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ARIZONA BOARD OF MEDICAL EXAMINERS

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Certified Mail/Return Receipt Requested

Donald J. Garland, M.D.
(Address of Record)

Re: **LETTER OF REPRIMAND**
P.A.C. (Patient: L.K.R.) vs. Donald J.
Garland, M.D. (Investigation No. 9940)

Dear Dr. Garland:

On March 27, 1998, you appeared with your attorney Cynthia Cheney for an informal interview before the Board of Medical Examiners. Based upon the evidence and the information presented, the Board voted to resolve the complaint listed above by issuing a Letter of Reprimand to you.

A Letter of Reprimand is defined in A.R.S. § 32-1401(15) as "a disciplinary letter issued by the Board that informs the physician that the physician's conduct violates state or federal law but does not require the Board to restrict the license or monitor the physician because the physician's conduct did not harm a patient or the public."

In voting to issue the Letter of Reprimand, the Board adopted the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. 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.

2. DONALD J. GARLAND, M.D., is the holder of License No. 11505 for the practice of medicine in the State of Arizona.

3. In May of 1996, the Board of Medical Examiners received a complaint from a family member of patient L.R. alleging that Dr. Garland had inappropriately treated and diagnosed L.R. with multiple personality disorder based on false memories of childhood physical, sexual, and ritual or satanic abuse by her family members.

4. L.R. began mental health therapy for the first time in May of 1990 with therapist Sandra Cassetta, M.A. At that time, L.R. was separated from her husband pending a divorce and was caring for her two children that were three years and six months of age respectively. L.R. reports seeing Ms. Cassetta for issues revolving around the separation from her husband, the transition to being a single parent and her relationship with her parents.

5. On October 10, 1990, L.R. saw Dr. Garland for the first time on referral from Ms. Cassetta for treatment of ongoing depression. L.R. reported becoming suicidal and Ms. Cassetta thought that medications might be helpful. L.R. continued in therapy with Ms. Cassetta, in addition to seeing Dr. Garland on occasions when Ms. Cassetta referred her. Dr. Garland diagnosed L.R. with multiple personality disorder shortly after he began seeing her. Dr. Garland did not place L.R. on medication because it was not her choice as she was breast-feeding at the time. L.R. reports that Dr. Garland asked her specifically if she had alters and recalls that she had her first memory of abuse after seeing him initially in October of 1990.

6. In late 1991, Ms. Cassetta withdrew from L.R.'s treatment. Dr. Garland took over L.R.'s care citing the withdrawal of Ms. Cassetta was due to her lack of expertise relative to the clinical presentation of L.R. Ms. Cassetta confirms this was her reason for terminating her care of the patient. L.R. continued in the exclusive care of Dr. Garland from late 1991 to present.

7. During her course of treatment, L.R. was hospitalized several times due to depressive symptoms with suicidal plans and one occasion of overt drug overdose in September of 1991. Dr. Garland first hospitalized L.R. on 4/5/91 to 4/7/91 with a diagnosis of multiple personality disorder. Dr. Garland also hospitalized her on: 7/7/91 to 7/15/91, 8/7/91 to 8/17/91, 9/6/91 to 10/1/91 and 10/23/91 to 10/26/91. On each hospitalization, Dr. Garland's diagnosis was multiple personality disorder. On 6/21/92, L.R. was hospitalized under the care of another physician who diagnosed her with dissociative disorder (current term for multiple personality disorder). L.R. was also hospitalized in August of 1992 for depression.

8. The first treatment note in Dr. Garland's records that refers to any issue of sexual abuse is dated 1/4/91. The note states: "did [illegible word] work on sexual abuse by mother with knitting needle." On 3/26/91, Dr. Garland's notes state that "alters" were identified. There was one "alter" that was age 2, another that was designated as the mother, and another still that was considering suicide. A note dated 3/30/91 indicates that L.R. "left relieved." Six days later, on 4/5/91, L.R. was hospitalized with suicidal ideations and plan.

