State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

July 8, 1998

Edward L. Botnik, M.D.
24423 S. Boxwood Drive
Sun Lakes, AZ 85248

Dear Doctor Botnik:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 8, 1998, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 839 079
RETURN RECEIPT REQUESTED

cc: Kevin P. Byers, Esq.
CERTIFIED MAIL RECEIPT NO. Z 233 839 080
RETURN RECEIPT REQUESTED

Mailed 8/5/98

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 8, 1998, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Edward L. Botnik, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

Anand G. Garg, M.D.
Secretary

(SEAL)

July 8, 1998
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

EDWARD L. BOTNIK, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 8, 1998.

Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

1. The certificate of Edward L. Botnik, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of at least six months.

2. The Board shall not consider reinstatement of Dr. Botnik's certificate to practice unless all of the following minimum requirements have been met:

   a. Dr. Botnik shall submit an application for reinstatement, accompanied by appropriate fees.

   b. For the duration of the suspension, Dr. Botnik shall notify the Board of any action in any state taken against a certificate to practice held by Dr. Botnik in that state. Moreover, Dr. Botnik shall provide acceptable documentation verifying the other state board's actions.

   c. Upon submission of his application for reinstatement, Dr. Botnik shall provide written documentation acceptable to the Board verifying that Dr. Botnik otherwise holds a full and unrestricted license to practice medicine and surgery in Arizona.

d. Upon submission of his application for reinstatement, Dr. Botnik shall provide the Board with written reports of evaluation by a psychiatrist acceptable to the Board indicating that Dr. Botnik's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. The report shall be in writing, shall describe with particularity the bases for this determination, and shall set forth any recommended treatment or recommended limitations upon Dr. Botnik's practice.

Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended treatment, if any, on a quarterly basis, or as otherwise directed by the Board.

e. Upon submission of his application for reinstatement, Dr. Botnik shall provide the Board with evaluations from a physician acceptable to the Board stating that Dr. Botnik is not drug or alcohol dependent and is able to practice according to acceptable and prevailing standards of care. This evaluation shall be in writing and shall state with particularity the bases for such determination, and shall set forth any recommended treatment and recommended limitations upon Dr. Botnik's practice.

Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended treatment, if any, on a quarterly basis, or as otherwise directed by the Board.

f Dr. Botnik shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Botnik's psychiatric, substance abuse, and/or related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. Dr. Botnik further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

g. Upon submission of his application for reinstatement, Dr. Botnik shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the biennial registration period(s) in which they are completed.

h. In the event that Dr. Botnik has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

3. Upon reinstatement, Dr. Botnik's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years.

a. Dr. Botnik shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.

b. Dr. Botnik shall obey all federal, state, and local laws, and all rules governing the practice of medicine in the state in which he is practicing.

c. Dr. Botnik shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective and upon his request for termination of the probationary period, or as otherwise requested by the Board.

d. Dr. Botnik shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

e. Dr. Botnik shall notify the Board of any action in any state taken against a certificate to practice held by Dr. Botnik in that state. Moreover, Dr. Botnik shall provide acceptable documentation verifying the other state board's actions.

f. Dr. Botnik shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.

g. Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with any plan of recommended psychiatric treatment

required under paragraph 2(d), above, on a quarterly basis, or as otherwise directed by the Board.

h. Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with any plan of recommended drug and/or alcohol treatment required under paragraph 2(e), above, on a quarterly basis, or as otherwise directed by the Board.

i. Dr. Botnik shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Botnik's psychiatric, substance abuse, and/or related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. Dr. Botnik further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

j. Dr. Botnik shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, prior to commencing practice in Ohio, the Board may require that Dr. Botnik comply with additional terms, conditions, or limitations, including the following:

   i. Dr. Botnik shall appear in person for interviews before the full Board or its designated representative within three months of commencing practice in Ohio, at three month intervals thereafter, and upon his request for termination of the probationary period, or as otherwise requested by the Board.

   ii. Dr. Botnik shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Botnik's expense.

   iii. Within thirty days of commencing in Ohio, Dr. Botnik shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where Dr. Botnik has privileges or appointments. Further, Dr. Botnik shall provide a copy of this Order to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Botnik applies for or obtains privileges or appointments.

4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Botnik's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

Anand G. Garg, M.D.
Secretary

(SEAL)

July 8, 1998
Date

STATE MEDICAL BOARD
OF OHIO

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REPORT AND RECOMMENDATION
IN THE MATTER OF EDWARD L. BOTNIK, M.D.

The Matter of Edward L. Botnik, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on April 13, 1998.

INTRODUCTION

I. Basis for Hearing

A. By letter dated December 3, 1997, the State Medical Board of Ohio [Board] notified Edward L. Botnik, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on the following allegations.

