BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **EDWARD G. BLANKSTEIN, M.D.** Holder of License No. 10529 For the Practice of Allopathic Medicine In the State of Arizona	Case No. MD-06-0755A **CONSENT AGREEMENT FOR LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Edward G. Blankstein, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

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

2. By entering into this Consent Agreement, Respondent 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 in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

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

6. 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.

7. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of the Consent Agreement. 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.

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

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

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

11. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. 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 this chapter") and 32-1451.

Edward G Blankstein MD DATED: 12/20/07

EDWARD G. BLANKSTEIN, M.D.

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 10529 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-06-0755A after receiving notification from the Tempe Police Department that Respondent improperly and inappropriately dispensed controlled substances.

4. During an investigational interview on October 4, 2006, Respondent stated that he dispensed Valium and Xanax to patients from his office. Respondent admitted dispensing controlled substances in an envelope, in violation of statutes and rules requiring a physician to dispense controlled substances and prescription-only drugs in pre-packaged containers with instruction labels and safety caps.

5. Additionally, Respondent admitted that he did not maintain a dispensing log/inventory sheet for the controlled substances he dispensed to a patient; however, he kept a list of the prescribed medications in the patient's medical record. This is in violation of the statutes and rules requiring a physician to maintain an on-going dispensing log for all controlled substances dispensed by the physician. Respondent stated he maintained purchase invoices for controlled substances for approximately one year and not the required three years from the date of purchase. Respondent admitted that if the patient chose to have him dispense the medication, he requested the patient return the prescription slip and then destroyed it, in violation of statutes and rules requiring a physician to countersign the prescription slip and file it separately from the patient medical record.

6. A physician is required to maintain adequate legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did not maintain a dispensing log and inventory sheet.

CONCLUSIONS OF LAW

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

2. 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.") and A.R.S. § 32-1401 (27)(kk) ("[f]ailing to dispense drugs and devices in compliance with article 6 of this chapter.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to properly dispense medications and for failure to maintain adequate records.

2. Respondent shall immediately surrender his dispensing certificate.

3. This Order is the final disposition of case number MD-06-0755A.

DATED AND EFFECTIVE this 7TH day of FEB., 2008.

ARIZONA MEDICAL BOARD

(SEAL)

By _____
Lisa S. Wynn
Executive Director

ORIGINAL of the foregoing filed
this 7th day of February 2008 with:

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

EXECUTED COPY of the foregoing mailed
this 7th day of February 2008 to:

Edward G. Blankstein, M.D.
Address of Record

Chris Kamp
Investigational Review