

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)	
)	
GERALD P. SHAW, M.D.)	
)	
Holder of License No. 10342)	FINDINGS OF FACT,
For the Practice of Medicine)	CONCLUSIONS OF LAW
In the State of Arizona.)	AND
)	ORDER OF PROBATION
)	

GERALD P. SHAW, M.D. having appeared before the Board of Medical Examiners ("Board") on January 17, 1990, and after evaluating the evidence and arguments in this matter, IT IS HEREBY ORDERED entering the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

I

The Board of Medical Examiners of the State of Arizona is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.

II

GERALD P. SHAW, M.D. is the holder of License No. 10342 for the practice of medicine in the State of Arizona.

III

In July 1986, Doctor SHAW was the attending physician of patient R.W. while R.W. was treated for chemical dependency at West Valley Camelback Hospital. R.W. had a long-standing history of opiate dependency and polysubstance abuse, and also suffered from depression and back pain.

IV

On or about September 19, 1986, approximately one month after discharge from the treatment program, R.W. saw Doctor SHAW, stating that he had relapsed and was using narcotics intravenously which he was obtaining from another physician. R.W. refused to name the prescribing physician.

V

Doctor SHAW's assessment was narcotic addiction. He apparently made arrangements for R.W. to go to a Methadone maintenance clinic in about two day's time.

VI

Also noted in the treatment plan was a prescription for Methadone 10 mg., one p.o., b.i.d., two p.o., h.s., #10. Doctor SHAW subsequently stated that the Methadone prescription was actually written for 30 tablets.

VII

Doctor SHAW did not perform a physical examination prior to prescribing such medication.

VIII

Doctor SHAW failed to document warnings to R.W. not to combine other CNS depressant medications with Methadone.

IX

R.W. was found dead on September 19, 1986. The autopsy indicated the cause of death was respiratory failure due to the combined effects of barbiturates and Methadone.

CONCLUSIONS OF LAW

X

The Board of Medical Examiners of the State of Arizona possesses jurisdiction over the subject matter hereof and over GERALD P. SHAW, M.D.

XI

The conduct described above herein constitutes unprofessional conduct in violation of A.R.S. §32-1401(19)(q) (Any conduct or practice which is or might be harmful or dangerous to the health of the patient or the public); and A.R.S. §32-1401(19)(e) (Failing or refusing to maintain adequate records on a patient. . .); and, A.R.S. §32-1401(19)(a) (Violation of any federal or state laws or rules or regulations applicable to the practice of medicine), i.e., 21 C.F.R. §1306.07(b) (Nothing in this section shall prohibit a physician who is not specifically registered to conduct a narcotic treatment program from administering (but not prescribing) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three days and may not be renewed or extended).

* * * *

* * * *

ORDER

Based upon the Findings of Fact and Conclusions of Law set forth above, IT IS HEREBY ORDERED that GERALD P. SHAW, M.D. be placed on probation for a period of two (2) years subject to the following terms and conditions:

GERALD P. SHAW, M.D. shall, annually for two (2) years commencing January 1, 1990, obtain twenty (20) hours of Category I Continuing Medical Education in Narcotic Addiction and Prescribing Practices; said courses to be approved by the Board and/or its staff, and to be in addition to the twenty (20) hours of Continuing Medical Education required under the Certified Rules and Regulations of the Arizona Board of Medical Examiners.

DONE IN OPEN MEETING this 17th day of January, 1990.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[S E A L]

By 

DOUGLAS N. CERF
Executive Director