

1 **BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

3 In the Matter of:
4 E. JANET GREENWOOD REID, D.O.
5 Holder of License No. 4728
6 For the Practice of Osteopathic Medicine
7 In the State of Arizona

**No. 12A-DO11-0130A-OST
(DO-11-0130A)**
**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**
(REVOCAION OF LICENSE)

8
9 *On March 30, 2013, this matter came before the Arizona Board of Osteopathic*
10 *Examiners in Medicine and Surgery ("Board") for oral argument and consideration of*
11 *the Administrative Law Judge ("ALJ") Tammy Eigenheer's proposed Findings of Fact,*
12 *Conclusions of Law and Recommended Order. Dr. E. Janet Greenwood Reid*
13 *("Respondent") was not present, and was not represented before the Board by legal*
14 *counsel. Assistant Attorney General Sarah Selzer represented the State. Chris Munns,*
15 *Assistant Attorney General with the Solicitor General's Section of the Attorney General's*
16 *Office, was available by phone to provide independent legal advice to the Board.*

17 *The Board, having considered the ALJ's decision and the entire record in this*
18 *matter, hereby adopts the recommended decision and issues the following Findings of*
19 *Fact, Conclusions of Law and Order.*

20 **FINDINGS OF FACT**

- 21 1. The Arizona State Board of Osteopathic Examiners in Medicine and Surgery
22 ("Board") is the authority for licensing and regulating the practice of osteopathic
23 medicine in the State of Arizona.
24 2. E. Janet Greenwood Reid, D.O. is the holder of License No. 4728 issued by the
25 Board for the practice of osteopathic medicine.
26

- 1 3. In August 2011, the Board initiated case number DO-11-0130A after receiving a
2 complaint from a pharmacist regarding Dr. Greenwood Reid.
- 3 4. The Complaint of August 2011, outlined a series of interactions between
4 pharmacists at Reed's Compounding Pharmacy ("Reed's") and Dr. Greenwood
5 Reid during which Dr. Greenwood Reid was attempting to order drugs to treat
6 herself. Dr. Greenwood Reid was asking questions about the recommended
7 dosage and the method of administration. Based on Dr. Greenwood Reid's
8 unprofessional manner in speaking to the staff, her unfamiliarity with the
9 treatment, the use of injectable therapy involved, and the lack of another provider,
10 the staff did not feel comfortable filling the requested order.
- 11 5. The Board contacted Dr. Greenwood Reid regarding the Complaint and requested
12 a response. Dr. Greenwood Reid replied to the communication with a letter
13 detailing her account of the interaction with Reed's. Dr. Greenwood Reid accused
14 the staff of Reed's of interfering with her treatment of an "ill patient." Throughout
15 her letter, Dr. Greenwood Reid spoke of this patient without ever disclosing, in
16 fact, that she was the patient being discussed. Dr. Greenwood Reid included her
17 own medical records to support the treatment options she was pursuing.
- 18 6. On October 25, 2011, the Board received a letter from Dr. Karl J. Hekimian
19 summarizing his interactions with Dr. Greenwood Reid. Dr. Hekimian expressed
20 his concerns with Dr. Greenwood Reid's ability to practice medicine. Dr.
21 Hekimian indicated that he first saw her as a patient in July 2011 for a "self-
22 inflicted foot wound." At that time, Dr. Greenwood Reid "had already lost her
23 small toe and metatarsal, and although she had a treating physician she had
24 continued to tamper with her wound, sticking foreign bodies into it, refusing to
25 follow a care regime and putting herself on various antibiotics." Dr. Hekimian
26 also detailed Dr. Greenwood Reid's requests for Percocet, which at times appeared

1 excessive for the type of injury and treatment involved. Dr. Hekimian concluded
2 with two concerns. The first concern was the quality of what Dr. Greenwood Reid
3 believed to be excellent self-care. The second concern was that Dr. Greenwood
4 Reid demanded narcotics on more than one occasion and requested a new doctor
5 when her request was denied.

