

1 5. This Interim Consent Agreement, or any part thereof, may be considered in any
2 future disciplinary action against Respondent.

3 6. This Interim Consent Agreement does not constitute a resolution of Case Nos.
4 DO-13-0175A or DO-14-0124A and does not resolve other matters currently pending before the
5 Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory
6 authority or jurisdiction. The acceptance of this Interim Consent Agreement does not preclude
7 any other agency, subdivision or officer of this State from instituting other civil or criminal
8 proceedings with respect to the conduct that is the subject of this Interim Consent Agreement.

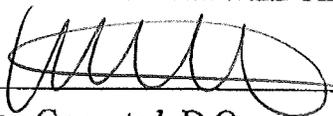
9 7. Upon signing this agreement, and returning this document (or a copy thereof) to
10 the Board's Executive Director, Respondent may not revoke the acceptance of the Interim
11 Consent Agreement. Respondent may not make any modifications to the document. Any
12 modifications to this original document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

14 8. This Interim Consent Agreement, once approved and signed, is a public record
15 that will be publicly disseminated as a formal action of the Board and will be reported to the
16 National Practitioner Data Bank and to the Board's website.

17 9. If any part of the Interim Consent Agreement is later declared void or otherwise
18 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
19 force and effect.

20 10. If the Board does not adopt this Interim Consent Agreement, (1) Respondent will
21 not assert as a defense that the Board's consideration of the Interim Consent Agreement
22 constitutes bias, prejudice, prejudgment or other similar defense; and (2) the Board will not
23 consider content of this Interim Consent Agreement as an admission by Respondent.

24 REVIEWED AND ACCEPTED THIS 3RD DAY OF OCTOBER, 2014.

25 
26 _____
26 Norman Gramstad, D.O.

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3 **JURISDICTIONAL STATEMENT**

4 1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the
5 licensing and practice of osteopathic medicine in the State of Arizona.

6 2. Respondent holds license No. 3181 issued by the Board to practice as an
7 osteopathic physician.

8 **FINDINGS OF FACT**

9 1. The Board initiated case DO-13-0175A and DO-14-0124A after receiving
10 notification that Respondent may have been prescribing pain medication inappropriately to
11 patients.

12 2. The Board's medical consultant reviewed Respondent's file for patients in both
13 cases and also performed a pharmacy audit and chart review on Respondent. The medical
14 consultant's review found that Respondent did not follow the community standards of practice
15 for opioid prescribing.

16 3. On September 20, 2014, the Board held an Investigative Hearing in cases DO-13-
17 0175A and DO-14-0124A. The Board heard testimony from Respondent.

18 4. At the conclusion of the Investigative Hearing, the Board requested additional
19 information and evaluation.

20 **CONCLUSIONS OF LAW**

21 1. Pursuant to A.R.S. § 32-1800, et seq. the Board has subject matter and personal
22 jurisdiction in this matter.

23 2. The conduct and circumstances described in paragraphs 1 through 4 above, if
24 proven true, constitute unprofessional conduct as defined in the following paragraphs of A.R.S. §
25 32-1854:

26 (6) Engaging in the practice of medicine in a manner that harms or may harm
27 a patient or that the Board determines falls below the community standard.

1 (38) Any conduct or practice that endangers a patient's or the public's health or
2 may reasonably be expected to do so.

3 **ORDER**

4 Pursuant to the authority vested in the Executive Director, and based upon the Findings
5 of Fact and Conclusions of Law,

6 **IT IS HEREBY ORDERED** that effective the date of this Interim Agreement,
7 Respondent is placed on a practice restriction that prohibits him from prescribing opioids.
8 Further, any health care practitioner who is supervised, employed by or contracted with
9 Respondent is prohibited from prescribing any of these medications. The restriction will remain
10 in place until the Board can conclude the Investigative Hearing in the above mentioned cases at a
11 regularly scheduled meeting after receipt of the evaluation report(s).

12 1. Further, Respondent shall undergo the phase I and II evaluations by the Physician
13 Assessment and Clinical Education Program ("PACE"), at the University of San Diego (619-
14 543-6770 / www.paceprogram.ucsd.edu) or a practice assessment through The Center for
15 Personalized Education for Physicians ("CPEP") in Denver, Colorado (303-577-3232 or
16 www.cpepdoc.org) to **be completed within 120 days of the effective date of this Order.**

17 2. By 5:00 p.m. on October 8, 2014, Respondent shall notify the Board's Executive
18 Director of the date(s) of the appointment for the evaluation(s)/assessment and who will be
19 conducting the evaluation/assessment. The notification shall be in writing, by facsimile (480-
20 657-7715) or email (jenna.jones@azdo.gov).

21 3. Respondent shall cause all reports resulting from the evaluation(s)/assessment to
22 be delivered directly from the evaluator to the Executive Director of the Board.

23 4. Failure to comply with this order may be construed as a ground for disciplinary
24 action and may constitute unprofessional conduct. (A.R.S. § 32-1854 (25))

25 5. Pursuant to A.R.S. § 32-1855 (B) these evaluations shall be at the licensee's
26 expense.
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1 6. This Interim Consent Agreement is in force and effect upon issuance by the
2 Board's Executive Director.

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

5 8. Any violation of this Interim Consent Agreement and Order constitutes
6 unprofessional conduct and may result in disciplinary action and or referral to the appropriate
7 criminal agency.



8 ISSUED THIS 7th DAY OF October, 2014.
9 STATE OF ARIZONA
10 BOARD OF OSTEOPATHIC EXAMINERS
11 IN MEDICINE AND SURGERY

12 By: Jenna Jones
13 Jenna Jones, Executive Director

14
15 Original filed this 7th day of October, 2014 with the:

16 Arizona Board of Osteopathic Examiners
17 In Medicine and Surgery
18 9535 East Doubletree Ranch Road
19 Scottsdale AZ 85258-5539

20
21 Copy of the foregoing sent via regular mail this
22 7th day of October, 2014 to:

23 Norman Gramstad, D.O.
24 Address of Record

25 And

26 Steven Perlmutter, Esq.
27 8655 E. Via De Ventura, Ste. G-200
 Scottsdale, AZ 85258