

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

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ARIZONA BOARD OF
MEDICAL EXAMINERS

3
4 In the Matter of

5 **EDWARD BLANKSTEIN, M.D.**

6 Holder of License No. 10529
7 For the Practice of Medicine
8 In the State of Arizona.

**INVESTIGATION NOS. 10274,
10621, 10728, 11171, & 11524**

**CONSENT AGREEMENT
TO LETTER OF REPRIMAND
& ORDER OF PROBATION**

9 IT IS HEREBY AGREED by and between Edward Blankstein, M.D. and the Board
10 of Medical Examiners (Board), that the accompanying Order be entered in the above-
11 entitled matter and be effective as of the date issued. Dr. Blankstein acknowledges that
12 any violation of this Order constitutes unprofessional conduct within A.R.S. § 32-
13 1401(25)(r), and may result in disciplinary action pursuant to A.R.S. § 32-1451.
14 Furthermore, by signing this Consent Agreement, Dr. Blankstein waives and relinquishes
15 any right to appeal from or challenge this Consent Agreement by filing any type of
16 administrative or judicial review of this Order.

17 
18 EDWARD BLANKSTEIN, M.D.

Dated: 8/27/99

19
20 **FINDINGS OF FACT**

- 21 1. The Board is the duly constituted authority for the regulation and control of
22 the practice of medicine in the State of Arizona.
- 23 2. Dr. Blankstein is the holder of License No. 10529 for the practice of medicine
24 in the State of Arizona.
- 25 3. The parties mutually waive any other findings of fact.

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
3 Blankstein.

4 2. Pursuant to A.R.S. § 32-1451(G) the Board may enter the following order.

5 ORDER

6 IT IS HEREBY ORDERED that Dr. Blankstein is hereby issued a Letter of
7 Reprimand for inadequate record keeping and is placed on probation for three (3) years
8 with the following conditions:

9 1. Dr. Blankstein shall obtain a practice management consultant within six (6)
10 months from the date of this order, at his own expense, for assistance with record keeping,
11 billing practices and coding. Dr. Blankstein shall follow the recommendations of the
12 practice management consultant.

13 2. Dr. Blankstein shall obtain 20 hours of Board approved Continuing Medical
14 Education (CME) in child psychiatry and another 20 CME hours in adult psychiatry. These
15 CME hours shall be in addition to the 20 hours required for license renewal.

16 3. Board staff shall perform random yearly chart reviews for the next three
17 years.

18 4. The Board retains jurisdiction to take further action based upon the reports it
19 receives from Board staff regarding the random chart reviews.

20 DATED this 30th day of August, 1999.

21 BOARD OF MEDICAL EXAMINERS
22 OF THE STATE OF ARIZONA



By Claudia Foutz
CLAUDIA FOUTZ
Executive Director

1 ORIGINAL of the foregoing filed this
2 31st day of August, 1999 with:

3 The Arizona Board of Medical Examiners
4 1651 East Morten, Suite 210
5 Phoenix, AZ 85020

6 EXECUTED COPY of the foregoing mailed by
7 Certified Mail this 31st day of August, 1999 to:

8 Edward Blankstein, M.D.
9 1050 E. Southern Avenue, Suite G-1
10 Tempe, AZ 85282

11 EXECUTED COPY of the foregoing mailed
12 this 31st day of August, 1999, to:

13 Nicholas Alcock, Esq.
14 222 E. Javalina, Suite 1300
15 Mesa, AZ 85210-6237
16 Attorney for Dr. Blankstein

17 EXECUTED COPY of the foregoing
18 hand-delivered this 31st day of
19 August, 1999, to:

20 Marc Harris
21 Assistant Attorney General
22 The Arizona Board of Medical Examiners
23 1651 East Morten, Suite 210
24 Phoenix, AZ 85020

25 Christina Verdugo
Board Operations

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **EDWARD BLANKSTEIN, M.D.**

5 Holder of License No. **10529**
6 For the Practice of Medicine
7 In the State of Arizona.

Board Case No. MD-00-0693

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

(Decree of Censure)

8 This matter was considered by the Arizona Board of Medical Examiners ("Board")
9 at its public meeting on June 22, 2001. Edward Blankstein, M.D., ("Respondent")
10 appeared before the Board with legal counsel, Nicholas Alcock, for a formal interview
11 pursuant to the authority vested in the Board by A.R.S. § 32-1451(G). After due
12 consideration of the facts and law applicable to this matter, the Board voted to issue the
13 following findings of fact, conclusions of law and order.
14

15 **FINDINGS OF FACT**

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

18 2. Respondent is the holder of License No. 10529 for the practice of medicine
19 in the State of Arizona.