> On or about August 6, 1996, Dr. Botnik entered into a Consent Agreement to Letter of Reprimand with the Board of Medical Examiners of the State of Arizona [Arizona Board], agreeing to the Arizona Board's adoption of a Letter of Reprimand. The Letter of Reprimand admitted to the truth and accuracy of the Findings of Fact and Conclusions of Law contained in the Consent Agreement.
>
> In the Findings of Fact, the Arizona Board found that Dr. Botnik had ordered a number of controlled substances to be sent to his home for his own personal use. Dr. Botnik later returned some of those medications to the Interstate Drug Exchange. Moreover, the Arizona Board's Findings of Fact noted that a random biological fluid specimen obtained from Dr. Botnik had tested positive for propoxyphene [Darvon], and that Dr. Botnik had failed to respond to requests for random urine drug screens on four occasions.

The Board alleged that the Consent Agreement to Letter of Reprimand constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code. Accordingly, the Board advised Dr. Botnik of his right to request a hearing in the matter. (State's Exhibit 1).

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B. On January 2, 1998, Kevin P. Byers, Esq., submitted a written request for hearing on behalf of Dr. Botnik. (State's Exhibit 2B).

II. Appearances

A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by James M. McGovern, Assistant Attorney General.

B. On behalf of the Respondent: Kevin P. Byers, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Edward L. Botnik, M.D.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2B, noted above, the following exhibits were identified and admitted into evidence:

A. Presented by the State

1. State's Exhibits 2A, 3, 4, and 4A-4D: Procedural exhibits.

2. State's Exhibit 5: Certified copy of the Consent Agreement to Letter of Reprimand signed by Dr. Botnik and the Arizona Board of Medical Examiners, with attachments. (10 pp.)

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of Dr. Botnik's curriculum vitae.

2. Respondent's Exhibit B: Copy of a chronological list of events pertinent to this matter. (2 pp.)

3. Respondent's Exhibit C: Copy of a Discharge Summary regarding Dr. Botnik from the Desert Samaritan Medical Center, Mesa, Arizona. (2 pp.)

4. Respondent's Exhibit D: Copy of an Operative Report regarding Dr. Botnik from the Desert Samaritan Medical Center. (2 pp.)

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5. Respondent's Exhibit E-G, I-P: Copies of correspondence between Dr. Botnik and the Arizona Board of Medical Examiners regarding a complaint filed by the Drug Enforcement Administration against Dr. Botnik, some with attachments.

6 Respondent's Exhibit H: Copy of a March 8, 1993, letter to the Interstate Drug Exchange from Dr. Botnik.

7. Respondent's Exhibit Q: Copy of Dr. Botnik's wallet card from the Arizona Board of Medical Examiners.

8. Respondent's Exhibit R: Copy of a DEA registration certificate for Dr. Botnik.

9. Respondent's Exhibit S: Copy of an Adverse Action Report from the National Practitioner Data Bank, No. 550000004799944, dated January 17, 1997. (2 pp.)

10. Respondent's Exhibit T: Not admitted.

11. Respondent's Exhibit U: Copy of a January 8, 1998, Public Letter of Reprimand regarding Dr. Botnik, issued by the Medical Board of California. (2 pp.)

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Attorney Hearing Examiner prior to preparing this Report and Recommendation.

1. Edward L. Botnik, M.D., graduated from Loyola University, Stritch School of Medicine, in 1960. In 1966, after serving over three years in the US Army Medical Corps, Dr. Botnik completed a residency in anesthesiology at St. Luke's Hospital in Cleveland, Ohio. Thereafter, Dr. Botnik served in private and group anesthesiology practices in California and Arizona. He is currently serving part-time as the director of a pain management clinic in Sun Lakes, Arizona. Dr. Botnik stated that, essentially, it is a solo practice. (Transcript [Tr.] at 9-16; State's Exhibit [St. Ex.] 5 at 1; Respondent's Exhibit [Resp. Ex.] A).

   Dr. Botnik was certified by the American Board of Anesthesiology in 1971. (Resp. Ex. A).

2. On or about August 6, 1996, Dr. Botnik entered into a Consent Agreement to Letter of Reprimand [Consent Agreement] with the Board of Medical Examiners of the State of Arizona [Arizona Board]. (St. Ex. 5). In the Consent Agreement, Dr. Botnik agreed to the Arizona Board's adoption of the Letter of Reprimand, Findings of Fact, and Conclusions of Law. (St. Ex. 5 at 2).

