BEFORE THE BOARD OF MEDICAL EXAMINERS

IN THE STATE OF ARIZONA

In the Matter of **ABRAHAM SAYEGH, M.D.** Holder of License No. **18816** For the Practice of Medicine In the State of Arizona.	**STIPULATION AND ORDER FOR REINSTATEMENT OF ACTIVE LICENSE TO PROBATIONARY STATUS**

IT IS HEREBY STIPULATED AND AGREED by and between Abraham Sayegh, M.D., holder of License No. 18816, and the Board of Medical Examiners (Board), that the accompanying Order with Findings of Fact and Conclusions of Law shall be entered in the above-entitled matter and be effective as of the date issued. Dr. Sayegh acknowledges that any violation of this Order constitutes unprofessional conduct within A.R.S. § 32-1401(25)(r), and may result in disciplinary action pursuant to A.R.S. § 32-1451. Furthermore, by signing this stipulation and accepting this Order, Dr. Sayegh waives and relinquishes any right to appeal from or challenge this Order of the Board by filing any type of civil action in state or federal court seeking to reverse, modify or otherwise challenge the legal validity of the Board's Order.

ABRAHAM SAYEGH, M.D.

Reviewed and accepted this 11 day of March, 1999.

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FINDINGS OF FACT

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

2. Dr. Sayegh is the holder of License No. 18816 for the practice of medicine in the State of Arizona.

3. Dr. Sayegh appeared before the Board for a hearing on January 27, 1999, on his request for reinstatement of inactive license to active status, pursuant to A.R.S. § 32-1431(C). Based upon the information presented, the Board voted to enter a stipulated order for disposition of this matter.

4. The parties mutually waive any other findings of fact.

CONCLUSIONS OF LAW

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

2. Pursuant to A.R.S. § 32-1403(A)(5), § 32-1431, and § 32-1452(A), the Board may enter the following order.

ORDER

Dr. Sayegh, holder of License No. 18816, is placed on probation for five (5) years and his license is reactivated under the following terms and conditions:

1. Before resuming active practice on probation, Dr. Sayegh shall take and pass the SPEX examination administered by the Federation of State Medical Boards; and, a minimum score of 75% shall be obtained to pass the examination. The SPEX shall be taken within 90 days of this Order. Dr. Sayegh shall be responsible for the cost of taking the SPEX.

2. Dr. Sayegh shall promptly enroll and participate in the Board's Monitored Aftercare Program (program) for the treatment and rehabilitation of doctors of medicine

and physician assistants who are impaired by alcohol or drug abuse. Dr. Sayegh shall fully comply with the program requirements and remain in the program for a period of five years from this Order's effective date.

3. In the event that Dr. Sayegh leaves the State of Arizona or does not practice medicine, the probationary term of this Order shall be stayed until he returns to Arizona and resumes the practice of medicine in Arizona. Dr. Sayegh shall give the Board notice by letter of his intent to leave the state; and, said notice shall be provided at least ten (10) business days and prior to his departure from the state and he shall provide prompt notice of his new residence and business addresses also by letter to the Board.

4. Dr. Sayegh shall pay the Board for all costs, including personnel and contractor costs, associated with participating in the MAP Program within 30 days of each invoice sent to him by the Board.

5. Dr. Sayegh shall attend the program's group therapy sessions one time per week for the duration of this Order, unless excused by the group therapist for good cause such as illness or vacation. Dr. Sayegh shall instruct the program group therapist to release to the Board, upon its request, all records relating to his treatment, and to submit monthly reports to the Board regarding attendance and progress. The reports shall be submitted on or before the 10th day of each month.

6. Dr. Sayegh shall attend ninety (90) 12-step meetings or other self-help group meetings appropriate for substance abuse and approved by the Board, for a period of ninety (90) days beginning not later than either (a) the first day following his discharge from chemical dependency treatment or (b) three (3) business days from the date of this Order.