20 3. On August 30, 1999, Respondent and the Board entered into a Consent
21 Agreement for a Letter of Reprimand and Probation. The terms of probation included
22 retaining a practice management consultant and following the consultant's
23 recommendations, twenty hours of Continuing Medical Education ("CME"), and submitted
24 to random chart reviews conducted by Board Staff.
25

1 4. Respondent retained a practice management consultant and completed the
2 CME.

3 5. On October 6, 2000, Board Staff conducted chart reviews at Respondent's
4 office.

5 6. The chart reviews reveal that initial record entries on new patient charts are
6 identical for each patient and appear to be "canned." Also, the entries do not support the
7 medications prescribed. There is no documentation of patient referral and there is no
8 indication that the patient was evaluated. There is no documentation of the patient's
9 reason for seeking treatment from Respondent.

10 7. Of the charts reviewed, all monthly follow-up notes for medication checks,
11 when legible, say virtually the same thing and are not clearly legible.

12 8. Of the charts reviewed, only the list of medications being refilled varies.

13 9. Other than the list of medications that were refilled, the charts contained no
14 information that would be of value to another physician. Another physician would be
15 unable to tell either what was done for the patient or Respondent's rationale for any
16 treatment rendered to the patient.

17 **CONCLUSIONS OF LAW**

18 1. The Board of Medical Examiners of the State of Arizona possesses
19 jurisdiction over the subject matter hereof and over Respondent.

20 2. The Board has received substantial evidence supporting the Findings of
21 Fact described above and said findings constitute unprofessional conduct or other
22 grounds for the Board to take disciplinary action.

23 3. The conduct and circumstances above in paragraphs 5 through 9 constitute
24 unprofessional conduct pursuant to A.R.S. § 32-1401 (25)(e) "[f]ailing or refusing to
25

1 maintain adequate records on a patient;" 32-1401(25)(q) "[a]ny 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 upon the foregoing Findings of Fact and Conclusions of Law,

5 IT IS HEREBY ORDERED that:

6 1. Respondent is issued a Decree of Censure for failing to conduct
7 appropriate evaluations of patients and for failing to accurately state the patient's reason
8 for seeking treatment.

9 2. License Number 10529 issued to Respondent is suspended for 9 months.
10 However, the suspension is stayed subject to the following terms and conditions:

11 a. Respondent shall, within 6 months of the effective date of this Order, obtain
12 15 hours of Continuing Medical Education ("CME") in record keeping at PACE in San
13 Diego. Respondent is to provide Board staff with satisfactory proof of attendance. The
14 CME hours shall be in addition to the hours required for the biennial renewal of medical
15 license.

16 b. At the completion of the CME Respondent will submit to a repeat office
17 survey.

18 3. If the repeat office survey does not show improvement in Respondent's
19 record keeping, the suspension becomes effective.

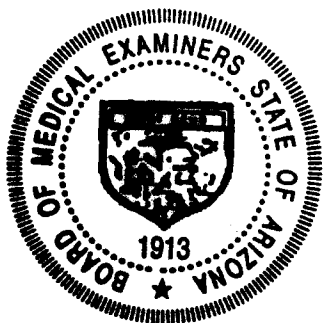
20 **RIGHT TO PETITION FOR REVIEW**

21 Respondent 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
23 with 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 date of mailing. If a motion

1 for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it
2 is mailed to Respondent.

3 Respondent is further notified that the filing of a motion for rehearing is required to
4 preserve any rights of appeal to the Superior Court.