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3. In its Findings of Fact, the Arizona Board set forth the following findings:

   a. On or about October 14, 1992, the Arizona Board had received "an Excessive Purchases Report from the Phoenix office of the Drug Enforcement Administration [DEA]." The DEA alleged that Dr. Botnik had ordered the following controlled substances to be sent to his home:

i.	Doral Tablets, 15 mg	1 Bottle of 100
ii.	Flurazepam Capsules, 15 mg	1 Bottle of 100
iii.	Halcion Tablets, 0.25 mg	3 Bottles of 100
iv.	Phentermine Capsules, 30 mg	4 Bottles of 100
v.	Zydone Capsules	4 Bottles of 100

   b. In correspondence with the Arizona Board dated January 4, 1993, Dr. Botnik admitted that he had ordered the controlled substances for his personal use.

   c. In March 1993, Dr. Botnik returned five bottles of phentermine 30 mg. capsules to the Interstate Drug Exchange.

   d. In October 1993, Dr. Botnik agreed to undergo a psychiatric evaluation and to submit urine for random testing for a period of four months. Moreover, Dr. Botnik agreed that he would abstain from alcohol and all medications, except those prescribed by Dr. Botnik's treating cardiologist.

   e. On January 19, 1994, a random biological fluid specimen obtained from Dr. Botnik tested positive for propoxyphene (Darvon), a drug not listed by Dr. Botnik as a drug prescribed for him by his treating physician.

   f On March 4, March 24, March 29, and April 22, 1994, Dr. Botnik failed to respond to requests for random urine drug screening.

   (St. Ex. 5 at 5-6; Resp. Ex. L).

   In its Conclusions of Law, the Arizona Board determined that Dr. Botnik's actions constituted unprofessional conduct in violation of three Arizona statutes. (St. Ex. 5 at 6).

4. At hearing in the present matter, Dr. Botnik testified as follows:

   a. Dr. Botnik suffered a myocardial infarction in 1988. The myocardial infarction left Dr. Botnik with a left ventricular aneurysm, which was treated medically for approximately four years. In 1992, he experienced heart failure, and required increasing amounts of nitroglycerin to control chest pain. The nitroglycerin was

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prescribed by Dr. Botnik's family physician, David Collins, M.D., and by his cardiologist, Victor Bonilla, M.D. (Tr. at 18-20).

b. Dr. Botnik stated that, in 1992, Dr. Collins started prescribing Doral, a mild sleeping medication, to be taken one at bedtime, with a repeat dose, if necessary. Dr. Collins also prescribed Halcion, to be used when Doral was ineffective. (Tr. at 49-52). Moreover, Dr. Collins prescribed Zydone, a pain medication similar to hydrocodone. Dr. Collins instructed Dr. Botnik to take one or two tablets every six hours as needed for pain. Dr. Botnik stated that Dr. Collins wrote the prescription for one hundred tablets with four to five refills, to avoid writing numerous prescriptions. (Tr. at 60-61).

Dr. Botnik further testified that Dr. Bonilla prescribed flurazepam, a mild tranquilizer, to be taken once per day. (Tr. at 58-59).

c. For several months during late 1992, Dr. Botnik had been unable to work due to the cardiac failure. Dr. Botnik ordered the medications at issue in this matter from a wholesale supplier in order to save money. Because of his state of mind at that time, Dr. Botnik was not paying attention to the details of proper ordering of medications. (Tr. at 27-29).

Dr. Botnik stated that the order for phentermine was erroneous. Because of his debilitated condition, Dr. Botnik accidentally ordered phentermine, when he intended to order phenylpropanolamine, an over-the-counter cold medication. He stated that both medications appeared on the same page of the drug catalog. Dr. Botnik stated that he had intended to order phenylpropanolamine, despite the drug's potential for cardiac stimulation. He had reasoned that, because his myocardium was so depressed "it didn't seem to make any difference." (Tr. at 63-64; Resp. Ex. H, J).

In March 1993, Dr. Botnik returned five bottles of phentermine to the Interstate Drug Exchange. Dr. Botnik further noted that he had ordered five bottles of phentermine, rather than four, as noted in the DEA complaint. (Tr. at 32).

d. Dr. Botnik could not remember whether Dr. Collins had written prescriptions sufficient to justify the amount of medication Dr. Botnik ordered from the wholesale drug supplier. Dr. Botnik could not remember at which pharmacy he filled the original prescriptions written by Dr. Collins. Dr. Botnik further testified that Dr. Collins has since retired and left the state; therefore, Dr. Botnik is not able to obtain copies of his medical records. (Tr. at 53-58).

e. Dr. Botnik stated that, because he is an anesthesiologist and does not write frequent prescriptions, he "didn't quite understand about the seriousness of a scheduled versus a nonscheduled drug." (Tr. at 28).

