BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

IN THE MATTER OF:	**Case No.: DO-09-0025**
AARON GLOSKOWSKI, D.O. Holder of License No. **4405** For the practice of osteopathic medicine in the State of Arizona	**CONSENT AGREEMENT AND ORDER FOR PROBATION**

RECEIVED
JUN 25 2009
AZ OSTEOPATHIC BOARD

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Aaron Gloskowski, D.O. (hereinafter "Respondent" or "Physician"), the parties, hereto agree to the following:

1. Respondent acknowledges he has read this Consent Agreement and Order for Probation and is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Consent Agreement and Order for Probation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Agreement and Order for Probation in state or federal court.

3. Respondent understands that this Consent Agreement and Order for Probation will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Consent Agreement and Order for Probation, once approved and signed, is a public order and shall be publicly disseminated as a formal action of the board to the National Practitioner Databank, the Federation of State Medical Board's databank, the American Osteopathic Association, and on the Board's website.

5. Respondent admits to the findings of facts and conclusions of law contained in this Consent Agreement and Order for Probation.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona and therefore, Respondent's admissions are neither intended nor made for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend any part of the Consent Agreement and Order for Probation, without first obtaining Board approval.

REVIEWED AND ACCEPTED THIS 24 DAY OF ~~MAY~~ June, 2009.

Aaron Gloskowski D.O.
Aaron Gloskowski, D.O., Respondent/Physician

FINDINGS OF FACT

1. On November 21, 2008 Respondent entered into a Stipulated Rehabilitation Agreement (hereinafter "Agreement") with the Board to enroll and participate in the Board's confidential program, under A.R.S. § 32-1861, for the treatment and rehabilitation of doctors of osteopathic medicine who are impaired by alcohol or drug abuse. A copy of the Agreement is attached hereto and incorporated herein by this reference.

2. As part of that Agreement, Respondent agreed to take only medications prescribed to him by his Primary Care Physician (see term 8 of Agreement).

3. As part of that Agreement, Respondent agreed to submit to Biological Fluid Collection for testing (see term 12 of Agreement).

4. As part of that Agreement, Respondent agreed that, in the event of a relapse, he would promptly enter an Interim Consent Agreement for Practice Restriction that requires, among other things, that the Physician not practice medicine until such time as the Physician

successfully completes a long-term inpatient or residential treatment program designated by the Board. (see term 21of Agreement).

5. On February 23, 2009, Respondent submitted a sample for testing.

6. On February 25, 2009, the Board staff was notified by the lab that Respondent's sample tested positive for methamphetamines. Respondent maintained regular office hours on February 23, 24 and 25.

7. Upon notice from the Executive Director on February 25, 2009, Respondent voluntarily refrained from practicing medicine.

8. On March 4, 2009, Respondent signed an Interim Order for Practice Restriction.

9. On or about April 30, 2009, Respondent successfully completed and was discharged from in-patient treatment.

10. On May 18, 2009, Respondent enterd an Intensive Outpatient Program ("IOP") at Banner Health.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described in paragraphs 5 and 6 above constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

> (3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.
> (6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.
> (25) Violating a formal order, probation or a stipulation issued by the board under this chapter
> (38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:

Pursuant to A.R.S. § 32-1855 (C), License No. 4405 held by **AARON GLOSKOWSKI, D.O.**, is placed on **PROBATION** for 5 years from the effective date of this Order, with the following terms:

1. **Practice of medicine:** Physician may practice medicine up to twenty (20) hours per week during the time he is participating in the IOP (see Findings of Fact 10 above, and term 3, below). After successful completion of that program, Respondent may appear before the Board at the September 12, 2009 scheduled meeting to request amendment of this term of Probation. This paragraph shall not preclude Respondent from seeking earlier review.

2. **Participation in Monitored Aftercare:** Physician shall promptly participate in the Board's monitored aftercare program. As part of participation, Physician shall cooperate with Board Staff.

3. **Intensive Outpatient Program:** Physician shall participate in the IOP until the Medical Director of that program approves Physician's discharge from the program. Physician shall authorize release of reports of participation in the IOP and an updated evaluation to the Board.

