

matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction. The acceptance of this Consent Agreement does not preclude any other agency, subdivision or officer of this State from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

7. All admissions made by Respondent are solely for final disposition of this matter. Any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent, are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

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

9. If the Board does not adopt this Consent Agreement, Respondent will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

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

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

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REVIEWED AND ACCEPTED THIS 15th DAY OF MARCH, 2011.



Janet Pragit, D.O., Respondent/Physician

Counsel for Respondent/Physician

FINDINGS OF FACT

1. On August 17, 2005, the Board issued Respondent a license to practice osteopathic medicine subject to probationary terms for five years due to her history of substance abuse. On June 15, 2007, Respondent reapplied for a license to practice osteopathic medicine in the State of Arizona because her previous license had expired. After disclosing a subsequent relapse that occurred in another state, Respondent agreed to additional probationary terms for five years, as outlined in Case No. 3926.

2. On January 28, 2011, after the Board had expressed concerns over Respondent's numerous prescriptions for hydrocodone, and a laboratory test dated December 21, 2010, the parties agreed to and Respondent entered into an Interim Consent Agreement and Order for Treatment and Practice Restriction, as outlined in Case No. DO-11-0016.

3. On or about January 31, 2011, Respondent was admitted into an in-patient treatment program.

4. On or about March 1, 2011, Respondent was discharged from in-patient treatment.

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 paragraph 2 of the above Findings of Fact constitutes unprofessional practice pursuant to A.R.S. § 32-1854(25) which prohibits "Violating a formal order, probation, or a stipulation issued by the board under this chapter."

ORDER

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

Pursuant to A.R.S. § 32-1855 (C), License No. 4719 held by **JANET M. PRAGIT, 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 without restriction.
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 promptly enroll in and participation in an Intensive Outpatient Program ("IOP") until such time as the Medical Director of that program approves Physician's discharge from it. Physician shall authorize release of reports of participation 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 discharge from chemical dependency treatment or (b) that 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, Physician shall 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.

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 ten (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 her primary care physician and the Board staff within 48 hours. The notification shall contain all information required for the medication log entry specified in paragraph 12. 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. For the purpose of 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. For the purpose of this order, "medication" or "medications" 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 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 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.

16. Physician authorizes any person or organization conducting tests on the collected samples to provide testing results to the Board.

17. **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 Physician, or Physician's use of drugs or alcohol in violation of the Order, Physician's license shall be SUMMARILY SUSPENDED pending a formal administrative hearing for revocation. In the alternative, Physician may SURRENDER her license if she agrees in writing to being impaired by alcohol or drug abuse.

18. **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.

19. **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.

20. **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.

21. **Treatment:** Physician shall submit to all medical, substance abuse, and mental health care and treatment ordered by the Board or Executive Director.

22. **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.

23. **Interviews:** Physician shall appear in person before the Board and or Board staff for interviews upon request, upon reasonable notice.

24. **Address and Phone Changes, Notice:** Physician shall immediately notify the Board in writing of any change in office or home addresses and telephone numbers.

25. **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 her license, or maintaining an AZ license but ceasing to practice clinical medicine or administrative medicine requiring licensure, Physician shall notify the Board that she 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.

26. **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, including suspension or revocation of license.

EFFECTIVE AND ISSUED THIS 15th DAY OF MARCH, 2011.

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 15th day of March, 2011 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"
Sent via U.S. Mail this 18th day of March 2011 to:

Janet Pragit, D.O.

Address of Record

Copy of the foregoing "Consent Agreement and Order for Probation"
sent via interagency mail this 18th of March 2011 to:

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

1 6. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver, express or
3 implied, of the Board's statutory authority or jurisdiction. The acceptance of this Consent
4 Agreement does not preclude any other agency, subdivision or officer of this State from
5 instituting other civil or criminal proceedings with respect to the conduct that is the subject of
6 this Consent Agreement.