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f. On December 4, 1992, Dr. Botnik was hospitalized in critical condition due to severe coronary artery disease, including a large left ventricular aneurysm, occlusion of the left anterior artery, stenosis of the mid-left circumflex artery, subtotal occlusion of the right coronary artery, and a decreased left ventricular ejection fraction. His physician ordered that an intra-aortic balloon pump be inserted to relieve the workload of the left ventricle. The following day, Dr. Botnik underwent "[e]mergency triple coronary artery bypass with resection of the aneurysm and utilization of a Dacron patch." (Tr. at 20-26; Resp. Exs. B, C, D).

Six days after discharge from the hospital, the Arizona Board advised Dr. Botnik of the complaint filed against him by the DEA. The Arizona Board allowed Dr. Botnik twenty days to respond to the complaint. (Tr. at 27; Resp. Ex. E).

g. On January 4, 1993, Dr. Botnik advised the Arizona Board of his recent illness and hospitalization. Dr. Botnik stated that he had ordered the medication for his own use and the medications remained in his possession. Dr. Botnik further stated that when his strength returned, he would fully cooperate in the Arizona Board's investigation. (Resp. Ex. F).

h In June 1993, Dr. Botnik suffered an impacted, infected molar, which required oral surgery and resection of the bony socket. The oral surgeon prescribed Darvocet N for pain. (Tr. at 34-35; Resp. Ex. M).

In January 1994, when his urine tested positive for Darvon, Dr. Botnik advised the Arizona Board that he had used one tablet of the Darvocet N prescribed by the oral surgeon during the summer of 1993 to treat a dental pain problem. Dr. Botnik stated that he had forgotten to inform the Board Interviewer when submitting his urine sample. Dr. Botnik gave the Arizona Board the original bottle of Darvocet N, with five of the original fifteen tablets remaining. (Tr. at 34-35; Resp. Exs. M, O).

Moreover, Dr. Botnik acknowledged that he had agreed to abstain from taking controlled substances not prescribed by his cardiologist. Nevertheless, Dr. Botnik testified that, because "he didn't know that excluded all other doctors," he took the Darvocet N prescribed by his dentist. (Tr. at 77).

i. On March 4, March 24, March 29, and April 22, 1994, Dr. Botnik failed to respond to requests for random urine drug screens because he was scheduled for on-call cases in the operating room. Hospital policy did not allow him to receive telephone calls when he was administering anesthesia. Dr. Botnik provided copies of pages from his personal calendar with lists of cases scheduled for these dates. (Tr. at 35-37; Resp. Ex. O). In addition, Dr. Botnik provided the Arizona Board with copies of his "on-call" schedule, and requested that the Arizona Board request random urine samples only on his [two] unscheduled days each week. (Tr. at 39, 77-79; Resp. Ex. P).

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j. Initially, Dr. Botnik testified that the Arizona Board did not request another urine sample after 1994. Subsequently, Dr. Botnik testified that he had provided urine samples for a period of two years. (Tr. at 41-42).

k. Dr. Botnik could not remember if he ever told the Arizona Board that the medications at issue had been prescribed by Dr. Collins and Dr. Bonilla, despite the fact that Dr. Botnik's violations of Arizona statutes were based on his use of controlled substances not prescribed by his treating physician. (Tr. at 65). At hearing, the State noted an excerpt from a letter sent to Dr. Botnik by the Arizona Board, as follows:

> You should also know that it is 'Unprofessional Conduct' under ARS 32-1401.21(g) to use controlled substances except if prescribed by another physician for use during a prescribed course of treatment. If these other controlled substances have been prescribed by another physician, please provide us with the name of the physician who prescribed the medication for you.

(Resp. Ex. G). Regarding that paragraph, the State asked Dr. Botnik if he had provided the names of the prescribing physicians to the Arizona Board. The cross-examination proceeded as follows:

Q: Did you do this? Did you provide the Board with a list of the names of the - -

A: I thought I did.

Q: You thought you did, or did you?

A: I can't remember, but I thought I complied with that.

Q: Did you at any time offer a similar explanation to the Arizona Board as you offer to us today regarding the treatment recommendation made by Dr. Collins and Dr. Bonilla?

A: Wait, I'm not quite sure - -

Q: Did you explain your order of the - - the wholesale order, did you explain the wholesale order to the Arizona Board?

A: Yes, it was discussed.

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Q: In the same manner that you explained it to us here today regarding the treatment orders that you received from Drs. Bonilla and Collins?

A: I probably did, because they made no mention - - I don't see any mention here that I didn't.

Q: I don't understand. Could you explain that to me?

A: Well, if I hadn't given them an explanation, wouldn't they have said something to me?