6 7. On February 27, 2012, Dr. Greenwood Reid was sent an Investigative Hearing
7 Notice (“Notice”) in which she was advised that an investigation hearing would be
8 held on March 24, 2012. The Notice was sent via certified mail to Dr. Greenwood
9 Reid at her address of record.

10 8. On March 21, 2012, the Notice was returned to the Board by the Post Office after
11 three attempts to deliver the Notice were unsuccessful.

12 9. On March 21, 2012, Barbara Meyers, the Board’s Deputy Director, contacted Dr.
13 Greenwood Reid by telephone seeking an updated address. Dr. Greenwood Reid
14 asked about the contents of the letter. When she was informed of the contents of
15 the letter, Dr. Greenwood Reid became “very irate” and said that the staff of
16 Reid’s knew she was “brown skinned” and that they were racists. Dr. Greenwood
17 Reid also accused the Board of racial harassment and indicated that her previous
18 appearance before the Board had “left mighty, mighty scars” and that the Board
19 “might as well get a noose.”

20 10. On March 24, 2012, the Board met and addressed Dr. Greenwood Reid’s case. Dr.
21 Greenwood Reid did not appear at the Board meeting.

22 11. On May 17, 2012, the Board issued an interim Order for Neuropsychological and
23 Medical Evaluations and Urinary Drug Screen (“Interim Order”) in which Dr.
24 Greenwood Reid was ordered to schedule a neuropsychological examination and
25 medical examination within 15 days, to complete the examinations within 60 days,
26 and undergo a urinary drug screen within 24 hours of the Interim Order being

1 served. The Interim Order was sent to Dr. Greenwood Reid via certified mail at
2 her address of record and at her home address. Both letter were returned to the
3 Board.

4 12. On July 16, 2012, the Board reissued the Interim Order and resent it by certified
5 mail to Respondent's address of record and home address.

6 13. On August 8, 2012, the Board sent a letter to Dr. Greenwood Reid notifying her
7 that her compliance with the Interim Order would be reviewed at the Board's
8 meeting on September 15, 2012.

9 14. On September 15, 2012, the Board met and addressed Dr. Greenwood Reid's case.
10 Dr. Greenwood Reid did not appear at the Board meeting.

11 15. The Board acknowledged serious concerns about Dr. Greenwood Reid's mental
12 and physical health, her competency, and her unwillingness to come before the
13 Board to discuss the complaints against her. The Board voted to refer the matter to
14 the Office of Administrative Hearings to seek revocation of Dr. Greenwood Reid's
15 license to practice.

16 16. On December 21, 2012, the Board issued a Complaint and Notice of Hearing to
17 Dr. Greenwood Reid alleging that Dr. Greenwood Reid had engaged in
18 unprofessional conduct as defined by A.R.S. § 32-1854(25) ("violating a formal
19 order, probation or a stipulation by the board under this chapter"). The Complaint
20 and the Notice of Hearing was sent via certified mail to Dr. Greenwood Reid at her
21 address of record and her home address.

22 17. A hearing was held at the Office of Administrative Hearings (the "OAH") on
23 February 12, 2013. Dr. Greenwood Reid did not request to appear telephonically
24 at the duly noticed hearing and did not request that the hearing be continued.
25 Although the start of the hearing was delayed 25 minutes to allow Dr. Greenwood
26 Reid additional travel time, she did not appear, personally or through an attorney,

1 and did not contact the OAH to request that the start of the hearing be further
2 delayed. Consequently, Dr. Greenwood Reid did not present an evidence to
3 defend her license.