9. In his discharge summary from L.R.'s hospitalization of 4/5/91 to 4/7/91, Dr. Garland recorded L.R.'s past medical history as "Significant for profound sexual, physical, and emotional abuse primarily at the hands of her mother, although her father was a passive participant and others have been involved." Dr. Garland did not identify the specific nature or circumstances of the alleged abuse in any of his records except for the one note of 1/4/91 claiming "sexual abuse with a knitting needle. "Dr. Garland's note dated 7/5/91 states that "Apparently, patient's father was not nearly as benign as the patient thought and he may have been involved in the cult." Dr. Garland's records do not contain any explanation of an alleged "cult" prior to the 7/5/91 note, and subsequent notes do not provide further details of a "cult" that L.R.'s family members were allegedly involved in.

10. In his discharge summary from L.R.'s hospitalization from 8/7/91 to 8/17/91, Dr. Garland records L.R.'s past history as "Significant for profound physical, sexual and ritual abuse" with a diagnosis of Multiple Personality Disorder and notes that the patient is estimated to have "100 alters." According to the Diagnostic and Statistical Manual of Mental Disorders III-R (DSM III-R), the criteria for the diagnosis of multiple personality disorder are as follows:

A. The existence within the person of two or more distinct personalities or personality states (each with its own relatively enduring pattern of perceiving, relating to, and thinking about the environment and self).

B. At least two of these personalities or personality states recurrently take full control of the person's behavior.

With regard to the diagnostic criteria, Dr. Garland's records vaguely reference the presence of "alters" and do not mention with any specificity the symptomatology or duration of these personality states. Dr. Garland's records do not define the treatment protocol he was following or the benefits and risks and alternatives of his treatment plan.

11. In investigational interviews with Board staff, L.R.'s family members deny any history of confusion, change in personality presentation, or claims of any abuse by L.R. prior to her care by Dr. Garland. According to the family members, their relationships with L.R. were ones of closeness and mutual affection. They adamantly deny that they ever abused L.R. in any way. L.R.'s sister denies any knowledge of her sister being abused by family members and adamantly denies that family members ever abused her. L.R.'s grandmother recalled numerous letters that she had from L.R. that were written to her and L.R.'s grandfather from first grade through college. L.R.'s grandmother recalls that her deceased husband had

encouraged her to "be sure to save all her letters because he wanted her children to know the happy and kind of childhood that L.R. had." This was done before L.R. had made accusations against her family. Family members could not recall any periods of time when her behavior would be reflective of a different personality style or that she dressed, talked, etc., in a way that was different that the person that they had known.

12. According to family members, Dr. Garland did not contact them to discuss L.R.'s allegations that they had abused her. Although Ms. Cassetta, the initial therapist contacted L.R.'s mother for the purpose of setting up a meeting with her, the mother declined because Ms. Cassetta implied that L.R. would not be present. Dr. Garland briefly contacted the patient's former spouse regarding issues related to the children after her suicide attempt and subsequent hospitalization in September of 1991, but did not ask for information or attempt to substantiate L.R.'s claims of alleged abuse by her immediate family members. L.R. reports that Dr. Garland never asked her if he could contact any of her family members and confirmed that she did not overtly prohibit him from contacting any of her family members. According to Dr. Garland, (1) he did not contact L.R.'s family members regarding her allegations because he believed that he was acting according to his patient's wishes and, (2) that external validation or corroboration of abuse with the suspected perpetrators is not the standard of care. Dr. Garland's notes do not reflect that L.R.'s former spouse or her sister was ever claimed to have been perpetrators of the alleged abuse.

13. Based on L.R.'s memories of alleged abuse by her family members, that neither Dr. Garland nor her former therapist, Ms. Cassetta, attempted to validate, she cut off all contact with her family by 1991.