(Tr. at 65-66). There is no evidence in the record that Dr. Botnik advised the Arizona Board that the medications had been ordered by his treating physicians.

5. On January 8, 1998, the Medical Board of California issued a Public Letter of Reprimand to Dr. Botnik, based on the Arizona Consent Agreement to Letter of Reprimand. (Resp. Ex. U).

6. Dr. Botnik has not practiced in Ohio since 1966. Dr. Botnik testified that he has maintained Ohio licensure "for sentimental reasons." He stated that he lived in Cleveland as a child, and did his internship and residency there. (Tr. at 48).

PROCEDURAL MATTERS

At, hearing, Dr. Botnik introduced two documents from the National Practitioner Data Bank: a copy of an Adverse Action Report No. 550000004799944, dated January 17, 1997; and a copy of a document advising that the action referenced by No. 550000004799944 had been expunged. (Respondent's Exhibits S and T, respectively). The State objected to the admission of Respondent's Exhibit T because the document had not been certified. The Attorney Hearing Examiner reserved ruling on the State's objection, because Dr. Botnik agreed to locate and provide certified copies of the document. In addition, Dr. Botnik agreed to obtain clarification of the effect of an expungement from the National Practitioner Data Bank, in order to assist the Board in evaluating the significance of the action. (Tr. at 88-90). Although the Attorney Hearing Examiner agreed to hold the record open until May 15, 1998, Dr. Botnik failed to provide any additional information regarding this document. Accordingly, the State's objection is sustained, and Respondent's Exhibit T will not be admitted to the record.

In addition, Dr. Botnik requested an opportunity to obtain and submit a copy of the psychiatric evaluation of Dr. Botnik performed at the request of the Arizona Board of Medical Examiners.

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The Attorney Hearing Examiner agreed. (Tr. at 91). Nevertheless, Dr. Botnik did not submit such documentation.

Finally, the Attorney Hearing Examiner requested that Dr. Botnik locate and submit documentation supporting his testimony that the medications at issue in this matter were, in fact, prescribed by his personal physicians. Specifically, the Attorney Hearing Examiner suggested that Dr. Botnik locate and retrieve medical records maintained by Drs. Collins and Bonilla. Dr. Botnik agreed. (Tr. at 92). However, on May 15, 1998, Dr. Botnik provided only a medical report of an echocardiogram.

On May 22, 1998, the State advised that it State would not object to the admission of Respondent's echocardiogram report. Nevertheless, Dr. Botnik had not requested additional time for the submission of this document; thus, it will not be admitted to the record at this time. Accordingly, as agreed by the parties, the hearing record closed on May 22, 1998. (Tr. at 92-95).

FINDINGS OF FACT

1. On or about August 6, 1996, Dr. Botnik entered into a Consent Agreement to Letter of Reprimand with the Board of Medical Examiners of the State of Arizona [Arizona Board], agreeing to the Arizona Board's adoption of the Letter of Reprimand. The Letter of Reprimand admitted to the truth and accuracy of the Findings of Fact and Conclusions of Law contained in the Consent Agreement.

2. In its Findings of Fact, the Arizona Board determined that Dr. Botnik had ordered the following controlled substances to be sent to his home for his own personal use:

a.	Doral Tablets, 15 mg	1 Bottle of 100
b.	Flurazepam Capsules, 15 mg	1 Bottle of 100
c.	Halcion Tablets, 0.25 mg	3 Bottles of 100 each
d.	Phentermine Capsules, 30 mg	4 Bottles of 100 each
e.	Zydone Capsules	4 Bottles of 100 each

Dr. Botnik later returned five bottles of phentermine 30 mg capsules to the Interstate Drug Exchange.

3. In its Findings of Fact, the Arizona Board noted that, on January 19, 1994, a random biological fluid specimen obtained from Dr. Botnik had tested positive for propoxyphene (Darvon), a drug not listed by Dr. Botnik as a drug prescribed for him by his treating physician.

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4. In its Findings of Fact, the Arizona Board noted that Dr. Botnik had failed to respond to requests for random urine drug screens on March 4, March 24, March 29, and April 22, 1994.

CONCLUSIONS OF LAW

The Consent Agreement to Letter of Reprimand constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

Dr. Botnik's testimony at hearing was confused, incoherent, and inconsistent. He was unable to answer various questions regarding his use of these controlled medications. Moreover, his testimony that "because he is an anesthesiologist and does not write frequent prescriptions, he didn't quite understand the seriousness of a scheduled versus a non-scheduled drug" is ludicrous.

