BEFORE THE ARIZONA BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

In the Matter of	)	**Case No. 07-01**
	)	
Thomas Grade, M.D., M.D.(H)	)	**CORRECTED Findings of Fact**
	)	**Conclusions of Law and Order**
Holder of License No. 0092	)	**For Revocation of License**
	)	

INTRODUCTION

The above-captioned matter came before the Arizona Board of Homeopathic Medical Examiners ("Board") for formal hearing concerning the homeopathic medical license held by Thomas Grade, M.D., M.D.(H) ("Respondent") on July 17, 2007. Respondent did not appear and was not represented by counsel. The State was represented by Assistant Attorney General Michelle Wood. Chris Munns, Assistant Attorney General with the Solicitor General's Section of the Attorney General's Office provided legal advice to the Board.

After reviewing relevant information and deliberating, the Board considered proceedings for action against the license of Thomas Grade, MD(H) ("Respondent"). Having considered the information in the matter and being fully advised, the Board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of homeopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 092, issued on December 4, 1996, for the practice of homeopathic medicine in the State of Arizona. As required in A.R.S.

§32-2915(D) license number 092, renews annually on or before January 1 of each year without a late fee or on or before May 1 with a late fee.

3. On April 27, 2006, Dr. Grade filed a license renewal application form to renew his 2006 homeopathic medical license and 2006 dispensing permit renewal and paid all applicable late renewal fees.

4. In response to question # 3 that requested a response to the following question: "Has any disciplinary action (including surrender), limitation or restriction been taken against any license you hold from another licensing authority since you last applied for issuance or renewal of this license?" Dr. Grade had marked "No" to this question.

5. Dr. Grade's answer was false because the Arizona Medical Board issued a Summary Restriction to Dr. Grade for his medical license no. 10424 on December 5, 2005. Dr. Grade should have reported the action taken by the Arizona Medical Board as a "yes" answer on question #3 of the license renewal application form.

6. On September 12, 2006 the Board reviewed Dr. Grade's 2006 license renewal application form and deemed the application complete. The Board also voted to open an administrative complaint regarding Dr. Grade's response to question no. 3 on the 2006 license renewal application form.

7. The Board served a written notice of their action to Dr. Grade by certified mail that he received on September 22, 2006.

8. On September 28, 2006 Dr. Grade filed a written response to the Board's request for an explanation of his response to question no. 3 on the 2006 license renewal application form. In his response Dr. Grade stated that he answered 'no' at the time he filed his 2006 renewal application with the Board because he believed that he had an

ongoing case with the Arizona Medical Board (BOMEX) that had not yet been completed. He further stated that he had not received correspondence from the Arizona Medical Board of a final summary restriction which he believed supported his thinking that the matter was ongoing. The Board believes that Dr. Grade did know of the summary restriction entered by the Arizona Medical Board because the summary restriction states that on December 7, 2005, Dr. Grade was present with legal counsel, Lisa Davis, at the Arizona Medical Board's public meeting where proceedings for summary action against his license was conducted. The Arizona Medical Board reviewed relevant information and deliberated the consideration of proceedings for summary action against Dr. Grade's medical license number 10424. The Arizona Medical Board voted to summarily restrict Dr. Grade's medical license number 10424 by prohibiting Dr. Grade from prescribing Schedule II or III medications pending formal hearing or other Board action pursuant to A.R.S. §32-1451(H).

9. The Board met in regular session on November 14, 2006 and considered Dr. Grade's written response. They voted to conduct an informal interview at their next regular meeting scheduled on January 9, 2007. Dr. Grade was present at the January 9, 2007 regular meeting but the Board could not proceed because the matter had not been properly noticed. The Board voted to continue the informal interview to the next regular meeting scheduled on March 13, 2007. Written notice of the Board's action was served on Dr. Grade by priority mail that he received on February 7, 2007.

10. The Board met in regular session on March 13, 2007. Dr. Grade was not present for the informal interview. Pursuant to A.R.S. §32-2934(G) the Board voted the matter to formal hearing.

CONCLUSIONS OF LAW

1. The notice of the hearing that the Board mailed to Respondent at the address he provided and at his address of record was reasonable. Respondent signed for delivery of the notice on April 20, 2007.

2. The Board is the duly constituted authority for licensing and regulating the practice of homeopathic medicine in the State of Arizona. This matter lies within its jurisdiction. A.R.S. §32-2901 *et seq.*

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. 32-2933(35) "Knowingly making a false or misleading statement on a form required by the Board or in written correspondence with the Board." This conduct furnishes cause to revoke his license pursuant to A.R.S. §32-2934 (O).

ORDER

Based on the foregoing, the Board enters the following order:

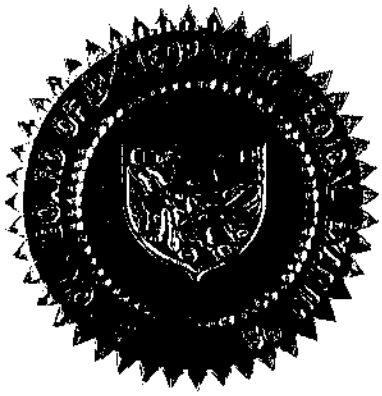
1. Respondent's License No. 0092 is revoked on the effective date of this Order and Respondent shall return his wallet card and certificate of licensure to the Board.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review by filing a petition with the Board within thirty (30) days after service of this Order. A.R.S. §41-1092.09. The petition must set forth the particular grounds for granting the petition. *A.A.C. R4-38-114.* Service of this order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent. **Respondent is further**

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

Dated this 28th day of August, 2007.



ARIZONA BOARD OF HOMEOPATHIC
MEDICAL EXAMINERS

By: Christine Springer
Christine Springer
Executive Director

Original of the foregoing filed this
28th day of August, 2007 with:

Arizona Board of Homeopathic Medical
Examiners
1400 West Washington, Ste. 230
Phoenix, AZ 85007

Corrected Executed copy of the foregoing mailed
By US Mail this
1st day of October, 2007 to:

Thomas J. Grade, M.D., M.D.(H)
[redacted]

Michelle Wood,
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