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BEFORE THE STATE OF ARIZONA
ARIZONA BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

In the Matter of:

CASE NO. 08-01, 08-02, 08-03 and 08-04.

GARY PAGE

CONSENT AGREEMENT

Holder of License No. 0164
For the Practice of Homeopathic Medicine
in the State of Arizona

Respondent.

CONSENT AGREEMENT

RECITALS

Gary Page ("Respondent") holds Homeopathic Physicians License No.0164. The Board received complaints alleging that Dr. Page performed cosmetic surgeries, including tumescent liposuction and tumescent breast augmentation which were not specifically within the scope of homeopathic practice and which were allegedly performed without compliance with the applicable standards of homeopathic medical care. In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and responsibilities of the State of Arizona Arizona Board of Homeopathic Medical Examiners ("Board"), and under A.R.S. §32-2901 *et seq.*, Respondent and the Board enter into the following Consent Agreement ("Consent Agreement") as the final disposition of this matter with this disciplinary order for voluntary surrender.

1. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney and has done so.

1 Respondent does not admit, but does not contest that the allegations set forth in the Recitals, if not
2 denied by Dr. Page, would constitute a violation of A.R.S. §32-2933 (1), (19) and (34). Respondent
3 denies the allegations and asserts he complied with the applicable standards of homeopathic care.

4 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and
5 uncertainty of an administrative hearing, and solely for purposes of avoiding the expense and
6 uncertainty of a hearing, does not contest the Board's conclusions of these recitals or the Board's
7 Order.

8
9 2. Respondent understands that he has a right to a public administrative hearing concerning
10 each allegation set forth in the above-captioned matter, at which administrative hearing he could
11 present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent
12 freely and voluntarily relinquishes all rights to such an administrative hearing as well as all rights of
13 rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial
14 action, concerning the matters set forth herein.

15 3. Respondent understands this Consent Agreement deals with Board Investigations Case
16 Nos. 08-01 through 08-04.

17 4. Respondent understands that this Consent Agreement does not constitute a dismissal or
18 resolution of other matters currently pending before the Board, if any, except as specified herein, and
19 does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
20 regarding any other pending or future investigation, action or proceeding. The parties agree that the
21 Board retains jurisdiction to consider all such matters upon future application of the Respondent.
22 Respondent also understands that acceptance of this Consent Agreement does not preclude any other
23 agency, subdivision or officer of this state from instituting any other civil or criminal proceedings with
24 respect to the alleged conduct that is the subject of this Consent Agreement.

25 5. Respondent acknowledges and agrees that, upon signing this Consent Agreement
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1 and returning this document to the Board's Executive Director, Respondent may not revoke his
2 acceptance of the Consent Agreement or make any modifications to the document, regardless of
3 whether the consent Agreement has been issued by the Executive Director. Any modification to this
4 original document is ineffective and void unless mutually approved by all of the parties hereto in
5 writing. Signatures obtained via facsimile or electronically will have the same legal force and effect as
6 original signatures.

7
8 6. Respondent understands that this Consent Agreement shall not become effective unless
9 and until adopted by the Board and signed by its Executive Director or designee.

10 7. Respondent understands and agrees that if the Board does not adopt this Consent
11 Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement
12 constitutes bias, prejudice, prejudgment and other similar defense.

13 8. Respondent understands that this Consent Agreement is a public record that may be
14 publicly disseminated as a formal action of the Board.

15 9. Respondent understands that any violation of this Consent Agreement constitutes
16 unprofessional conduct under A.R.S. § 32-2933(32) ("[v]iolating any formal order, terms of probation,
17 or stipulation issued or entered into by the board or its designee pursuant to [A.R.S. §32-2901 *et*
18 *seq.*").

19 10. If any part of the Consent Agreement is later declared void or otherwise unenforceable,
20 the remainder of the Order in its entirety shall remain in full force and effect.

21 11. The parties mutually understand and agree that this order constitutes a final, binding
22 decision of this matter under investigation by the Board and referenced above.