7. Following completion of the ninety (90) meetings in ninety (90) days, Dr. Sayegh shall participate in a 12-step recovery program or other self-help program

appropriate for substance abuse as recommended by the group therapist and approved by the Board. Dr. Sayegh shall attend a minimum of three (3) 12-step or other self-help program meetings per week.

8. Dr. Sayegh shall promptly obtain a primary care physician and shall submit the name of the physician to Board staff in writing for approval. For the purposes of this Order, *Medication* means prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin and plain acetaminophen; and, *Emergency* means a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life.

9. The Board-approved primary care physician shall be in charge of providing and coordinating Dr. Sayegh's medical care and treatment and is authorized to disclose all medical treatment information to the Board, its executive director and medical consultants who shall retain said information as confidential, pursuant to A.R.S. § 32-1452 and A.R.S. § 32-1451.01(D). Except in an *Emergency*, Dr. Sayegh shall obtain his medical care and treatment only from the Board-approved primary care physician and from health care providers to whom the Board-approved primary care physician refers Dr. Sayegh from time to time. Dr. Sayegh shall request that the Board-approved primary care physician document all referrals in the medical record. Dr. Sayegh shall provide a copy of this Order to the primary care physician.

10. Dr. Sayegh shall promptly inform the Board-approved primary care physician of his rehabilitation efforts and provide a copy of this Order to that physician. Dr. Sayegh shall also inform all other health care providers who provide medical care or treatment that he is participating in the Board's rehabilitation program.

11. Except in an *Emergency*, Dr. Sayegh shall take no *Medication* unless his Board-approved primary care physician or other health care provider to whom the Board-

approved primary care physician makes referral prescribes the Medication. Dr. Sayegh shall not self-prescribe any *Medication*.

12. If a controlled substance is prescribed, dispensed, or is administered to Dr. Sayegh by any person other than the Board-approved primary care physician, he shall notify the Board-approved primary care physician in writing within 48 hours. The notification shall contain all information required for the medication log entry specified below. Dr. Sayegh shall request that the notification be made a part of the medical record. This paragraph does not authorize Dr. Sayegh to take any *Medication* other than in accordance with paragraph 10.

13. Dr. Sayegh shall maintain a current legible log of <u>all</u> *Medication* taken by or administered to him, and shall make the log available to the Board and its staff upon request. For *Medication* (other than controlled substances) taken on an on-going basis, Dr. Sayegh may comply with this paragraph by logging the first and last administration of the *Medication* and all changes in dosage or frequency. The log, at a minimum, shall include the following:

A. Name and dosage of *Medication* taken or administered;

B. Date taken or administered;

C. Name of prescribing or administering physician;

D. Reason *Medication* was prescribed or administered.

This paragraph does not authorize Dr. Sayegh to take any *Medication* other than in accordance with paragraph 10.

14. Dr. Sayegh shall not consume alcohol or any food or other substance containing poppy seeds.

15. During all times that Dr. Sayegh is physically present in the State of Arizona and such other times as board staff may direct, he shall promptly comply with requests

from Board staff, the group therapist, or the program director to submit to witnessed biological fluid collection. If Dr. Sayegh is directed to contact an automated telephone message system to determine when to provide a specimen, Dr. Sayegh shall do so within the hours specified by Board staff. For the purposes of this paragraph, in the case of an in-person request, "promptly comply" means "immediately". In the case of a telephonic request, "promptly comply" means that, except for good cause shown, Dr. Sayegh shall appear and submit to specimen collection not later than two (2) hours after telephonic notice to appear is given. The Board in its sole discretion shall determine good cause.

16. Dr. Sayegh shall provide Board staff in writing with one telephone number which shall be used to contact him on a 24 hours per day/seven days per week basis to submit to biological fluid collection. For the purposes of this section, telephonic notice shall be deemed given at the time a message to appear is left at the contact telephone number provided by Dr. Sayegh. Dr. Sayegh authorizes any person or organization conducting tests on the collected samples to provide testing results to the Board and the program director.