7 7. All admissions made by Respondent are solely for final disposition of this matter
8 and any subsequent administrative proceedings or litigation involving the Board, Respondent and
9 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any
10 other purpose or administrative regulatory proceeding or litigation in another state or federal
11 court.

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

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

19 10. This Consent Agreement, once approved and signed, is a public record that will
20 be publicly disseminated as a formal action of the Board and will be reported to the National
21 Practitioner Data Bank and to the Board's website.

22 11. If any part of the Consent Agreement is later declared void or otherwise
23 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and
24 effect.

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1 REVIEWED AND ACCEPTED THIS 26th DAY OF January, 2011.

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4 Janet M. Pragit, D.O.

James R. Taylor, Counsel

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6 **JURISDICTIONAL STATEMENTS**

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

9 2. The Board has the authority to informally dispose by stipulation, agreed
10 settlement, consent order or default pursuant to A.R.S. § 41-1092.05(F)(5).

11 **FINDINGS OF FACT**

12 3. On August 17, 2005, the Board issued Respondent a license to practice
13 osteopathic medicine subject to probationary terms for five years due to her history of substance
14 abuse. On June 15, 2007, Respondent reapplied for a license to practice osteopathic medicine in
15 the State of Arizona because her previous license had expired. After disclosing a subsequent
16 relapse that occurred in another state, Respondent agreed to additional probationary terms for
17 five years, as outlined in Case Number 3926.

18 4. This matter came before the Board at its meeting held on January 22, 2011, for
19 the reason that Respondent did not appear to be in full compliance with the Board's order in
20 Case Number 3926.

21 5. At its meeting, the Board expressed concerned over Respondent's numerous
22 prescriptions for hydrocodone. The Board was also concerned about a laboratory test that
23 occurred on December 21, 2010, in which Respondent submitted a specimen sample that was
24 hotter than the normal range of such bodily fluids. The "hot" specimen sample was negative for
25 hydrocodone. Later on December 21, 2010, the Executive Director issued an order requiring that
26 Respondent test again. On that date's second test, Respondent tested positive for hydrocodone.

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CONCLUSIONS OF LAW

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

2. The conduct and circumstances described in paragraphs 4 and 5 above constitute unprofessional conduct as defined in the following subsection of A.R.S. § 32-1854 (25), which states that it is unprofessional conduct to “violat[e] a formal order, probation of a stipulation issued by the board under this chapter.”

ORDER

NOW, THEREFORE, IT IS AGREED AND ORDERED that Janet M. Pragit, D.O. (“Respondent”) **IS RESTRICTED FROM PRACTICING** clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including writing prescriptions for medications until Respondent completes an in-patient evaluation, and a thirty (30) day in-patient treatment program, subject to the approval of the Executive Director, and at Respondent’s own expense.

Subsequently, the Board shall review all records and evaluations from the in-patient treatment program. Upon a finding that Respondent may safely resume practice in the State of Arizona, the Board shall terminate the practice restriction. The Board shall hold a meeting to determine Respondent’s qualifications to practice within ten (10) business days after the Board receives Respondent’s records and evaluation from the in-patient treatment program.

This is an interim order and not a final decision by the Board regarding the pending investigation of this case and as such is subject to modification and further consideration by the Board.

Respondent’s failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(25) and may be considered as grounds for further disciplinary action (e.g., summary suspension, suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

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ISSUED THIS 28th DAY OF January, 2011.



STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: *Elaine LeTarte*
Elaine LeTarte, Executive Director

Original filed this 28th day of
January, 2011 with the:

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

Copy of the foregoing sent via mail this
28th day of January, 2011 to:

Janet Pragit, DO, in care of:

James R. Taylor, Esq.
Milligan, Lawless, Taylor, Murphy & Bailey, P.C.
4647 North 32nd Street, Suite 185
Phoenix, Arizona 85018

Copy of the foregoing sent via interagency
mail this 28th day of January, 2011 to:

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