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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
CARL R. SONDER, M.D.
Holder of License No. 26236
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-17-0838A

**ORDER FOR LETTER OF
REPRIMAND AND PROBATION;
AND CONSENT TO THE SAME**

Carl R. Sonder, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

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

2. Respondent is the holder of license number 26236 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-17-0838A after receiving a complaint alleging that Respondent was prescribing large amounts of controlled substances to his wife, LS.

4. On August 24, 2017, LS was admitted to a Hospital Emergency Room ("ER") due to acute encephalopathy. LS also had a prior admission to a separate Hospital in June of 2017. Due to LS's psychotropic regime and her confusion, psychiatry was consulted. A pharmacy profile showed that Respondent was prescribing multiple controlled substances for LS including benzodiazepines, stimulants, muscle relaxers, opioids and steroids.

5. The Controlled Substance Prescription Monitoring Program ("CSPMP") database shows that Respondent prescribed to LS in 2011, 2012, 2013, 2014, 2015 and 2017. Respondent stated that he made attempts to refer LS to other providers; however,

1 their refusal to provide any medications to LS led Respondent to continue to prescribe for
2 her. Respondent admitted that he failed to maintain adequate medical records for his
3 treatment of LS.

4 6. Since suffering a brain injury, LS has been under the care of a Nurse
5 Practitioner and no longer takes psychotropic medications.

6 7. The standard of care for a complex patient requires a physician to complete
7 an appropriate psychiatric evaluation with supporting clinical documentation, obtain
8 informed consent for treatment, and to maintain a medication log for the patient.
9 Respondent deviated from the standard of care by failing to complete an appropriate
10 psychiatric evaluation with clinical documentation, by failing to obtain informed consent for
11 treatment, and by failing to maintain a medication log.

12 8. There was actual patient harm in that LS was admitted to the hospital on
13 multiple occasions for what appear to be neuropsychiatric symptoms possibly related to
14 significant polypharmacy issues. There was potential for patient harm in that LS could
15 have required additional hospitalization, was at risk for possible physical injury and death.

16 9. On January 24, 2018, Respondent underwent an evaluation with a Board-
17 approved psychologist. Based on the evaluation's findings, the psychological evaluator
18 opined that the likelihood of further professional boundary violations is low, provided
19 Respondent complies with the evaluator's recommendations to complete a professional
20 boundaries course and engage in treatment with a psychologist to address issues
21 identified in the evaluation.

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CONCLUSIONS OF LAW

- a. The Board possesses jurisdiction over the subject matter hereof and over Respondent.
- b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) ("Failing or refusing to maintain adequate records on a patient.").
- c. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(h) ("Prescribing or dispensing controlled substances to members of the physician's immediate family.").
- d. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

ORDER

IT IS HEREBY ORDERED THAT:

- 1. Respondent is issued a Letter of Reprimand.
- 2. Respondent is placed on Probation for a period of 1 year with the following terms and conditions:

a. Continuing Medical Education

Respondent shall within 6 months of the effective date of this Order obtain no less than 10 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") in an intensive, in-person course regarding professional boundaries. Respondent shall within **thirty days** of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure.

1 **b. Board Approved Psychologist**

2 Respondent shall enter treatment with a Board-approved psychologist as
3 recommended by his psychological evaluator for a minimum period of six months and shall
4 comply with any and all treatment recommendations. Respondent shall instruct the treating
5 psychologist to submit written reports to Board staff regarding diagnosis, prognosis,
6 current medications, recommendation for continuing care and treatment, and ability to
7 safely practice medicine. The reports shall be submitted quarterly to Board staff for the
8 duration of treatment. Respondent shall pay the expenses of treatment and is responsible
9 for paying for the preparation of the quarterly reports. Respondent shall authorize the
10 psychologist to communicate with Board staff regarding Respondent's compliance with
11 treatment, and if at any time the psychologist finds evidence that Respondent is a safety
12 threat to patients.

13 **c. Obey All Laws**

14 Respondent shall obey all state, federal and local laws, all rules governing the practice of
15 medicine in Arizona, and remain in full compliance with any court ordered criminal
16 probation, payments and other orders.

17 **d. Tolling**

18 In the event Respondent should leave Arizona to reside or practice outside the
19 State or for any reason should Respondent stop practicing medicine in Arizona,
20 Respondent shall notify the Executive Director in writing within ten days of departure and
21 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
22 time exceeding thirty days during which Respondent is not engaging in the practice of
23 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
24 non-practice within Arizona, will not apply to the reduction of the probationary period.
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1 e. Probation Termination

2 Prior to the termination of Probation, Respondent must submit a written request to
3 the Board for release from the terms of this Order. Respondent's request for release will
4 be placed on the next pending Board agenda, provided a complete submission is received
5 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for
6 release must provide the Board with evidence establishing that he has successfully
7 satisfied all of the terms and conditions of this Order, and be accompanied by a letter of
8 support from the Board-approved psychologist indicating that Respondent no longer
9 requires treatment. The Board has the sole discretion to determine whether all of the
10 terms and conditions of this Order have been met or whether to take any other action that
11 is consistent with its statutory and regulatory authority.

12 3. The Board retains jurisdiction and may initiate new action against
13 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s).

14 DATED AND EFFECTIVE this 13th day of July, 2018.

15
16 ARIZONA MEDICAL BOARD

17 By Patricia E. McSorley
18 Patricia E. McSorley
19 Executive Director

20
21 CONSENT TO ENTRY OF ORDER

22 1. Respondent has read and understands this Consent Agreement and the
23 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
24 acknowledges he has the right to consult with legal counsel regarding this matter.
25

1 2. Respondent acknowledges and agrees that this Order is entered into freely
2 and voluntarily and that no promise was made or coercion used to induce such entry.

3 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
4 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
5 this Order in its entirety as issued by the Board, and waives any other cause of action
6 related thereto or arising from said Order.

7 4. The Order is not effective until approved by the Board and signed by its
8 Executive Director.

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

15 6. Upon signing this agreement, and returning this document (or a copy thereof)
16 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
17 the Order. Respondent may not make any modifications to the document. Any
18 modifications to this original document are ineffective and void unless mutually approved
19 by the parties.

20 7. This Order is a public record that will be publicly disseminated as a formal
21 disciplinary action of the Board and will be reported to the National Practitioner's Data
22 Bank and on the Board's web site as a disciplinary action.

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

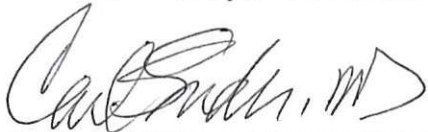
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1 9. If the Board does not adopt this Order, Respondent will not assert as a
2 defense that the Board's consideration of the Order constitutes bias, prejudice,
3 prejudgment or other similar defense.

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

8 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he
9 cannot act as a supervising physician for a physician assistant while his license is on
10 probation.

11 12. **Respondent has read and understands the conditions of probation.**

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14 _____
CARL R. SONDER, M.D.

DATED: 6.25.18

15
16 EXECUTED COPY of the foregoing mailed
this 13th day of July, 2018 to:

17 Gary Fadell
18 Fadell, Cheney, and Burt
19 1601 N 7 St, Suite 400
20 Phoenix, AZ 85006-2296
Attorney for Respondent

21 ORIGINAL of the foregoing filed
this 13th day of July, 2018 with:

22 Arizona Medical Board
23 1740 West Adams, Suite 4000
Phoenix, Arizona 85007

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25 _____
Board staff