23 12. Respondent agrees that he may reapply for licensure after the time prescribed in the
24 Order below under the following conditions, and Respondent must comply with current law at the time
25 of the application: The application must be in writing and shall contain therein or have attached thereto
26 substantial evidence that the basis for voluntary surrender has been removed and that the granting of a
27

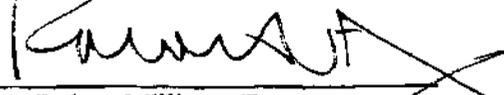
1 new license does not constitute a threat to the public's health, safety and welfare. The Board may
2 require such evaluations, reports, education and affidavits regarding the Respondent as it deems
3 reasonably necessary. These conditions shall be met before a new application may be considered.

4 13. Respondent may not use the terms "M.D.(H)", or "H.MD", or "Homeopathic Physician"
5 or use any other similar words, initials, abbreviations, symbols or any combination thereof which would
6 lead the public to believe that Respondent is licensed to practice homeopathic medicine in Arizona.
7

8
9 Signed this 15 date of March, 2008

10 
11 _____
12 Gary Page

13 Reviewed and Approved as to form on March 17, 2008:

14 By: 
15 _____
16 Robert Milligan, Esq.
17 

BEFORE THE ARIZONA BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

In the Matter of)	Case No. 08-01
)	
Gary W. Page M.D.(H))	Findings of Fact
)	Conclusions of Law and
Holder of License No. 0164)	Voluntary Interim Order Of
)	Summary Suspension
_____)	

INTRODUCTION

The above-captioned matter was discussed before the Arizona Board of Homeopathic Medical Examiners ("Board") on July 17, 2007. After reviewing relevant information and deliberating, the Board considered proceedings for a summary action against the license of Gary W. Page, MD(H) ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law and Voluntary Interim Order for Summary Suspension of License, pending formal hearing or other Board action. A.R.S. §32-2934 (D).

INTERIM 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 No. 0164 for the practice of homeopathic medicine in the State of Arizona.

3. Based on its investigation to date, the Board believes that the facts are as follows:

(1) On July 11, 2007 the Board received a complaint from Daisy Mountain Fire District. The District alleged that it responded to a 911 call on July 3, 2007 at the Anthem, Arizona clinic owned by Peter Norman, M.D., involving patient L.R., a fifty-three year old female who suffered cardiac arrest following bilateral thigh liposuction performed at the clinic earlier that day by Respondent.

(2) Respondent commenced the procedure at 1400 hours. Respondent employed halcion 0.75 mg, keflex 1000 mg. followed by 20 mg. 1M morphine and 25 mg. Phenergan and prepared 6 Klein Solution bags. The surgery concluded at 1750 hours. The Board alleges, *inter alia*, that the length and type of procedure is not within the scope of practice for a homeopathic physician, and that the documentation contained in Dr. Page's medical file is deficient. There is no indication Respondent reviewed the patient history completed on May 22, 2007, conducted preoperative blood work, and completed a more thorough patient work-up before performing surgery. The Board asserts that Respondent's pre-operative care fell below the standard of care because he should have delayed elective cosmetic surgery until completing a more thorough work-up in view of the information related to L.R.'s symptoms of a possible heart condition. Further, the Board asserts that Dr. Page should not have left the patient in the care of Dr. Norman.

4. Dr. Page does not agree and contends among other things that: his medical records are adequate; he completed an appropriate assessment; his services were performed in compliance with the standards of care; he previously had corresponded with the Board regarding the scope of his office-based procedures; the patient was in good condition when he left her in the care of Dr. Norman at approximately 19:10; and there was no evidence of any medical problems with the patient until several hours later.