4 CONCLUSIONS OF LAW

- 5 1. The copies of the Complaint and Notice of Hearing that the Board mailed to Dr.
6 Greenwood Reid at her address of record and home address were reasonable, and
7 Dr. Greenwood Reid is deemed to have received notice of the hearing. See A.R.S.
8 § 41-1092.04; A.R.S. § 41-1061 (A).
- 9 2. The Board is empowered to regulate the licensing and practice of osteopathic
10 medicine in the State of Arizona and this matter lies within its jurisdiction. A.R.S.
11 § 32-1800 *et seq.*
- 12 3. The Board bears the burden of proof and must establish cause to sanction Dr.
13 Greenwood Reid's license by a preponderance of the evidence. A.R.S. § 41-
14 1092.07(G) (2); A.A.C. R2-19-119; see also *Vazanno v. Superior Court*, 74 Ariz.
15 369, 372, 249 P. 2d 837 (1952). Dr. Greenwood Reid bears the burden to establish
16 factors in mitigation of any penalty by the same evidentiary standard. A.A.C. R2-
17 19-119.
- 18 4. "A preponderance of the evidence is such proof as convinces the trier of fact that
19 the contention is more probably true than not." MORRIS K. UDALL, ARIZONA
20 LAW OF EVIDENCE, § 5 (1960). A preponderance of the evidence is "[t]he
21 greater weight of the evidence, no necessarily established by the greater number of
22 witnesses testifying to a fact but by evidence that has the most convincing force;
23 superior evidentiary weight that, though not sufficient to free the mind wholly
24 from all reasonable doubt, is still sufficient to incline a fair and impartial mind to
25 one side of the issue rather than the other." BLACK'S LAW DICTIONARY 1220
26 (8th ed. 1999).

1 5. The evidence established Dr. Greenwood Reid failed to comply with the terms of
2 the interim Order. Therefore, the Board established that Dr. Greenwood Reid
3 committed unprofessional conduct as defined by A.R.S. § 32-1854(25)
4 (“[v]iolating a formal order, probation, or a stipulation issued by the board under
5 this chapter”). Therefore, cause exists for the Board to impose the penalties set
6 forth in A.R.S. § 32-1855(I).

7 6. With respect to the appropriate penalty, the Board’s primary responsibility is to
8 protect the public. Dr. Greenwood Reid’s failure to respond to the Board in any
9 meaningful way with respect to the Complaint against her together with her failure
10 to undergo the ordered neuropsychological and medical examinations and the
11 urinary drug screen indicate that she cannot be regulated at this time. Therefore,
12 the Board should revoke Respondent’s license to practice osteopathic medicine.

13 7. Pursuant to A.R.S. 32-1855(I), the Board has the authority to impose discipline
14 upon Dr. Greenwood Reid’s license for the above-described violation.

15 **ORDER**

16 Based on the foregoing Findings of Fact and Conclusions of Law,

17 IT IS HEREBY ORDERED:

18 1. Respondent’s license, License No. 4728 for the practice of osteopathic
19 medicine in the State of Arizona is revoked on the effective date of this Order.

20 **NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING**

21 Respondent has the right to request a rehearing or review of this matter pursuant to
22 A.R.S. § 41-1092.09. The motion for rehearing or review must be filed with the Arizona
23 Board of Osteopathic Examiners within thirty (30) days. If Respondent files a motion for
24 review or rehearing, that motion must be based on at least one of the eight grounds for
25 review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion
26 for rehearing or review within 30 days has the effect of prohibiting Respondent from

1 seeking judicial review of the Board's decision. Service of this order is effective five (5)
2 days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or review
3 is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
4 Respondent.

5
6 ISSUED THIS 4th DAY OF April, 2013.



7 STATE OF ARIZONA
8 BOARD OF OSTEOPATHIC EXAMINERS
9 IN MEDICINE AND SURGERY

10 By: Jenna Jones
11 Jenna Jones, Executive Director

12 Original filed this 4th day of April, 2013 with the:

13 Arizona Board of Osteopathic Examiners
14 In Medicine and Surgery
15 9535 East Doubletree Ranch Road
16 Scottsdale AZ 85258-5539

17 Copy of the foregoing sent via certified mail,
18 return receipt requested this 4th
19 day of April, 2013 to:

20 E. Janet Greenwood Reid
21 Address of Record

22 Copies of the foregoing sent via interagency
23 mail this 4th day of April , 2013 to:

24 Sarah Selzer, Asst Attorney General
25 Office of the Attorney General CIV/LES
26 1275 West Washington
Phoenix AZ 85007