In addition, Dr. Botnik's testimony that his treating physicians had prescribed the controlled substances he ordered is not supported by the evidence. The original allegation filed by the Arizona Board was based on his use of controlled substances not "prescribed by another physician for use during a prescribed course of treatment." If Drs. Collins and Bonilla had been prescribing these medications at the time of the Arizona Board's investigation, it is inconceivable that Dr. Botnik would not so advise the Arizona Board. Moreover, at the request of the Attorney Hearing Examiner in the present matter, Dr. Botnik agreed to supply medical records or a statement from his cardiologist to support his testimony. Nevertheless, Dr. Botnik did not do so. Overall, Dr. Botnik's testimony that his treating physicians had prescribed the medications is not credible.

In mitigation, however, the Board may want to consider the substantial difficulties Dr. Botnik faced in his personal affairs during the time at issue in this matter. In addition, there is no evidence that Dr. Botnik's conduct affected any person other than Dr. Botnik.

Nevertheless, Dr. Botnik's use of a controlled substance in violation of his Arizona Consent Agreement, his failure to submit urine for drug screening when requested, and his failure to submit a copy of the Arizona Board's psychiatric evaluation suggest a need for evaluation of Dr. Botnik's potential substance abuse problems and his psychiatric status. The following Proposed Order addresses this issue.

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PROPOSED ORDER

1. The certificate of Edward L. Botnik, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of at least six months.

2. The Board shall not consider reinstatement of Dr. Botnik's certificate to practice unless all of the following minimum requirements have been met:

   a. Dr. Botnik shall submit an application for reinstatement, accompanied by appropriate fees.

   b. For the duration of the suspension, Dr. Botnik shall notify the Board of any action in any state taken against a certificate to practice held by Dr. Botnik in that state. Moreover, Dr. Botnik shall provide acceptable documentation verifying the other state board's actions.

   c. Upon submission of his application for reinstatement, Dr. Botnik shall provide written documentation acceptable to the Board verifying that Dr. Botnik otherwise holds a full and unrestricted license to practice medicine and surgery in Arizona.

   d. Upon submission of his application for reinstatement, Dr. Botnik shall provide the Board with written reports of evaluation by a psychiatrist acceptable to the Board indicating that Dr. Botnik's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. The report shall be in writing, shall describe with particularity the bases for this determination, and shall set forth any recommended treatment or recommended limitations upon Dr. Botnik's practice.

      Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended treatment, if any, on a quarterly basis, or as otherwise directed by the Board.

   e. Upon submission of his application for reinstatement, Dr. Botnik shall provide the Board with evaluations from a physician acceptable to the Board stating that Dr. Botnik is not drug or alcohol dependent and is able to practice according to acceptable and prevailing standards of care. This evaluation shall be in writing and shall state with particularity the bases for such determination, and shall set forth any recommended treatment and recommended limitations upon Dr. Botnik's practice.

STATE MEDICAL BOARD
OF OHIO

98 MAY 23 AM 4:32

Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended treatment, if any, on a quarterly basis, or as otherwise directed by the Board.

f Dr. Botnik shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Botnik's psychiatric, substance abuse, and/or related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. Dr. Botnik further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

g. Upon submission of his application for reinstatement, Dr. Botnik shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the biennial registration period(s) in which they are completed.

h. In the event that Dr. Botnik has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

3. Upon reinstatement, Dr. Botnik's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years.

a. Dr. Botnik shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.

b. Dr. Botnik shall obey all federal, state, and local laws, and all rules governing the practice of medicine in the state in which he is practicing.

c. Dr. Botnik shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective and upon his request for termination of the probationary period, or as otherwise requested by the Board.

STATE MEDICAL BOARD
OF OHIO

98 MAY 23 AM 4: 32

d. Dr. Botnik shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

e. Dr. Botnik shall notify the Board of any action in any state taken against a certificate to practice held by Dr. Botnik in that state. Moreover, Dr. Botnik shall provide acceptable documentation verifying the other state board's actions.

f. Dr. Botnik shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.

g. Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with any plan of recommended psychiatric treatment required under paragraph 2(d), above, on a quarterly basis, or as otherwise directed by the Board.

h. Dr. Botnik shall provide the Board with acceptable documentation evidencing compliance with any plan of recommended drug and/or alcohol treatment required under paragraph 2(e), above, on a quarterly basis, or as otherwise directed by the Board.

i. Dr. Botnik shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Botnik's psychiatric, substance abuse, and/or related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. Dr. Botnik further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

j. Dr. Botnik shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, prior to commencing practice in Ohio, the Board may require that Dr. Botnik comply with additional terms, conditions, or limitations, including the following:

   i. Dr. Botnik shall appear in person for interviews before the full Board or its designated representative within three months of commencing practice in Ohio, at three month intervals thereafter, and upon his request for termination of the

STATE MEDICAL BOARD
OF OHIO

98 MAY 23 AM 4:32

probationary period, or as otherwise requested by the Board.

