

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **ERNEST K. MAR, M.D.**

4 Holder of License No. 34673
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-17-0774A__

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

7 **INTRODUCTION**

8 The above-captioned matter came for discussion before the Arizona Medical Board
9 ("Board") at its August 30, 2018 meeting, where it had been placed on the agenda to
10 consider possible summary action against Ernest K. Mar, M.D. ("Respondent"). Having
11 considered the information in the matter and being fully advised, the Board enters the
12 following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension
13 of License, pending a formal hearing or other Board action. A.R.S. § 32-1451(D).

14 **INTERIM FINDINGS OF FACT**

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

17 2. Respondent is the holder of license number 34673 for the practice of
18 allopathic medicine in the State of Arizona.

19 3. The Board initiated case number MD-17-0774A pursuant to the Board's
20 Order for Letter of Reprimand and Probation; and Consent to Same in case number MD-
21 15-0964A ("Order") which provided for periodic chart reviews of Respondent's patients.

22 4. A Medical Consultant ("MC") who reviewed Respondent's care of six patients
23 noted deviations from the standard of care in four of the patients reviewed. The deviations
24 identified by the MC included failure to address aberrant urine drug screen results in two
25 patients (GA and PM), and the prescribing of opioid medications in conjunction with
benzodiazepines in two patients (PS and PW). With regard to these two patients, the MC

1 noted that one patient was prescribed multiple opioid medications, (including fentanyl,
2 oxycodone, and codeine), benzodiazepines and Soma; and the second patient was
3 prescribed high- dose opioid medications while concurrently routinely using
4 benzodiazepines.

5 5. There was the potential for patient harm in that all patients were at risk for
6 overdose. Patients PS and PW were at elevated risk of overdose.

7 6. During the Board's consideration of the above captioned matter on August
8 30, 2018, Board staff presented the foregoing, as well as information regarding a current
9 Controlled Substance Prescription Monitoring Profile ("CSPMP") report, which indicated
10 that Respondents continues to prescribe substantial doses of opioids, opioids in
11 combination with benzodiazepines, as well as some cases of opioids in combination with
12 both benzodiazepines and carisoprodol. Respondent stated that he was unable to force a
13 patient to reduce their opioid dosage when the patient was unwilling to do so, and also
14 expressed concerns regarding the consequences of tapering high dose opioids.

15 7. Also during the Board's consideration of the matter, Board staff provided the
16 information regarding the content of the intensive, in-person controlled substance
17 continuing medical education ("CME") recently completed by Respondent. Board staff
18 emphasized that two of the patients had aberrant urine drug screens, which did not result
19 in any change in Respondent's prescribing patterns during the time period reviewed.
20 Additionally, one patient had repeated high pill counts, which did not result in a change in
21 Respondent's prescribing practices during the time period reviewed.

22 8. Board members commented that the prescribing practices for the patients
23 reviewed were concerning, especially in light of the recent attendance at in-person
24 controlled substance CME. Board members disagreed with Respondent's contention that
25 he lacked the ability to reduce patient medications when the patients disagree. Based on

1 the evidence presented, the Board voted unanimously to summarily suspend
2 Respondent's license.

3 **INTERIM CONCLUSIONS OF LAW**

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

6 2. The conduct and circumstances described above constitute unprofessional conduct
7 pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or might
8 be harmful or dangerous to the health of the patient or the public.").

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

11 **ORDER**

12 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
13 above,

14 IT IS HEREBY ORDERED THAT:

15 1. Respondent's license to practice allopathic medicine in the State of Arizona,
16 License No. 34673, is summarily suspended. Respondent is prohibited from practicing
17 medicine in the State of Arizona and is prohibited from prescribing any form of treatment
18 including prescription medications or injections of any kind.

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

23 3. The Board's Executive Director is instructed to refer this matter to the Office
24 of Administrative Hearings for scheduling of an administrative hearing to be commenced
25

1 within sixty days from the date of the issuance of this Order, unless stipulated and agreed
2 otherwise by Respondent. A.R.S. § 32-1451(D).

3
4 DATED AND EFFECTIVE this 30th day of August, 2018.

5
6 ARIZONA MEDICAL BOARD

7 By Patricia E. McSorley
8 Patricia E. McSorley
9 Executive Director

10 EXECUTED COPY of the foregoing mailed
11 this 30th day of August, 2018 to:

12 Ernest K. Mar, M.D.
13 Address of Record

14 ORIGINAL of the foregoing filed
15 this 30th day of August 2018 with:

16 Arizona Medical Board
17 1740 West Adams, Suite 4000
18 Phoenix, Arizona 85007

19 Michael
20 Board staff