14. In late 1991 to 1992, L.R. reported three incidents that precipitated a residential move she states Dr. Garland encouraged her to make. In late 1991, L.R. reported that she received a note on her door from the Federal Bureau of Investigations ("FBI"). It was verified by L.R.'s lawyer to be a valid FBI inquiry, but erroneously left at L.R.'s house. Despite this confirmation from her attorney, L.R. believed there was another message behind this incident, one of implied threat. In November of 1991, L.R. reported an incident to Dr. Garland in which she believed two men were howling like an owl and coyote outside her window. Approximately around this time, L.R. additionally reported to Dr. Garland that she had received a card from Las Vegas with several misspellings and typing on the front. Dr. Garland's note of 10/12/92 states that the card "...appears to be some form of ritual warning. This was discussed at length." The card is not contained in the records and the records do not explain the meaning of the phrase "ritual warning." Subsequent to these events, L.R. changed her residence stating that Dr. Garland had encouraged

her to move "to make sure that anyone who was connected with my family who was cult connected could no longer find me." L.R. moved and concealed her address, the name of the children's school and the name of their care provider from their father. This prevented L.R.'s ex-husband from having contact with his children for a period of time.

15. Dr. Garland denies that he ever encouraged or asked L.R. to move, but he recalls she always felt quite endangered and was going to move with a friend of hers. Dr. Garland recalls that L.R. felt she was going to be in danger from her family and that the FBI was a part of it. Dr. Garland admits that this behavior could be considered delusional.

16. Dr. Garland never contacted L.R.'s former spouse with regard to the care of the children until L.R. was hospitalized after a suicide attempt in September 1991. Dr. Garland never discussed a plan for the provision of care for the children with L.R. or L.R.'s former spouse during the course of her prior hospitalizations. When L.R. attempted suicide in September of 1991, it was by chance that the children were with a babysitter at the time. A friend contacted the children's father. At the hospital, Dr. Garland states he met with the ex-husband briefly to see if he would care for the children for a period of time, possibly up to nine months. According to the DSM III-R, possible complications of multiple personality disorder include suicide attempts, self-mutilation and externally directed violence (including child abuse, assault, or rape). Based on the possible complications of L.R.'s disorder, her multiple hospitalizations and the fact that she had cut off ties with her family and was alone caring for her children, Dr. Garland should have more actively pursued provisions for the children's care with his patient.

17. On 4/3/92, L.R. was seen by a physician who did an extensive gynecological examination to look for evidence of previous sexual abuse. After completion of the examination, the physician notes in her report that she could find no visible physical evidence of previous sexual molestation trauma. The physician informed patient L.R. of the results of the examination and provided a copy of her written report to Dr. Garland and L.R.'s attorney at L.R.'s request. Dr. Garland did not initially include the records of the physician in response to the Board's subpoena for all records in his possession on patient L.R., even though the records were in his possession.

18. During an investigational interview on March 6, 1997, in at least 21 instances, Dr. Garland responded that he had not documented information pertaining to the diagnoses, medication and treatment of the patient.

CONCLUSIONS OF LAW

1. The Board of Medical Examiners of the State of Arizona possesses jurisdiction over the subject matter hereof and over DONALD J. GARLAND, M.D.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (any conduct or practice which is or may be harmful or dangerous to the patient or the public).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e) (failing or refusing to maintain adequate records on a patient).

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(dd) (failing to furnish information in a timely manner to the board or its investigators or representatives if legally requested by the board).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that DONALD J. GARLAND, M.D. be issued a Letter of Reprimand.

DATED this 27th day of March, 1998.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]

By Donna M. Nemer, R.N.
DONNA M. NEMER, R.N.
Acting Deputy Director

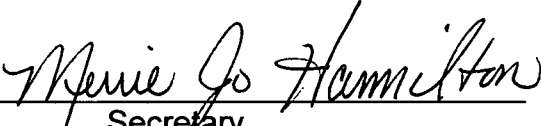
Copy of the foregoing Order of
Letter of Reprimand mailed by
Certified Mail, this 22nd day of
April, 1998 to:

Donald J. Garland, M.D.
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Donald J. Garland, M.D.
(Address of Record)

Copy of the foregoing Order of
Letter of Reprimand mailed this
22nd day of April,
1998 to:

Cynthia V. Cheney, Esq.
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Attorney for Dr. Garland


Secretary

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