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Suspended Doctor Sues State Over Internet Prescriptions

By **PHIL RISKE**
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A Tempe physician whose license was suspended by the Arizona Medical Board for prescribing drugs over the Internet has filed a lawsuit against the board in Maricopa County Superior Court.

The suit seeks a determination whether state laws dealing with requirements for conducting a physical examination prior to prescribing medications "are constitutionally vague and violate the due process and equal protection clauses of the 14th Amendment."

The Medical Board censured Dr. Deborah S. Golob on April 14 for unprofessional conduct for not conducting physical exams before writing prescriptions for Internet patients, as required under a law passed in 2000. The censure carries a \$10,000 civil fine and five-years' probation. The action also includes suspension of her medical license until she completes 20 hours of medical education and ethics.

Ms. Golob's attorney, Adam Palmer, told *Arizona Capitol Times* that state law does not define the doctor patient relationship. The suit sought a temporary restraining order against the Medical Board's action, but it was "ignored," Mr. Palmer said.

"She was not doing anything wrong, he said, adding that Ms. Golob often would e-mail or call patients with additional questions and she encouraged patients with erectile dysfunction to see a urologist.

"We think that established a doctor-patient relationship," Mr. Palmer said.

Consumers are typically inundated with Internet pharmacy advertising that promotes quick shipment of prescription drugs for everything from pain to erectile dysfunction. Patients are asked to fill out a questionnaire about their medical history, but no physical exam is required.

Internet pharmacies, many of which are

offshore, pay physicians to review the questionnaires and prescribe medications.

Ms. Golob told the board the majority of her practice is prescribing drugs for erectile dysfunction, but that she had also prescribed Tramadol, a controlled substance for pain. She said she began prescribing medicines over the Internet for Secure Medical of Tempe and continued despite a complaint filed with the board, contending she was on safe legal ground.

Ms. Golob told the board she has prescribed medicines for patients in all 50 states, as well as in Europe and the Caribbean.

The lawsuit states that Ms. Golob's practice is "telemedicine" and complies with the standard of care for a practicing physician in Arizona. The board's action, the suit states, will cause "Secure Medical's business to fail and cease to support a much demanded industry."

In the lawsuit, Mr. Palmer cites the Arizona Supreme Court ruling last year in *Stanley v McCarver Jr., M.D.*, stating it concluded that "the 'traditional' doctor-patient relationship no longer requires a face-to-face meeting in order to meet the definition of the same."

The Arizona and Tennessee medical boards last year disciplined former Tucson physician Mark Wade for prescribing medication on the Internet. The Arizona board placed him on five years' probation, and the Tennessee suspended Mr. Wade's license for 90 days, put him on probation for five years and fined him \$25,000.

Mr. Wade was convicted of a federal drug charge in 2002 after a Drug Enforcement Administration (DEA) investigation found that he prescribed controlled substances to three people who later needed treatment for drug addiction. He prescribed the pain killer Vicodin and Valium to patients without a face-to-face visit and earned almost \$28,000 from Valium pre-

scriptions at one of the four Internet pharmacies he worked for, the DEA said. The federal government reported the number of online pharmacies increased from 190 in October 2000 to 1,400 in April 2004. Only a small percentage of them are legitimate operations, it said. The Federation of State Medical Boards (FSMB) has called for legislation that would establish a national standard for Internet prescribing.

Medical Board Rankings

In its new national rankings, the public watchdog group Public Citizen lists the Arizona Medical Board as the sixth best in the rate of disciplinary actions taken against doctors. Arizona's three-year average was 6.68 per 1,000 doctors based on 63 actions ordered by the board in 2004.

The national leader was Wyoming with 10.4 per thousand physicians, and at the bottom was Hawaii with a rate of 1.44.

Public Citizen bases its rankings on data from the FSMB on the number of disciplinary actions taken against doctors in 2002, 2003 and 2004.

Overall, there were 3,296 serious disciplinary actions taken by state medical boards in 2004 — an increase of 10.1 per cent from 2003.

For further information:
www.citizen.org/publications/print_releases.cfm?ID=7380

The Golob case is CV2005-006104. ☐

Senate OKs Higher Limits For Officeholder Accounts

By **PAUL DAVENPORT**
The Associated Press

The Senate voted April 18 to let legislators and other state elected officials have bigger officeholder accounts and to accept larger contributions to fill them.

Lawmakers use the accounts to pay for a wide variety of expenses, including constituent newsletters, office furniture, travel to conferences and subsidizing student groups' visits to the Capitol.

The bill (H2505) would let legislators have accounts totaling \$15,136 every two years, up from \$5,660 currently under a state agency rule that would be erased by the proposed law.

Also, senators and representatives could accept contributions of up to \$296 from lobbyists and others, up from \$55 currently.

Higher limits would apply to statewide elected officials.

Lawmakers say they have little or no publicly provided dollars for such expenses and that it would put them at a competitive disadvantage if they used private campaign contributions for non-

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