

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **DAVID LANDAU, M.D.**

4 Holder of License No. 40941
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-17-0777A

**ORDER FOR LETTER
OF REPRIMAND; AND
CONSENT TO THE SAME**

7 David Landau, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for a Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 40941 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-17-0777A after receiving notification
17 from the Vermont Department of Health, Board of Medical Practice ("Vermont Board") that
18 Respondent had prescribed controlled substances to a patient ("LA") in Vermont without a
19 license to practice medicine issued by the Vermont Board. The complaint also stated that
20 Respondent provided a statement to the Vermont Board's investigator wherein he
21 admitted to prescribing controlled substances to LA while in Vermont.

22 4. During the course of the Board's investigation, Respondent denied having
23 communicated with the Vermont Board. Board staff subsequently obtained an email sent
24 by Respondent to a member of the Vermont Board staff. Respondent ultimately
25 acknowledged communication with the Vermont Board.

1 5. Between 2011 and 2016, Respondent wrote a total of nine prescriptions for
2 controlled substances for LA. During the course of the Board’s investigation, Respondent
3 stated that LA was a personal friend. Respondent produced one progress note
4 documenting his care of LA and an order for lab work issued in Vermont. Respondent’s
5 records also included two retrospective drug utilization reviews conducted by insurers for
6 LA, indicating that LA was also receiving opioid medications from four other providers.

7 6. An Arizona Controlled Substance Prescription Monitoring Program report
8 indicated that Respondent also prescribed controlled substances to LA in Arizona in 2011.
9 Respondent did not provide any records regarding the prescriptions issued to LA in
10 Arizona.

11 **CONCLUSIONS OF LAW**

12 a. The Board possesses jurisdiction over the subject matter hereof and over
13 Respondent.

14 b. The conduct and circumstances described above constitute unprofessional
15 conduct pursuant to A.R.S. § 32-1401(27)(e)(“Failing or refusing to maintain adequate
16 records on a patient.”).

17 c. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § 32-1401(27)(jj)(“Knowingly making a false or misleading
19 statement to the board or on a form required by the board or in a written correspondence,
20 including attachments, with the board.”).

21 d. The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § 32-1401(27)(ss)(“Prescribing, dispensing or furnishing a
23 prescription medication or a prescription-only device as defined in section 32-1901 to a
24 person unless the licensee first conducts a physical examination of that person or has
25 previously established a doctor-patient relationship. The physical or mental health status

1 examination may be conducted during a real-time telemedicine encounter with audio and
2 video capability, unless the examination is for the purpose of obtaining a written
3 certification from the physician for the purposes of title 36, chapter 28.1.”).

4 **ORDER**

5 IT IS HEREBY ORDERED THAT:

6 1. Respondent is issued a Letter of Reprimand.

7
8 DATED AND EFFECTIVE this 16th day of April, 2018.

9 ARIZONA MEDICAL BOARD

10
11 By Patricia E. McSorley
12 Patricia E. McSorley
13 Executive Director

14 **CONSENT TO ENTRY OF ORDER**

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

18 2. Respondent acknowledges and agrees that this Order is entered into freely
19 and voluntarily and that no promise was made or coercion used to induce such entry.

20 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
21 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
22 this Order in its entirety as issued by the Board, and waives any other cause of action
23 related thereto or arising from said Order.

24 4. The Order is not effective until approved by the Board and signed by its
25 Executive Director.


1 5. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

7 6. Upon signing this agreement, and returning this document (or a copy thereof)
8 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
9 the Order. Respondent may not make any modifications to the document. Any
10 modifications to this original document are ineffective and void unless mutually approved
11 by the parties.

12 7. This Order is a public record that will be publicly disseminated as a formal
13 disciplinary action of the Board and will be reported to the National Practitioner's Data
14 Bank and on the Board's web site as a disciplinary action.

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

18 9. ***Respondent has read and understands the terms of this agreement.***

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21 _____
DAVID LANDAU, M.D., Ph.D.

DATED: 4/3/18

22 EXECUTED COPY of the foregoing mailed
23 this 16th day of April, 2018 to:

24 J. Arthur Eaves
25 Sanders & Parks
3030 N 3rd St, Suite 1300
Phoenix, AZ 85012-3099

1 Attorney for Respondent

2 ORIGINAL of the foregoing filed
3 this 16th day of April, 2018 with:

4 Arizona Medical Board
5 1740 West Adams Street, Suite 4000
6 Phoenix, Arizona 85007

7 Michelle Kusos
8 Board staff

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