17. Dr. Sayegh shall cooperate with collection site personnel regarding biological fluid collection. Repeated complaints from collection site personnel regarding his lack of cooperation regarding collection may be grounds for termination from the program.

18. Dr. Sayegh shall pay the costs of biological fluid testing and group therapy sessions within thirty (30) days of the date of invoice.

19. Dr. Sayegh shall submit to mental, physical, and medical competency examinations at such times and under such conditions as directed by the Board to assist the Board in monitoring his ability to safely engage in the practice of medicine and compliance with the terms of this Order.

20. Dr. Sayegh shall submit to all medical, substance abuse, and mental health

care and treatment ordered by the Board, or recommended by the program director.

21. Dr. Sayegh shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Arizona.

22. Dr. Sayegh shall appear in person before the Board and its staff and committees for interviews upon request, upon reasonable notice.

23. Dr. Sayegh shall immediately notify the Board in writing of any change in office or home addresses and telephone numbers. Dr. Sayegh shall provide Board staff at least three business days advance written notice of any plans to be away from office or home for more than five (5) consecutive days. The notice shall state the reason for the intended absence from home or office, and shall provide a telephone number which may be used to contact him.

24. In the event of chemical dependency relapse by Dr. Sayegh or use of drugs or alcohol by him in violation of this Order, he shall promptly enter a long term treatment program for chemical dependency designated by the Board or staff, and his license shall be designated as placed on inactive status with cause.

25. In the event of chemical dependency relapse, use of drugs or alcohol in violation of this Order, or entry into a treatment program, Dr. Sayegh shall immediately notify in writing all hospitals at which he has any privileges that he has relapsed and has entered or will enter a treatment program. Dr. Sayegh shall provide to the Board (a) a copy of the notices to hospitals and (b) a signed statement from him that the hospitals to whom he has provided notice constitute all the hospitals at which he currently has any privileges.

27. In the event Dr. Sayegh resides or practices medicine in a state other than Arizona, he shall participate in the physician rehabilitation program sponsored by that state's medical licensing authority or medical society. Dr. Sayegh shall cause the other

state's program to provide written reports to the Board regarding his attendance, participation, and monitoring. The reports shall be due on or before the 15th day of March and September of each year, until the Board terminates this requirement in writing.

28. Dr. Sayegh shall be current with annual licensure renewal fees and provide the Board with evidence of successful completion of required CME for renewal.

29. Dr. Sayegh shall not prescribe, administer, dispense order or possess any controlled substances as defined by the U.S. Drug Enforcement Administration except for those drugs listed in Schedule IV and V and shall provide to the Board written evidence from the DEA of the restriction. Dr. Sayegh may not apply for Schedules II or III until first meeting with and obtaining approval from the Board. This Order does not prohibit Dr. Sayegh from issuing hospital orders for Schedules II or III controlled substances for hospitalized patients, using the hospital's DEA number as permitted by law.

30. Each year for two (2) years from the date of this Order, Dr. Sayegh shall obtain thirty (30) hours of continuing medical education in prescribing controlled substances. The hours shall be certified as Category I by and an organization accredited by the Accreditation Council on Continuing Medical Education, shall be approved by Board staff, and shall be in addition to the hours required by law for annual renewal of medical license.

31. Dr. Sayegh shall obey all federal, state and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

32. Dr. Sayegh shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. The declarations shall be submitted on or before the 15th of March, June, September and December of each year.

33. Dr. Sayegh shall at all times keep the Board informed of his addresses of business and residence which shall both serve as addresses of record. Changes of such addressees shall be immediately communicated in writing to the Board. Under no circumstances shall a post office box serve as an address of record. Dr. Sayegh shall also immediately inform the Board, in writing, of any travel to any areas outside the jurisdiction of Arizona, which lasts, or is contemplated to last, more than thirty (30) days.

