

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **MARCIA A. MASTRIN, M.D.**

4 Holder of License No. **31029**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-17-0567A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Marcia A. Mastrin, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction
10 and consents to the entry of this Order by the Arizona Medical Board ("Board").

11 **INTERIM 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 No. 31029 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-17-0567A after receiving a complaint
17 regarding Respondent's care and treatment of a 29 year-old female patient ("JH") alleging
18 concern about Respondent's prescribing practices after JH was admitted to an Emergency
19 Room for an accidental overdose of hydrocodone prescribed by Respondent.

20 4. A Medical Consultant ("MC") who reviewed Respondent's care of JH and
21 three other patients noted deviations from the standard of care with regard to
22 Respondent's controlled substance prescribing practices for all four patients. The MC
23 stated that Respondent's deviations from the standard of care included initiation and
24 escalation of opioid medication therapy without proper evaluation and continuation of
25 patients on high dose opioid therapy without proper management and re-evaluation.

1 Additionally, the MC found that Respondent failed to properly monitor for or address
2 patient non-compliance and aberrant urine drug screens indicative of medication misuse
3 or diversion.

4 5. Actual harm was identified in that patients were noted to have developed
5 opioid tolerance and dependence.

6 6. There was the potential for patient harm in that the patients were at
7 unreasonable risks for the potential adverse outcomes related to opioid medications.

8 7. Additionally, the MC noted that Respondent's documentation was largely
9 illegible.

10 8. On February 9, 2007, in case MD-05-0031A, Respondent entered into a
11 Consent Agreement for Decree of Censure for improper treatment of opioid addiction,
12 improper prescription of Buprenorphine in an unapproved form, and for inadequate
13 medical records.

14 9. The aforementioned information was presented to the investigative staff, the
15 medical consultant and the lead Board member. All reviewed the information and concur
16 that the interim consent agreement to restrict Respondent's controlled substance
17 prescribing pending the outcome of a formal interview or formal hearing is appropriate.

18 10. The investigation into this matter is pending Board review.

19 **INTERIM CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over
21 Respondent.

22 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
23 enter into a consent agreement when there is evidence of danger to the public health and
24 safety.

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1 2. Respondent has read and understands this Interim Consent Agreement as
2 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
3 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
4 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
5 by doing so agrees to abide by all of its terms and conditions.

6 3. By entering into this Interim Consent Agreement, Respondent freely and
7 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
8 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
9 any other administrative and/or judicial action, concerning the matters related to the
10 Interim Consent Agreement.

11 4. Respondent understands that this Interim Consent Agreement does not
12 constitute a dismissal or resolution of this matter or any matters that may be currently
13 pending before the Board and does not constitute any waiver, express or implied, of the
14 Board's statutory authority or jurisdiction regarding this or any other pending or future
15 investigations, actions, or proceedings. Respondent also understands that acceptance of
16 this Interim Consent Agreement does not preclude any other agency, subdivision, or
17 officer of this State from instituting civil or criminal proceedings with respect to the conduct
18 that is the subject of this Interim Consent Agreement. Respondent further does not
19 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
20 judicial review or any other administrative and/or judicial action, concerning the matters
21 related to a final disposition of this matter, unless he/she affirmatively does so as part of
22 the final resolution of this matter.
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1 5. Respondent acknowledges and agrees that upon signing this Interim
2 Consent Agreement and returning it to the Board's Executive Director, Respondent may
3 not revoke acceptance of this Interim Consent Agreement or make any modifications to it.
4 Any modification of this original document is ineffective and void unless mutually approved
5 by the parties in writing.

6 6. Respondent understands that this Interim Consent Agreement shall not
7 become effective unless and until it is signed by the Board's Executive Director.

8 7. Respondent understands and agrees that if the Board's Executive Director
9 does not adopt this Interim Consent Agreement, he will not assert in any future
10 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
11 bias, prejudice, prejudgment, or other similar defense.

12 8. Respondent understands that this Interim Consent Agreement is a public
13 record that may be publicly disseminated as a formal action of the Board, and that it shall
14 be reported as required by law to the National Practitioner Data Bank.

15 9. Respondent understands that this Interim Consent Agreement does not
16 alleviate Respondent's responsibility to comply with the applicable license-renewal
17 statutes and rules. If this Interim Consent Agreement remains in effect at the time
18 Respondent's allopathic medical license comes up for renewal, Respondent must renew
19 the license if Respondent wishes to retain the license. If Respondent elects not to renew
20 the license as prescribed by statute and rule, Respondent's license will not expire but
21 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
22 final action in this matter. Once the Board takes final action, in order for Respondent to be
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1 licensed in the future, Respondent must submit a new application for licensure and meet
2 all of the requirements set forth in the statutes and rules at that time.

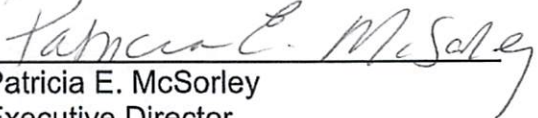
3 10. Respondent understands that any violation of this Interim Consent
4 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(f) (“[v]iolating
5 a formal order, probation, consent agreement or stipulation issued or entered into by the
6 board or its executive director under this chapter.”).

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8 _____
9 MARCIA A. MASTRIN, M.D.

DATED: 5/28/18

10 DATED this 29th day of May 2018.

11 ARIZONA MEDICAL BOARD

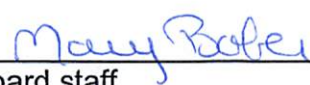
12 By 
13 Patricia E. McSorley
14 Executive Director

15 EXECUTED COPY of the foregoing e-mailed
16 this 22nd day of May, 2018 to:

17 Mandi J. Karvis
18 Wicker Smith O'Hara McCoy & Ford
19 1 North Central Ave, Suite 885
20 Phoenix, AZ 85004
21 Attorney for Respondent

22 ORIGINAL of the foregoing filed
23 this 29th day of May, 2018 with:

24 Arizona Medical Board
25 1740 West Adams, Suite 4000
Phoenix, Arizona 85007


Board staff