BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of David D. Parrish, M.D., Holder of License No. 26896 For the Practice of Medicine In the State of Arizona	**Docket No. 07A-060211-MDX** **Case No. MD-06-0211** **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR REVOCATION OF LICENSE.**

On December 13, 2007 this matter came before the Arizona Medical Board ("Board") for oral argument and consideration of the Administrative Law Judge ("ALJ") Lewis D. Kowal's proposed Findings of Fact and Conclusions of Law and Recommended Order involving David D. Parrish, M.D. ("Respondent"). Respondent was notified of the Board's intent to consider this matter at the Board's public meeting. Respondent did not appear. The State was represented by Philip A. Overcash, Esq. Chris Munns, Assistant Attorney General with the Solicitor General's Section of the Attorney General's Office provided legal advice to the Board.

The Board having considered the ALJ's recommended decision and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. At all times material to this matter, David D. Parrish, M.D. ("Dr. Parrish") was licensed by the Arizona Medical Board ("Board") license number 26896 ("License") authorizing him to practice as an allopathic physician in the State of Arizona.

2. Dr. Parrish appeared before the Board on February 9, 2005 to address allegations concerning misdiagnosis and mismanagement of a patient in case number MD-04-0018A.

3. On February 9, 2005, Dr. Parrish appeared before the Board with legal counsel for formal interview.

4. On February 16, 2005, the Board issued an interim order requiring him to undergo a Physician Assessment and Clinical Evaluation ("Evaluation") within 90 days to determine his competency.

5. On March 8, 2005, Dr. Parrish contacted Board Staff and requested an extension of time to complete the Evaluation informing staff that he had been out of town for three weeks. Board Staff informed Dr. Parrish that the deadline for compliance with the Evaluation was set by the Board and he needed to comply with the Board Order.

Board Staff contacted the Evaluation facility on April 29, 2005 and was informed that Dr. Parrish had not contacted the facility to schedule the Evaluation.

6. On October 7, 2005, Dr. Parrish appeared before the Board without legal counsel and the Board voted to issue findings of fact, conclusions of law and order, dated December 12, 2005.

7. The Board issued a Letter of Reprimand for misdiagnosis and mismanagement of thyroid disease, the License was suspended and placed on probation for one year and Dr. Parrish was ordered to undergo the Evaluation at his own expense within 90 days. The Evaluation was to be completed by March 9, 2006. The suspension of the License was not to terminate prior to the Board's review of the Evaluation. Dr. Parrish was also required to submit quarterly reports to the Board stating whether there has been compliance with the conditions of probation imposed by the Board.

8. On March 9, 2006, Lorraine Brown ("Ms. Brown"), employed by the Board at the time as a Physician Health Program ("PHP") Officer, contacted the Evaluation facility to determine if Dr. Parrish had arranged for the Evaluation. Upon such contact, Ms. Brown learned that Dr. Parrish had not scheduled the Evaluation.

10. On March 13, 2006, Ms. Brown sent Dr. Parrish a letter (Exhibit 2) informing him that the Board had opened an investigation under case number MD-06-0211 for possible violation

of a Board Order. In particular, the letter informed Dr. Parrish of the allegation that Dr. Parrish violated the terms of the Letter of Reprimand by failing to complete the Evaluation within 90 days of the Board Order.

11. In a letter dated March 18, 2006, which the Board received on March 22, 2006, that was directed to Ms. Brown, Dr. Parrish cites various factors that affected his inability to afford the Evaluation and stated that he had "ceased practicing medicine after receiving a final letter from the Arizona Board of Medical Licensure." (Exhibit 3)

12. On April 6, 2006, Ms. Brown prepared a PHP Report (Exhibit 4) that provided a summary of the history of this matter noting that Dr. Parrish failed to undergo the Evaluation within 90 days of the Board Order and that Dr. Parrish is in violation of the Letter of Reprimand issued on December 12, 2005.

13. Ms. Brown testified that as of June 2006, she confirmed that Dr. Parrish had not scheduled the Evaluation. Ms. Brown also testified that if the Evaluation had been scheduled, Dr. Parrish would have been required to pay the cost of such evaluation in advance of the Evaluation, that the Evaluation facility was required to notify the Board of such the scheduling of the Evaluation, and that the Board had neither been contacted by the Evaluation facility nor been informed that Dr. Parrish had scheduled the Evaluation.

14. In a letter dated October 13, 2007 (Exhibit 5), Dr. Parrish returned to the Board the License and stated that he was "no longer interested in pursuing it anyway."

15. Ms. Brown testified that other than the above-mentioned letters, Dr. Parrish has not recently submitted any other written communication to the Board.

CONCLUSIONS OF LAW

1. This matter is a disciplinary matter and, as such, the Board bears the burden of proving that the allegations set forth in the Complaint and Notice of Hearing are violations of State law regulating allopathic physicians and the standard of proof on all issues is by a preponderance of the evidence. *See* A.A.C. R2-19-119.

2. A preponderance of the evidence is "evidence of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not." Black's Law Dictionary, 1182 (6th ed. 1990).

3. Dr. Parrish's failure to comply with the Board Order and Letter of Reprimand by failing to complete the Evaluation within the required time frame and failing to provide quarterly reports to the Board as to his compliance with the Board Order constitutes unprofessional conduct within the meaning of A.R.S. §§ 32-1401.27(r) and 32-1401.27(dd).

4. The Board proved by a preponderance of the evidence that Dr. Parrish violated the provisions of A.R.S. §§ 32-1401.27(r) and 32-1401.27(dd).

5. Grounds exist for the Board to revoke the License pursuant to A.R.S. §32-1451(M).

ORDER

Based upon the Findings of Fact and Conclusions of Law as adopted, the Board hereby enters the following Order:

1. Respondent's License No. 26896 is revoked on the effective date of this Order and Respondent shall return his wallet card and certificate of licensure to the Board.

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RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.C.C. R4-16-102. Service of this order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

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

Dated this 14th day of December, 2007.

(SEAL)

ARIZONA MEDICAL BOARD

By: Amanda Diehl
Amanda J. Diehl
Deputy Executive Director

Original of the foregoing filed this 14th day of December, 2007, with:

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

Copy of the foregoing filed this 14th day of December, 2007, with:

Cliff J. Vanell, Director
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Phoenix, AZ 85007

Executed copy of the foregoing mailed by US Mail this 14th day of December, 2007, to:

David D. Parrish, M.D.
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