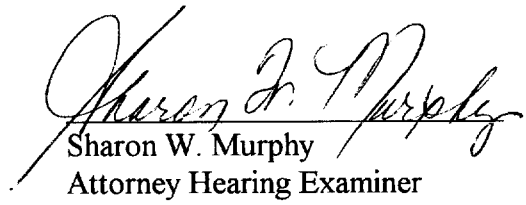
ii. Dr. Botnik shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Botnik's expense.

iii. Within thirty days of commencing in Ohio, Dr. Botnik shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where Dr. Botnik has privileges or appointments. Further, Dr. Botnik shall provide a copy of this Order to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Botnik applies for or obtains privileges or appointments.

k. If Dr. Botnik violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may set aside the stay order and impose the suspension of Dr. Botnik's certificate.

4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Botnik's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Sharon W. Murphy
Attorney Hearing Examiner

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

December 3, 1997

Edward L. Botnik, M.D.
24423 South Boxwood Drive
Sun Lakes, Arizona 85248

Dear Doctor Botnik:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about August 6, 1996, you entered into a Consent Agreement to Letter of Reprimand with the Board of Medical Examiners of the State of Arizona ("Arizona Board"), agreeing to the Arizona Board's adoption of the Letter of Reprimand attached to such Consent Agreement and admitting to the truth and accuracy of the Findings of Fact and Conclusions of Law contained therein. A copy of the Consent Agreement to Letter of Reprimand is attached hereto and fully incorporated herein.

The Arizona Board's Findings of Fact included that you ordered the following controlled substances to be sent to your home for your own personal use:

1)	Doral Tablets, 15 mg	1 Bottle of 100
2)	Flurazepam Capsules, 15 mg	1 Bottle of 100
3)	Halcion Tablets, 0.25 mg	3 Bottles of 100 each
4)	Phentermine Capsules, 30 mg	4 Bottles of 100 each
5)	Zydone Capsules	4 Bottles of 100 each

You later returned five (5) bottles of Phentermine 30 mg capsules to the Interstate Drug Exchange.

The Arizona Board's Findings of Fact further included that on January 19, 1994, a random biological fluid specimen obtained from you tested positive for propoxyphene (Darvon), a drug not listed by you as a drug prescribed for you by your treating physician, and that you failed to respond to requests for random urine drug screens on March 4, 1994; March 24, 1994; March 29, 1994; and April 22, 1994.

Mailed 12/4/97

The Consent Agreement to Letter of Reprimand, as alleged in paragraph (1) above, constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, r the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Thomas E. Gretter, M.D.
Secretary

TEG/par
Enclosures

CERTIFIED MAIL # P 152 984 515
RETURN RECEIPT REQUESTED
rev.2/15/95

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF ARIZONA

In the Matter of **EDWARD L. BOTNIK, M.D.** Holder of License No. **11688** For the Practice of Medicine In the State of Arizona. Re: Drug Enforcement Administration v. Edward L. Botnik, M.D. (Inv. #4207)	)	**CONSENT AGREEMENT TO LETTER OF REPRIMAND**

EDWARD L. BOTNIK, M.D., holder of License No. 11688 for the practice of medicine in the State of Arizona, and the Arizona Board of Medical Examiners ("Board") hereby agree as follows:

1. Pursuant to A.R.S. §32-1451(F)(5), Dr. BOTNIK agrees that the Board shall adopt the Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order attached to this Consent Agreement and incorporated by this reference. The Letter of Reprimand shall be effective on the date written on the letter. Dr. BOTNIK admits that the Findings of Fact and Conclusions of Law are true and accurate.

2. By entering into this Consent Agreement, Dr. BOTNIK freely and voluntarily relinquishes all right to an Informal Interview before the Board, a hearing before an administrative law judge and before the Board, and relinquishes all right of rehearing, review, reconsideration, appeal, judicial review or any other judicial action concerning the matters set forth herein. Dr. BOTNIK affirmatively agrees that the Letter of Reprimand shall be irrevocable.

3. Dr. BOTNIK has read and understands the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, and voluntarily enters into this Consent Agreement. Dr. BOTNIK understands that he may consult legal counsel regarding this matter and agrees that he has done so or affirmatively declines to do so.

4. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law and Order, if adopted by the Board, constitute a resolution of the following case: DEA v. Edward L. Botnik, M.D. (Investigation No. 4207). The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law do not constitute a dismissal or resolution of any other matters currently pending and do not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action, or proceeding.

5. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order shall not become effective until adopted by the Board and signed by the Board's Executive Director.

