BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **WARREN MOODY, M.D.** Holder of License No. **31152** For the Practice of Allopathic Medicine In the State of Arizona.	**Case No. MD-07-0874A** **INTERIM FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR SUMMARY SUSPENSION OF LICENSE**

INTRODUCTION

The above-captioned matter came on for discussion before the Arizona Medical Board ("Board") on October 15, 2007. After reviewing relevant information and deliberating, the Board considered proceedings for a summary action against the license of Warren Moody, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending formal hearing or other Board action. A.R.S. § 32-1451(D).

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 31152 for the practice of allopathic medicine in the State of Arizona.

3. On September 21, 2007 a pharmacy filed a complaint with the Board reporting that Respondent was writing prescriptions for Vicodin for a friend ("WF") who is neither Respondent's patient nor a patient of the medical clinic listed on the prescription form. The pharmacy also reported that Respondent or WF pick up prescriptions that are being refilled before the prescription should have run out and before the prescription should be refilled according to medical regulation. According to the pharmacy, Respondent picked up and paid for the Vicodin on several occasions.

4. On September 21, 2007 Board Staff contacted Respondent and he appeared for an interview with Board Staff and the Board's contracted addiction medicine specialist. During the interview Respondent admitted to writing prescriptions for WF and JF and JP, members of WF's family. Respondent also admitted he did not have any charts for WF, JF, and JP. Respondent claimed to have met JF, WF's brother, at Respondent's place of employment and he became good friends with the entire family and he would prescribe for them on request. Pharmacy surveys conducted by Board Staff confirm Respondent prescribed for WF, JF, and JP.

5. The addiction medicine specialist asked Respondent if he was taking medications at the time of the interview. Respondent admitted only to taking ibuprofen. At the conclusion of the interview Board Staff presented Respondent with an Interim Order for a Biological Fluid Testing and Hair Drug Testing requiring he present for these tests by 8:00 p.m. on the same day. At this point Respondent informed Board Staff that he had been prescribed Vicodin by another physician approximately six to eight weeks earlier and that he had last taken Vicodin approximately six to eight weeks earlier.

6. On September 25, 2007 the Board received the results of the Biological Fluid and Hair Drug testing. Both tests were positive for Opiates, specifically Hydrocodone. Board Staff contacted Respondent and asked for the prescription bottle of the Vicodin prescribed by the other physician and again asked the last time he took the Vicodin. Respondent stated he had forgotten during September 21, 2007 interview that he had taken Vicodin on September 20, 2007 after getting a tattoo. Based on the positive biological fluid and hair drug tests, on September 25, 2007 the Board issued an Interim Order for Evaluation and Treatment requiring Respondent to undergo and successfully complete a residential evaluation. Respondent chose to present to the Betty Ford Clinic. On this same date Respondent phoned the Board's offices and reported he had fallen and broken his foot and was in a cast and taking pain medications.

7. On October 11, 2007 the Betty Ford Clinic forwarded a Preliminary Clinical Diagnostic Evaluation discharge summary. The diagnostic team opined that due to Respondent's refusal to sign a release form allowing them to speak to his family and his employer they were unable to complete the evaluation. The discharge summary indicated Respondent exercised extremely poor judgment in a number of important areas of his personal and professional life and it was their opinion that Respondent was not fit to practice medicine. The discharge summary also indicated Respondent's suitability to return to the practice of medicine should not be re-assessed until he has complied with the requirements of the evaluation and, if the results of the evaluation recommend treatment, his suitability to return to practice should not be reassessed until he has successfully completed the recommended treatment at a Board approved facility, been discharged with staff approval from the facility, and enrolled in a therapeutic monitoring program.

8. On October 15, 2007 Respondent's former employer, a physician, called the Board to report that Respondent repeatedly arrived for work late and, after a recent surgery, requested two physician assistants, a nurse practitioner and another physician in the office to prescribe narcotics to him. The employer also reported Respondent asked if he could order a large amount of injectable narcotics for his Air Vac office and have them shipped to the employer's office. The employer declined the order after he was informed by the company from which Respondent had ordered the medications that Respondent had used the employer's DEA number to order the medications and that the order was quite large. Based on this information, the employer terminated Respondent's employment. On this same date, Board Staff attempted to contact Respondent at his home phone and on his cell phone. Board Staff left messages asking Respondent to return the calls. Respondent has failed to return those calls.

9. The facts as presented demonstrate that the public health, safety or welfare imperatively requires emergency action.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent, holder of License No. 31152 for the practice of allopathic medicine in the State of Arizona.

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;") A.R.S. § 32-1401(27)(j) ("[p]rescribing, dispensing or administering any controlled substance or prescription-only drug for other than accepted therapeutic purposes;") A.R.S. § 32-1401(27)(ss) ("[p]rescribing, dispensing or furnishing a prescription medication or a prescription only device . . . to a person unless the licensee first conducts a physical examination of that person or has previously established a doctor-patient relationship. . . .;") and A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement of stipulation issued or entered into by the board or its executive director under the provisions of this chapter.").

3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

ORDER

Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above, IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice allopathic medicine in the State of Arizona, License No. 31152, is summarily suspended pending a formal hearing before an Administrative Law Judge from the Office of Administrative Hearings.

2. The Interim Findings of Fact and Conclusions of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against him. Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 16th day of October, 2007

[SEAL]

ARIZONA MEDICAL BOARD

By
Timothy C. Miller, J.D.
Executive Director

ORIGINAL of the foregoing filed this 16th day of October, 2007, with:

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

EXECUTED COPY of the foregoing mailed by US Mail this 16th day of October 2007 to:

Rosemary Cook, Esq.
818 North 5th Avenue
Phoenix, Arizona 85003-0001

Warren Moody, M.D.
Address of Record

Dean Brekke
Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington, CIV/LES
Phoenix, Arizona 85007