

- 1 B. The patients' Urine Drug Screens ("UDS") were inconsistent with stated
2 medications. D.H. (DOB 8/9/1953), J.L. (6/24/1964), T.P. (DOB
3 9/13/1950), A.M. (DOB 7/8/1976), P.M. (DOB 3/15/1953),
4 A.S.4/17/1985), and J.H. (DOB 9/24/1987).
- 5 C. No pharmacy audit was documented for the following patients: R.C.
6 (DOB 12/8/1975), G.D. (DOB 6/30/1963), J.L. (DOB 6/24/1964), T.P. (DOB
7 9/13/1950), K.A. (DOB 9/2/1981), L.B. (DOB 3/8/1985), J.B. (DOB
8 7/23/1985), J.H. (DOB 9/24/1987), and J.L. (DOB 6/16/1981).
- 9 D. There was no controlled substance contract for the following patients:
10 K.A. (DOB 9/2/1981), D.H. (DOB 8/9/1953), P.M. (DOB 3/15/1953), J.H.
11 (DOB 9/24/1987), and J.L. (DOB 6/16/1981).
- 12 E. The following patients showed signs of abuse or possible diversion
13 (reporting medications destroyed or stolen on multiple occasions,
14 multiple early refills, preferring to pay cash even though they had
15 insurance, increasing medication without physician approval). K.A. (DOB
16 9/2/1981), L.B. (DOB 3/8/1985), R.C. (DOB 12/8/1975), and R.H. (DOB
17 9/23/1975).
- 18 F. The patient's medications were increased without corresponding
19 documentation in the medical records. R.H. (DOB 9/23/1975).
- 20 G. There were no x-rays or other diagnostic studies performed. L.B. (DOB
21 3/8/1985) and G.D. (DOB 6/30/1963).
- 22 H. The patients were given a medical marijuana certificate along with
23 controlled substances. R.H. (DOB 9/23/1975) and J.L. (DOB 6/24/1964).
- 24 I. The patient was prescribed phentermine for long periods of time for
25 weight loss. A.M. (DOB 7/8/1976).

1 Respondent has not complied with all the requirements of this Order the Board, in its sole
2 discretion, may either: (a) continue the probation or (b) institute proceedings for
3 noncompliance with this Order, which may result in suspension, revocation, or other
4 disciplinary and/or remedial action.
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7 **2. IT IS HEREBY FURTHER ORDERED** that Carl Ferguson, D.O., holder of osteopathic
8 medical License number 2244 shall be restricted from prescribing or dispensing Class 2 or 3
9 controlled substances (including Suboxone and Subutex) during the period of probation.
10 Respondent is also prohibited from providing or issuing a written certification for medical
11 marijuana as defined in A.R.S. §36-2801 (18) during the period of probation.

12 **3. IT IS FURTHER ORDERED** Respondent shall undergo a practice assessment (phase I and II evaluations) by the Physician Assessment and Clinical Education Program ("PACE"), at the University of San Diego (619-543-6770 / www.paceprogram.ucsd.edu) or undergo a physician practice assessment through The Center for Personalized Education for Physicians ("CPEP") in Denver, Colorado (303-577-3232 or www.cpepdoc.org), or an equivalent program that is pre-approved by the Board's Executive Director. The evaluation or assessment is to be scheduled within six months and completed within twelve months of the effective date of this Order at Respondent's cost. The report of the evaluation shall be forwarded directly from the assessment program to the Board's Executive Director.

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21 **4.** By 5:00 p.m. on the 180th day following service of this document, Respondent
22 shall notify the Board's Executive Director of the date(s) of the appointment for the physician
23 practice assessment or evaluation and which organization will be conducting the assessment or
24 evaluation. The notification shall be in writing, by facsimile (480-657-7715) or email
25 (jenna.jones@azdo.gov).

1 5. Respondent shall pay a civil penalty in the amount of five hundred dollars
2 (\$500.00). Payment shall be made to the Board within ninety (90) days of the effective date of
3 this Order.

4 6. Costs: Respondent shall bear all costs incurred regarding compliance with this
5 Order.

6 7. Obey All Laws: Respondent shall obey all federal, state and local laws, and all
7 rules governing the practice of medicine in the State of Arizona.

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

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



ISSUED THIS 6th DAY OF OCTOBER, 2015.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: _____

Jenna Jones, Executive Director

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Copies of this "Findings of Fact, Conclusions of Law and Order for Decree of Probation and Restriction" filed/sent this 6th day of October, 2015 to:

Carl Ferguson, D.O.
Address of Record

Jeanne Galvin, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007