34. Dr. Sayegh shall appear in person for interviews with the Board, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

35. In the event that Dr. Sayegh should leave Arizona to reside or to practice outside the State of Arizona for any reason should Dr. Sayegh stop practicing medicine in Arizona, Dr. Sayegh shall notify the Board or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within Arizona. All time spent in an intensive training program approved by the Board or its designee shall be considered as time spent in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, as defined in this condition, will not apply to the reduction of the probationary period.

36. Upon successful completion of the terms of probation, Dr. Sayegh must meet with the Board to discuss termination of the Probationary Order.

37. If Dr. Sayegh violates the terms of probation, regardless of any mitigating circumstance, the Board, after giving Dr. Sayegh notice and the opportunity to be heard, shall suspend or revoke his license.

38. This Order supercedes all previous stipulations, amendments thereto, and orders between the Board and Dr. Sayegh.

39. Any violation of this Order constitutes unprofessional conduct as defined in

A.R.S. § 32-1401(25)(r), and may result in disciplinary action pursuant to A.R.S. § 32-1451, including but not limited to suspension or revocation of Board license.

DATED this 17 day of March, 1999.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[S E A L]

By _____
CLAUDIA FOUTZ
Executive Director
MELISSA S. CORNELIUS
Deputy Director

Original of the foregoing filed this 17th day of March, 1999, with:

The Arizona Board of Medical Examiners
1651 East Morten, Suite 210
Phoenix, Arizona 85020

Copy of the foregoing mailed by Certified Mail this 17th day of March, 1999, to:

Abraham Sayegh, M.D.
14018 North 30th Street
Phoenix, AZ 85032

_____
Board Operations
990390008

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **ABRAHAM SAYEGH, M.D.** Holder of License No. **18816** For the Practice of Allopathic Medicine In the State of Arizona.	Case Number: MD-97-0025 MD-98-0232 **ORDER TERMINATING STIPULATION AND ORDER FOR PROBATION DATED MARCH 17, 1999 AND CONSENT AGREEMENT FOR DECREE OF CENSURE AND PROBATION DATED FEBRUARY 2, 2000.**

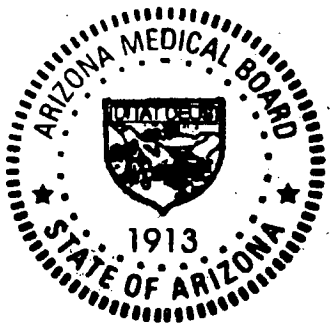
At its public meeting on March 10, 2004 the Arizona Medical Board ("Board") considered the request of Abraham Sayegh, M.D. ("Respondent") to terminate the Order of Probation entered by the Board on March 17, 1999 ("March 1999 Order") and the Probation requirement of the Consent Agreement for a Decree of Censure and Probation dated February 2, 2000 ("February 2000 Order"). The Board was presented with information that Respondent has complied with the probation terms of both the March 1999 Order and the February 2000 Order, specifically, Respondent has successfully participated in the Board's Monitored Aftercare Program ("MAP") and the MAP Medical Director supports the termination of Respondent's requirement to participate in MAP.

After due consideration of the facts and law applicable to this matter, the Board voted to terminate the Order of Probation dated March 17, 1999 and probation requirement contained in the Consent Agreement dated February 2, 2000.

ORDER

IT IS HEREBY ORDERED that the Order of Probation dated March 17, 1999 and the Probation requirement in Consent Agreement dated February 2, 2000 are terminated.

DATED this 17th day of March, 2004.



ARIZONA MEDICAL BOARD

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

ORIGINAL of the foregoing filed this 17th day of March, 2004 with:

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

Executed copy of the foregoing mailed by U.S. Certified Mail this 17th day of March, 2004, to:

Abraham Sayegh, M.D.
Address of Record