

1 successfully completes a long-term inpatient or residential treatment program for
2 chemical dependency.

3 5. On December 10, 2012, PHP notified the Board that Respondent relapsed
4 on opiates. According to the report, Respondent received opiates from his physician and
5 did not inform the physician that he was a participant in PHP, and he did not inform PHP
6 that he was prescribed opiates. Additionally, Respondent admitted that he took five
7 bottles of Vicodin from his place of employment. Two days later, Respondent entered into
8 an Interim Consent Agreement for Practice Restriction.

9 6. Respondent entered treatment at Hazeldon Springbrook, which was
10 successfully completed on February 22, 2013. Respondent subsequently met with the
11 PHP Monitor who reviewed all treatment records. The PHP Monitor determined that
12 Respondent was safe to perform healthcare tasks and recommended that he enroll in
13 PHP for a period of five years.

14 7. On March 7, 2013, Respondent entered into an Interim Order for PHP
15 participation, and the Interim Practice Restriction was vacated. Respondent is currently in
16 compliance with all the terms and conditions of his Interim PHP Order.

17 CONCLUSIONS OF LAW

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 2. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-2501(18)(d) (“[h]abitual intemperance in the use of
22 alcohol or habitual substance abuse.”) and A.R.S. § 32-2501(18)(k) (“[v]iolation of a
23 formal order, probation or stipulation issued by the board.”)

24 ORDER

25 IT IS HEREBY ORDERED THAT:

1 1. Respondent is issued a Letter of Reprimand.
2 2. This Order supersedes all previous orders or consent agreements in case
3 number PA-12-0093A.

4 2. Respondent is placed on Probation for **five years** with the following terms
5 and conditions:

6 a. **Participation**¹. Respondent shall promptly enroll in and participate in the
7 Board's Physician Health Program (PHP) monitoring service which is administered by a
8 private contractor. ("Monitor").

9 b. **Relapse Prevention Group**. Respondent shall attend the Monitor's
10 relapse prevention group therapy sessions one time per week for the duration of this
11 Order, unless excused by the relapse prevention group facilitator for good cause.
12 Individual relapse therapy may be substituted for one or more of the group therapy
13 sessions, if Monitor pre-approves substitution. The relapse prevention group facilitators
14 or individual relapse prevention therapist shall submit monthly reports to the Monitor
15 regarding attendance and progress.

16 c. **12 Step or Self-Help Group Meetings**. If applicable, Respondent shall
17 attend ninety 12-step meetings or other self-help group meetings appropriate for
18 substance abuse and approved by the Monitor, for a period of ninety days. Upon
19 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-
20 step recovery program or other self-help program appropriate for substance abuse as
21 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
22 other self-help program meetings per week. Two meetings per month must be Caduceus
23 meetings. Respondent must maintain a log of all self-help meetings.

24 _____
25 ¹ Respondent's PHP participation is retroactive to March 7, 2013.

1 d. Approved Primary Care Physician. Respondent shall promptly obtain a
2 primary care physician and shall submit the name of the physician to the Monitor in
3 writing for approval. The approved primary care physician ("PCP") shall be in charge of
4 providing and coordinating Respondent's medical care and treatment. Except in an
5 *Emergency*, Respondent shall obtain medical care and treatment only from the PCP and
6 from health care providers to whom the PCP refers Respondent. Respondent shall
7 promptly provide a copy of this Order to the PCP. Respondent shall also inform all other
8 health care providers who provide medical care or treatment that Respondent is
9 participating in PHP. "*Emergency*" means a serious accident or sudden illness that, if not
10 treated immediately, may result in a long-term medical problem or loss of life.

11 e. Medication. Except in an *Emergency*, Respondent shall take no
12 *Medication* unless the PCP or other health care provider to whom the PCP refers
13 Respondent prescribes the *Medication*. Respondent shall not self-prescribe any
14 *Medication*. "*Medication*" means a prescription-only drug, controlled substance, and
15 over-the counter preparation, other than plain aspirin, plain ibuprofen, and plain
16 acetaminophen. If a controlled substance is prescribed, dispensed, or administered to
17 Respondent by any person other than PCP, Respondent shall notify the PCP in writing
18 within 48 hours and notify the Monitor immediately.

19 f. No Alcohol or Poppy Seeds. Respondent shall not consume alcohol, any
20 food, or other substance containing poppy seeds or alcohol.

21 g. Biological Fluid Collection. Respondent shall provide the Monitor in
22 writing with one telephone number that shall be used to contact Respondent on a 24 hour
23 per day/seven day per week basis to submit to biological fluid collection. For the
24 purposes of this section, telephonic notice shall be deemed given at the time a message
25 to appear is left at the contact telephone number provided by Respondent. Respondent

1 authorizes any person or organization conducting tests on the collected samples to
2 provide testing results to the Monitor. Respondent shall comply with all requirements for
3 biological fluid collection.