4. **12 Step or Self-Help Group Meetings:** Physician shall participate in 12-step meetings or other self-help group meetings appropriate for alcohol/substance abuse and approved by Board Staff. Physician shall attend 90 meetings in 90 days beginning not later than either (a) the first day following Respondent's April 30, 2009 discharge from the in-patient program or (b) the effective date of this Order.

5. The log of attendance at those meetings shall be initialed by the meeting leader. After successful completion of those 90 meetings, additional meetings shall be completed under such terms and within such time frame as recommended by Board Staff after reviewing the updated evaluation.

6. **Relapse Prevention Meetings:** Upon completion of the IOP, the Board may require Physician to participate in Relapse Prevention Meetings for health care professionals approved by the Executive Director, under such terms and within such time frame as recommended by the Board approved psychologist or as recommended by the Medical Director of Physicians's IOP.

7. **Board /Staff approved Psychological counseling**: Physician shall promptly obtain a licensed psychiatrist, psychologist or counselor, and submit the name of that person to the Board staff for approval. Physician shall cause that psychiatrist, psychologist or counselor to submit to the Board an initial assessment of Physician within 10 days of this Order, and quarterly statements of progress thereafter. Physician shall continue participation as recommended by the psychiatrist, psychologist or counselor.

8. If medications are prescribed by a psychiatrist, Physician shall report those to his Primary Care Provider (see section 8) and the Board staff within 48 hours. The notification shall contain all information required for the medication log entry specified in paragraph 11. Physician shall request that the notification be made a part of the PCP's medical record.

9. **Board /Staff Approved Primary Care Physician:** Physician shall promptly obtain a primary care physician ("PCP") and shall submit the name of the physician in writing to Board Staff for approval. The PCP shall not be in the same office practice as the Physician, nor related to the Physician by blood or marriage. The PCP shall be in charge of providing and coordinating Physician's medical care and treatment. Except in an *Emergency,* Physician shall obtain medical care and treatment only from the PCP and from health care providers to whom Physician is referred by the PCP. Physician shall request that the PCP document all referrals in the medical record. Physician shall promptly inform the PCP of Physician's rehabilitation efforts and provide a copy of this Agreement to the PCP. Physician shall also inform all other health care providers who provide medical care or treatment that Physician is under this Order.

"Emergency" means a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life.

10. **Medication:** Except in an *Emergency*, Physician shall take no *Medication* unless the PCP or other health care provider to whom the PCP refers Physician prescribes the *Medication*. In the case of over-the-counter medications, Physician shall provide to his PCP a list of over-the-counter *Medications* currently taken; PCP shall review and approve those and recommend any new *Medications* needed. Physician shall not self-prescribe any *Medication*.

"Medication" means a prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen.

11. If a controlled substance is prescribed, dispensed, or is administered to Physician by any person other than the PCP, Physician shall notify the PCP in writing within 48 hours and notify the Board staff immediately. The notification shall contain all information required for the medication log entry specified in paragraph 11. Physician shall request that the notification be made a part of the medical record. This paragraph does not authorize Physician to take any *Medication* other than in accordance with paragraph 9.

12. **Medication Log:** Physician shall maintain a current legible log of all *Medication* taken by or administered to Physician, and shall make the log available to Board Staff upon request. For *Medication* (other than controlled substances) taken on an on-going basis, Physician may comply with this paragraph by logging the first and last administration of the *Medication* and all changes in dosage or frequency. The log, at a minimum, shall include the following:

a. Name and dosage of Medication taken or administered;
b. Date taken or administered;
c. Name of prescribing or administering physician;
d. Reason Medication was prescribed or administered.

This paragraph does not authorize Physician to take any *Medication* outside the parameters of this Order.

13. **No Alcohol or Poppy Seeds:** Physician shall not consume alcohol or any food or other substance containing poppy seeds or alcohol. It is Physician's responsibility to be aware of and to use reasonable efforts to avoid alcohol used in personal hygiene products or in the preparation of food or drink.