5 DATED this 18 day of July, 2001.



7 BOARD OF MEDICAL EXAMINERS
8 OF THE STATE OF ARIZONA

9 By Tom Adams
10 CLAUDIA FOUTZ
11 Executive Director
12 TOM ADAMS
13 Deputy Director

14 ORIGINAL of the foregoing filed this
15 18 day of July, 2001 with:

16 The Arizona Board of Medical Examiners
17 9545 East Doubletree Ranch Road
18 Scottsdale, Arizona 85258

19 Executed copy of the foregoing
20 mailed by U.S. Certified Mail this
21 18 day of July, 2001, to:

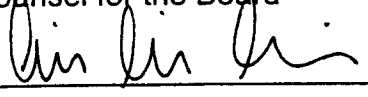
22 Edward Blankstein, M.D.
23 1050 East Southern
24 Suite C1
25 Tempe, Arizona 85282-5437

Executed copy of the foregoing mailed this
18 day of July, 2001, to:

Nicholas Alcock, Esq.
1400 East Southern
Suite 320
Tempe, Arizona 85282-5695

1 Copy of the foregoing hand-delivered this
2 18 day of July, 2001, to:

3 Christine Cassetta
4 Assistant Attorney General
5 c/o Arizona Board of Medical Examiners
6 9545 East Doubletree Ranch Road
7 Scottsdale, Arizona 85258
8 Counsel for the Board



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1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **EDWARD G. BLANKSTEIN, M.D.**

4 Holder of License No. 10529
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-06-0755A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Edward G. Blankstein, M.D. ("Respondent"), the parties agreed to the
10 following disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of other
matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. 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
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

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

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

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

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (“[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter”) and 32-1451.

5
6
7 *Edward G Blankstein MD* DATED: 12/20/07
8 EDWARD G. BLANKSTEIN, M.D.

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 10529 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-06-0755A after receiving notification
7 from the Tempe Police Department that Respondent improperly and inappropriately
8 dispensed controlled substances.

9 4. During an investigational interview on October 4, 2006, Respondent stated
10 that he dispensed Valium and Xanax to patients from his office. Respondent admitted
11 dispensing controlled substances in an envelope, in violation of statutes and rules
12 requiring a physician to dispense controlled substances and prescription-only drugs in pre-
13 packaged containers with instruction labels and safety caps.

14 5. Additionally, Respondent admitted that he did not maintain a dispensing
15 log/inventory sheet for the controlled substances he dispensed to a patient; however, he
16 kept a list of the prescribed medications in the patient's medical record. This is in violation
17 of the statutes and rules requiring a physician to maintain an on-going dispensing log for
18 all controlled substances dispensed by the physician. Respondent stated he maintained
19 purchase invoices for controlled substances for approximately one year and not the
20 required three years from the date of purchase. Respondent admitted that if the patient
21 chose to have him dispense the medication, he requested the patient return the
22 prescription slip and then destroyed it, in violation of statutes and rules requiring a
23 physician to countersign the prescription slip and file it separately from the patient medical
24 record.

1 6. A physician is required to maintain adequate legible medical records
2 containing, at a minimum, sufficient information to identify the patient, support the
3 diagnosis, justify the treatment, accurately document the results, indicate advice and
4 cautionary warnings provided to the patient and provide sufficient information for another
5 practitioner to assume continuity of the patient's care at any point in the course of
6 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did
7 not maintain a dispensing log and inventory sheet.

8 **CONCLUSIONS OF LAW**

- 9 1. The Board possesses jurisdiction over the subject matter hereof and over
10 Respondent.
- 11 2. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate
13 records on a patient.") and A.R.S. § 32-1401 (27)(kk) ("[f]ailing to dispense drugs and
14 devices in compliance with article 6 of this chapter.").

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

- 17 1. Respondent is issued a Letter of Reprimand for failure to properly dispense
18 medications and for failure to maintain adequate records.
- 19 2. Respondent shall immediately surrender his dispensing certificate.
- 20 3. This Order is the final disposition of case number MD-06-0755A.

21 DATED AND EFFECTIVE this 7TH day of FEB., 2008.

22 ARIZONA MEDICAL BOARD

23 (SEAL)



24 By [Signature]
25 Lisa S. Wynn
Executive Director

1 ORIGINAL of the foregoing filed
2 this 7th day of February, 2008 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 7th day of February, 2008 to:

8 Edward G. Blankstein, M.D.
9 Address of Record

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Investigational Review