4 h. **Out of State Travel and/or Unavailability at Home/Office Telephone**
5 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
6 out of state.

7 i. **Payment for Services.** Respondent shall pay for all costs, including
8 Monitor costs, associated with participating in PHP at the time service is rendered, or
9 within 30 days of each invoice sent to Respondent. An initial deposit of two months
10 monitoring fees is due upon entering the program. Failure to pay either the initial
11 monitoring deposit or monthly fees 60 days after invoicing will be reported to the Board
12 by the contractor and may result in disciplinary action up to and including revocation.

13 j. **Interviews.** Respondent shall appear in person before the Monitor for
14 interviews upon request, upon reasonable notice.

15 k. **Address and Phone Changes, Notice.** Respondent shall immediately
16 notify the Monitor in writing of any change in office or home addresses and telephone
17 numbers.

18 l. **Relapse, Violation.** In the event of chemical dependency relapse by
19 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
20 Respondent's license shall be summarily suspended pending a hearing for revocation. In
21 the alternative, Respondent may SURRENDER HIS LICENSE if he agrees in writing to
22 being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G). **In no respect shall the**
23 **terms of this paragraph restrict the Board's authority to initiate and take**
24 **disciplinary action for violation of this Order.**

25 m. **Notice Requirements.** Respondent shall immediately provide a copy of

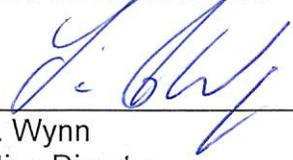
1 this Order to all current and future employers, supervising physicians, all hospitals and
2 free standing surgery centers where Respondent has privileges. Within 30 days of the
3 date of this Order, Respondent shall provide the Monitor with a signed statement of
4 compliance with this notification requirement. Respondent is further required to notify, in
5 writing, all employers, supervising physicians, hospitals and free standing surgery centers
6 where Respondent currently has or in the future gains employment or privileges, of a
7 chemical dependency relapse.

8 n. Out-of-State. In the event Respondent resides or practices as a physician
9 assistant in a state other than Arizona, Respondent shall participate in the rehabilitation
10 program sponsored by that state's medical licensing authority or medical society.
11 Respondent shall cause the monitoring state's program to provide written quarterly
12 reports to the Monitor regarding Respondent's attendance, participation, and monitoring.
13 The monitoring state's program and Respondent shall immediately notify the Monitor if
14 Respondent: a) is non-compliant with any aspect of the monitoring requirements; b)
15 relapses; c) tests positive for controlled substances; d) has low specific gravity urine drug
16 test(s), missed and/or late urine drug tests, or otherwise rejected urine drug tests; and e)
17 is required to undergo any additional treatment.

18 p. The Board retains jurisdiction and may initiate new action based upon any
19 violation of this Order.

20
21 DATED AND EFFECTIVE this 29th day of AUGUST, 2013.

22 ARIZONA REGULATORY BOARD OF
23 PHYSICIAN ASSISTANTS

24 By 
25 Lisa S. Wynn
Executive Director

1
2 **CONSENT TO ENTRY OF ORDER**

3 1. Respondent has read and understands this Order for Letter of Reprimand,
4 Probation and Consent to Same ("Order"). Respondent acknowledges he has the right to
5 consult with legal counsel regarding this matter.

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

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

12 4. The Order is not effective until approved signed by its Executive Director.

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

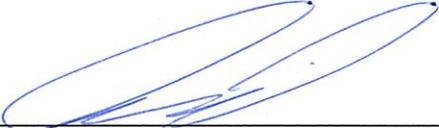
19 6. Upon signing this agreement, and returning this document (or a copy
20 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
21 entry of the Order. Respondent may not make any modifications to the document. Any
22 modifications to this original document are ineffective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

24 7. This Order is a public record that will be publicly disseminated as a formal
25 disciplinary action of the Board and will be reported to the National Practitioner's Data

1 Bank and on the Board's web site as a disciplinary action.

2 8. If any part of the Order is later declared void or otherwise unenforceable,
3 the remainder of the Order in its entirety shall remain in force and effect.

4 9. Any violation of this Order constitutes unprofessional conduct as defined in
5 A.R.S. § 32-2501(21)(k), and may result in disciplinary action pursuant to A.R.S. § 32-
6 2551.

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9 David R. Cardosi, P.A.

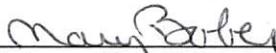
DATED: 6/12/13

10 EXECUTED COPY of the foregoing mailed
11 this 29th day of August, 2013 to:

12 David R. Cardosi, P.A.
13 Address of Record

14 ORIGINAL of the foregoing filed
15 this 29th day of August, 2013 with:

16 Arizona Regulatory Board of Physician Assistants
17 9545 E. Doubletree Ranch Road
18 Scottsdale, AZ 85258

19 
20 Arizona Regulatory Board of
21 Physician Assistants Staff

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