5. Both parties acknowledge the need for further investigation and specifically the need to review the M.E. report and the Board investigator's report. To avoid the time

and expense of further litigation, the parties agree to enter into a stipulation to summary suspension until the administrative hearing is concluded. Pursuant to this agreement, the hearing in this matter shall commence in 4 months by the filing of a complaint and notice of hearing of the effective date of this Order.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent, holder of license number 0164 for the practice of homeopathic medicine in the State of Arizona.
2. The Board asserts that conduct and circumstances described above constitute unprofessional conduct pursuant to the following: A.R.S. §32-2933(1) (performing an invasive surgical procedure not specifically permitted by this chapter or by Board rules or pursuant to license issued under chapter 13 or 17 of this title.); A.R.S. §32-2933(5) (violating federal, state, county or municipal laws or regulations applicable to the practice of medicine or relating to public health.); A.R.S. §32-2933(7) (conduct that the Board determines is gross professional negligence, repeated professional negligence or any negligence that causes the death of a patient.); A.R.S. §32-2933(11) (having professional connection with or lending one's name to an illegal practitioner of homeopathic medicine or any of the other healing arts); and A.R.S. §32-2933(20) (failing or refusing to maintain adequate records on a patient or to make patient records promptly available to another physician on request and receipt of proper authorization.). Dr. Page does not agree and specifically reserves the right to defend the alleged violations at a

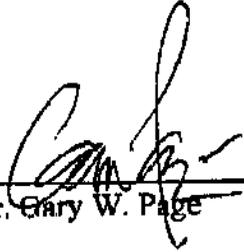
future hearing. In the interim, he acknowledges the Board's concerns and agrees not to practice medicine under his homeopathic license in the State of Arizona.

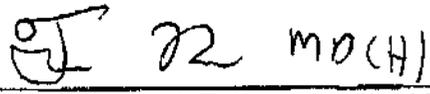
3. Based on the foregoing, Findings of Fact and Conclusions of Law, the Board asserts that protection of public health requires that the Board take emergency action. A.R.S. 32-2934(D). Dr. Page disagrees, but to avoid the time and expense of litigating a summary suspension action, he agrees that he will not practice medicine under his homeopathic license in the State of Arizona until the administrative hearing is concluded. Pursuant to the agreement, the administrative proceedings will commence with the filing of a complaint within four months of the date of this order, and the hearing on this matter will be convened within sixty days of the service of the complaint and notice of hearing.

4. The parties understand that this stipulation may not be used as evidence or as an admission by either party in any other judicial or administrative proceeding.

5. Respondent understands that this stipulation is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Board's approval or by stipulation between the Respondent and the Board. The effective date of this Order is the date the Stipulation is signed by the Board and by Respondent. If the Stipulation is signed on different dates, the later date is the effective date.

Signed this 4th day of September, 2007.

By Licensee: 
Dr. Gary W. Page

By the Board of Homeopathic Medical Examiners:  MD(H)
Todd Rowe, MD, MD(H), Vice President

INTERIM ORDER

Based on the foregoing, Findings of Fact and Conclusions of Law, set forth above,
IT IS HEREBY ORDERED THAT:

1. Based on the foregoing stipulation of the parties, License No. 0164 held by Respondent is **SUMMARILY SUSPENDED**. Such suspension shall remain in effect until the conclusion of the administrative proceedings. Administrative proceedings shall commence within 4 months. Respondent is entitled to a formal hearing to defend the charges as expeditiously as possible after the issuance of the complaint and notice of hearing. Pursuant to the agreement, the administrative proceedings will commence with the filing of a complaint within four months of the date of this order. Pursuant to the provisions of A.R.S. §32-2934(D), the hearing in this matter will be convened within sixty (60) days of service of the complaint and notice of hearing.

Signed this 6th day of September, 2007

By:  MD(H)
Todd Rowe, MD, MD(H) Vice President

Original: filed this 6th day of September, 2007 with the

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

Copy of the foregoing faxed and mailed via certified mail
this 6th day of September, 2007 to:

Gary Page, M.D.(H)
[REDACTED]
[REDACTED]

Copy of the foregoing delivered this
10th day of September, 2007 to:

Michelle Wood, Assistant Attorney General
Office of the Attorney General, CIV/LES
1275 West Washington
Phoenix, AZ 85007