

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **S. ARNOLD NELSON, M.D.**

6 Holder of License No. 7590
7 For the Practice of Medicine
8 In the State of Arizona.

INVESTIGATION NO. 10356

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER FOR PROBATION

9 INTRODUCTION

10 This matter was considered by the Arizona Board of Medical Examiners (Board) at
11 its public meeting on September 21, 1999; S. Arnold Nelson, M.D. appeared for the
12 purpose of the Board continuing his formal interview, pursuant to the authority vested in it
13 by A.R.S. § 32-1451(G). After due consideration of the facts and law applicable to this
14 matter, the Board voted to issue the following findings of fact, conclusions of law and
15 order.

16 FINDINGS OF FACT

17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of medicine in the State of Arizona.

19 2. Dr. Nelson is the holder of License No. 7590 for the practice of medicine in
20 the State of Arizona.

21 3. Investigation No. 10356 was initiated after information was received that Dr.
22 Nelson was prescribing large amounts of drugs to some of his patients.

23 4. From September 10, 1996, through October 9, 1996, Board staff conducted
24 a survey of thirty (30) pharmacies in the Tucson area for controlled substances prescribed
25 by Dr. Nelson. The survey reviewed prescriptions from January 1, 1996, to September 26,

1 1996. The prescription survey identified several patients who received large amounts of
2 controlled substances and warranted further investigation.

3 5. Dr. Nelson's patient records regarding patients C.B., H.J., M.L., G.R. and
4 S.S. were reviewed. A review of these patient charts found that among other things, (1) Dr.
5 Nelson's medical records were inadequate and contain scant documentation on reason for
6 treatment and medications prescribed; (2) Dr. Nelson changed medications without
7 justification; (3) Dr. Nelson did not alter medication protocols when faced with evidence of
8 abuse of medications by patients; (4) Dr. Nelson post-dated prescriptions; and (5) Dr.
9 Nelson failed to order appropriate laboratory studies.

10 CONCLUSIONS OF LAW

11 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
12 Nelson.

13 2. The conduct and circumstances described above in paragraph 5 constitutes
14 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(a)(violating any federal or state
15 law or rules and regulations applicable to the practice of medicine). Specifically, Dr.
16 Nelson violated 21 CFR § 1306.05(a): "All Prescriptions for controlled substances shall be
17 dated as of, and signed on, the day when issued"

18 3. The conduct and circumstances described above in paragraph 5 constitutes
19 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e)(failing or refusing to maintain
20 adequate records on a patient.)

21 4. The conduct and circumstances described above in paragraph 5 constitutes
22 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(j)(prescribing, dispensing or
23 administering any controlled substance or prescription-only drug for other than accepted
24 therapeutic purposes.)

25 5. The conduct and circumstances described above in paragraph 5 constitutes

1 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q)(any conduct or practice which
2 is or might be harmful or dangerous to the health of the patient or the public.)

3 **ORDER**

4 Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby
5 ordered that: Dr. Nelson be placed on probation for a period of five (5) years, with the
6 following terms:

7 1. Dr. Nelson shall take a Board pre-approved course in psychopharmacology
8 of not less than thirty (30) hours of Continuing Medical Education (CME), within six (6)
9 months of this Order. The CME hours shall be in addition to the hours required for annual
10 renewal of medical license.

11 2. Dr. Nelson shall take a Board pre-approved course in substance abuse of
12 not less than fifteen (15) hours of CME, within six (6) months of this Order. The CME
13 hours shall be in addition to the hours required for annual renewal of medical license.

14 3. Board staff shall conduct a follow-up random records review within one (1)
15 year of the date of this Order, and at a minimum every year thereafter for the length of
16 probation. The records review shall be performed by a physician trained in pain
17 management and psychopharmacology and the physician shall send the reports to the
18 Board. The Board retains jurisdiction to take additional disciplinary action based upon the
19 results of the records review.

20 **RIGHT TO PETITION FOR REVIEW**

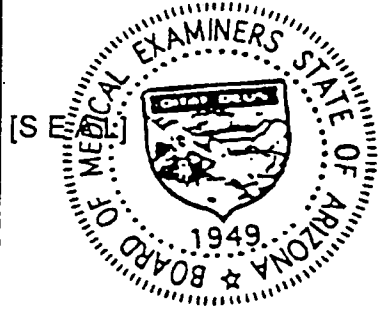
21 Dr. Nelson is hereby notified that he has the right to petition for a rehearing.
22 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with
23 the Board's Executive Director within thirty (30) days after service of this Order and
24 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a
25 rehearing. Service of this Order is effective five (5) days after the date of mailing. If a

1 petition for rehearing is not filed, the order becomes effective thirty-five (35) days after it
2 has been mailed.

3 Dr. Nelson is further notified that the filing of a petition for rehearing is required to
4 preserve any rights of appeal to the superior court that he may wish to pursue.

5 DATED this 4 day of October, 1999.

6 BOARD OF MEDICAL EXAMINERS
7 OF THE STATE OF ARIZONA



10 By Tom Udeman
11 for CLAUDIA FOUTZ
Executive Director

12 ORIGINAL of the foregoing filed this
13 5th day of October, 1999, with:

14 The Arizona Board of Medical Examiners
15 1651 East Morten, Suite 210
Phoenix, AZ 85020

16 EXECUTED COPY of the foregoing mailed by Certified
17 Mail this 5th day of October, 1999, to:

18 S. Arnold Nelson, M.D.
19 P.O. Box 189
Oracle, AZ 85623

20 COPY of the foregoing hand delivered this
5th day of October, 1999, to:

21 Gordon Bueler, Assistant Attorney General
22 The Arizona Board of Medical Examiners
23 1651 East Morten, Suite 210
Phoenix, AZ 85020

24
25 Christina Velazco
Board Operations



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January 31, 2005

S. Arnold Nelson, M.D.
P.O. Box 189
Oracle, AZ 85623-0189

**RE: 10/04/99 Findings of Fact, Conclusions of Law and Order for Probation
MD-96-0820 (License #7590)**

Dear Dr. Nelson:

This letter confirms your probationary period in the above-referenced case has been completed according to the term of your Order. The probationary status of your license is hereby terminated. A copy of this letter has been placed in your license file.

Please be advised, the most recent chart survey raised issues that require further review. The information has been forwarded to Investigations for initiation of a new investigation. You will be notified shortly of the issues under review and given an opportunity to respond.

Thank you for your cooperation regarding this matter. If you have any questions, please contact Paula Arcuri, Senior Compliance Officer, at (480) 551-2745.

Sincerely,

Timothy C. Miller, J.D.
Executive Director

TCM:pa

C: File
Licensing File