board staff to report that
23 he had relapsed, had written a prescription for Ritalin and had ingested the medication.
24 Board staff informed Respondent that his relapse was a violation of the June 5, 2002
25 Consent Agreement.

1 7. On November 13, 2002, Respondent telephoned Board staff stating he
2 was "looking into" a treatment program.

3 8. On November 19, 2002, Respondent and the Board entered into an
4 Interim Consent Agreement for Practice Restriction and Inpatient or Residential
5 Treatment.

6 9. On November 21, 2002, Board staff notified Respondent that he was to
7 enter an inpatient or residential treatment program by December 15, 2002.

8 10. Respondent did not check himself into an inpatient or residential treatment
9 program by December 15, 2002.

10 11. Respondent has criminal charges pending against him, relating to the
11 fraudulent prescription. He was arrested on November 6, 2002, by the Yuma Police
12 Department and charged with felony forgery. He was indicted by a grand jury on
13 November 26, 2002, and charged with two counts of felony forgery and possession of
14 dangerous drugs.

15 12. Board staff requested from Respondent that he provide to Board staff by
16 December 3, 2002, a narrative response and supporting documents relating to the
17 criminal charges pending against him. Respondent has not responded to Board staff's
18 request.

19 13. The Board may accept the surrender of an active license from a person
20 who admits to having committed an act of unprofessional conduct.

21 14. Respondent admits to having committed the following acts of
22 unprofessional conduct: violating a formal order, probation, consent agreement or
23 stipulation issued or entered into by the Board or its executive director; using controlled
24 substances except if prescribed by another physician for use during a prescribed course
25 of treatment; habitual intemperance in the use of alcohol or habitual substance abuse;

1 prescribing, dispensing or administering any controlled substance or prescription-only
2 drug for other than accepted therapeutic purposes; knowingly making any false or
3 fraudulent statement, written or oral, in connection with the practice of medicine or if
4 applying for privileges or renewing an application for privileges at a health care
5 institution; violating any federal or state laws or rules and regulations applicable to the
6 practice of medicine; and failing to furnish information in a timely manner to the Board or
7 the Board's investigators or representatives if legally requested by the Board.

8 CONCLUSIONS OF LAW

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

11 2. The conduct and circumstances described above constitute
12 unprofessional conduct pursuant to A.R.S. § 32-1401(24)(r), violating a formal order,
13 probation, consent agreement or stipulation issued or entered into by the Board or its
14 executive director; A.R.S. § 32-1401(24)(g), using controlled substances except if
15 prescribed by another physician for use during a prescribed course of treatment; A.R.S.
16 § 32-1401(24)(f), habitual intemperance in the use of alcohol or habitual substance
17 abuse; A.R.S. § 32-1401(24)(j), prescribing, dispensing or administering any controlled
18 substance or prescription-only drug for other than accepted therapeutic purposes;
19 A.R.S. § 32-1401(24)(t), knowingly making any false or fraudulent statement, written or
20 oral, in connection with the practice of medicine or if applying for privileges or renewing
21 an application for privileges at a health care institution; A.R.S. § 32-1401(24)(a),
22 violating any federal or state laws or rules and regulations applicable to the practice of
23 medicine; and A.R.S. § 32-1404(24)(dd), failing to furnish information in a timely
24 manner to the Board or the Board's investigators or representatives if legally requested
25 by the Board.

ORDER

IT IS HEREBY ORDERED THAT Respondent's license is surrendered.

DATED AND EFFECTIVE this 12 day of February, 2003.

ARIZONA MEDICAL BOARD

[Seal]



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

ORIGINAL of the foregoing filed
this 13th day of FEBRUARY, 2003, with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale AZ 85258

EXECUTED COPY of the foregoing mailed by
Certified Mail this 13th day of FEBRUARY, 2003 to:


John H. Jongeward, Jr., Esq.
176 S. Main Street
Yuma, AZ 85364-1424

EXECUTED COPY of the foregoing mailed this
13th day of FEBRUARY, 2003, to:

David K. Patzer, M.D.
5051 N. Sabino Canyon Road, #1110
Tucson, AZ 85750-6456

1 EXECUTED COPY of the foregoing hand-delivered
2 this 13th day of ~~JANUARY~~, 2003 to:

3 Christine Cassetta, Assistant Attorney General
4 Sandra Waitt, Management Analyst
5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

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9 Planning and Operations

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