14. **Biological Fluid Collection:** During all times that Physician is physically present in the State of Arizona and such other times as Board Staff may direct, Physician shall promptly comply with requests from Board Staff to submit to biological fluid collection. If Physician is directed to contact an automated telephone message system to determine when to provide a specimen, Physician shall do so within the hours specified by Board Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly comply" means "immediately". In the case of a telephonic request, "promptly comply" means that, except for good cause shown, Physician shall appear and submit to specimen collection not later than two hours after telephonic notice to appear is given. The Board in its sole discretion shall determine good cause. The Board staff may require the collection to be observed or witnessed.

15. Physician shall cooperate with collection site personnel regarding biological fluid collection. Repeated reports from collection site personnel that Physician is not cooperating regarding collection may be considered failure to comply with this Order (see paragraph 25). The lab is federally certified and will at all times comply with the federal guidelines concerning the collection and chain of custody of all samples. Physician authorizes any person or organization conducting tests on the collected samples to provide testing results to the Board.

16. **Relapse:** For the purpose of this Order, the positive finding in Physician's biological fluid of a drug or medication not prescribed to the Physician in accordance with this Order shall be considered proof of a relapse. In the event of a chemical dependency relapse by

the Respondent, or Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall be summarily suspended pending a formal administrative hearing for revocation. In the alternative, Respondent may surrender his license if he agrees in writing to being impaired by alcohol or drug abuse.

17. **Payment for Services:** Physician shall pay for all costs associated with participating in this Probation, at time service is rendered, if required, or within 30 days of each invoice sent to Physician.

18. **Out of State Travel and/or Unavailability at Home or Office Telephone Number:** Physician shall provide Board Staff at least three business days advance written notice of any plans to be away from the office or home when such absence would prohibit Physician from responding to an order to provide a biological fluid specimen or from responding to communications from the Board. The notice shall state the reason for the intended absence from home or office, and shall provide a telephone number that may be used to contact Physician.

19. **Examination:** Physician shall submit to mental, physical, and medical competency examinations at such times and under such conditions as directed by the Executive Director to assist in monitoring compliance with the terms of this Agreement and Physician's ability to safely engage in the practice of medicine.

20. **Obey All Laws:** Physician shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Arizona.

21. **Interviews:** Physician shall appear in person before the Board and or Board staff for interviews upon request, and the Board and Board staff agree to provide reasonable notice in advance of any requested appearances.

22. **Address and Phone Changes, Notice:** Physician shall notify the Board in writing, within three business days, of any change in office or home addresses and telephone numbers.

23. **Ceasing Practice in the State of AZ:** In the event that Physician ceases to practice medicine in the State of Arizona, by moving out of state, failing to renew his license, or maintaining an AZ license but ceasing to practice clinical medicine or administrative medicine requiring licensure, Physician shall notify the Board that he has ceased practicing in AZ, in writing, within 10 days of ceasing to practice. In its sole discretion, the Board may stay the terms of this Order until such time as the Physician resumes the practice of medicine in AZ, or may take other action to resolve the findings of fact and conclusions of law contained in this Consent Agreement and Order for Probation.

24. **Failure to Comply / Violation**: Respondent's failure to comply with the requirements of this Order shall constitute an allegation of unprofessional conduct as defined at A.R.S. § 32-1854(25); proven violations may be grounds for further disciplinary action (e.g., suspension or revocation of license).

EFFECTIVE AND ISSUED THIS 29th DAY OF JUNE 2009.

STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Elaine LeTarte
Elaine LeTarte, Executive Director

Original "Consent Agreement and Order for Probation"
filed this 29th day of June 2009 with the:

Arizona Board of Osteopathic Examiners in Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Consent Agreement and Order for Probation"
Delivered by hand this 29th day of June 2009 to:

Aaron Gloskowski, D.O.
Address of Record

Michael R. Ross, Esq.
Gallagher & Kennedy, PA
2575 E Camelback Rd
Phoenix, AZ 85016-9225
Counsel for Dr. Gloskowski

Copy of the foregoing "Consent Agreement and Order for Probation" sent via interagency mail this 24 of June 2009 to:

Asst Attorney General
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Kathey Jones