6. Dr. BOTNIK understands that if the Board does not adopt the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, the case listed in paragraph 4 above will be decided by the Board pursuant to the Medical Practice Act, A.R.S. § 32-1401 et seq.. Dr. BOTNIK agrees that he will not assert as a defense that the Board's consideration of the Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law constitutes bias, prejudice, prejudgment or other similar defense.

7. The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law is a public record and shall be reported as required by law to the National Practitioner Data Bank and also to the Federation of State Medical Boards.

8. The Consent Agreement constitutes the entire agreement of the parties.

9. Any violation of this Consent Agreement or the Letter of Reprimand constitutes unprofessional conduct pursuant to A.R.S. §32-1401(25)(r) (violating a formal order, probation or stipulation issued or entered into by the board or its executive director under the provisions of this chapter) and may result in disciplinary action pursuant to A.R.S. §32-1451.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

MARK R. SPEICHER
Executive Director

Dated: 8/6/96

EDWARD L. BOTNIK, M.D.

Dated: 7-25-96

BM961800009

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SECRETARY

MARK R. SPEICHER
EXECUTIVE DIRECTOR

ELAINE HUGUNIN
DEPUTY DIRECTOR

ARIZONA BOARD OF MEDICAL EXAMINERS

Certified Mail/Return Receipt Requested

August 6, 1996

Edward L. Botnik, M.D.
P.O Box 52070
Phoenix, Arizona 85072

Re: **LETTER OF REPRIMAND**
Drug Enforcement Agency v. Edward L. Botnik, M.D.
(Investigation No. 4207)

Dear Dr. Botnik:

You have agreed in the Consent Agreement attached to this letter that the Arizona Board of Medical Examiners shall 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. On or about October 14, 1992, the Board received an Excessive Purchases Report from the Phoenix office of the Drug Enforcement Administration. The report stated, in part, that Edward Botnik, M.D. had ordered the following controlled substances from the Interstate Drug Exchange to be sent to his home address in Sun Lakes, Arizona:

1)	Doral Tablets, 15mg	1 Bottle of 100
2)	Flurazepam Capsules, 15mg	1 Bottle of 100

1651 East Morten, Suite 210 • Phoenix, Arizona 85020 • Telephone (602) 255-3751 • FAX (602) 255-1848

3)	Halcion Tablets, 0.25mg	3 Bottles of 100 each
4)	Phentermine Capsules, 30mg	4 Bottles of 100 each
5)	Zydone Capsules	4 Bottles of 100 each

At all times material, Dr. BOTNIK was not registered with the Board as a dispensing physician.

4. In correspondence with the Board dated January 4, 1993 Dr. BOTNIK admitted to ordering the above-referenced controlled substances for his own personal use.

5. On or about March 8, 1993, Dr. BOTNIK returned five (5) bottles of Phentermine 30mg capsules to the Interstate Drug Exchange.

6. On or about October 5, 1993, Dr. BOTNIK agreed to be evaluated psychiatrically by Dr. Michael Brennan and also to undergo random urine testing for a period of approximately four months.

7. On January 19, 1994, a random biological fluid specimen obtained from Dr. BOTNIK tested positive for propoxyphene (Darvon), a drug not listed by Dr. BOTNIK as a drug prescribed for him by his treating physician. Further, Dr. BOTNIK failed to respond to requests for random urine drug screens on March 4, 1994; March 24, 1994, March 29, 1994; and April 22, 1994.

Conclusions of Law

1. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(g) (use of controlled substances except if prescribed by another physician for use during a prescribed course of treatment).

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 might be harmful or dangerous to the health of the patient or the public).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(nn) (refusing to submit to a body fluid examination as required by the board pursuant to §32-1452 or pursuant to a board investigation into a doctor of medicine's alleged substance abuse).

Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that EDWARD L. BOTNIK, M.D. be issued a Letter of Reprimand.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

Mark R. Speicher
Executive Director

MRS/jm
Attachment

BM961800010

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PHILIP E. KEEN, M.D.
VICE CHAIRMAN

PAMELA RANDOLPH, RN, MSN
SECRETARY

MARK R. SPEICHER
EXECUTIVE DIRECTOR

ELAINE HUGUNIN
DEPUTY DIRECTOR

ARIZONA BOARD OF MEDICAL EXAMINERS

Certified Mail/Return Receipt Requested

[Date]

Edward L. Botnik, M.D.
P.O Box 52070
Phoenix, Arizona 85072

Re: **LETTER OF REPRIMAND**
Drug Enforcement Agency v. Edward L. Botnik, M.D.
(Investigation No. 4207)

Dear Dr. Botnik:

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

Findings of Fact

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3)	Halcion Tablets, 0.25mg	3 Bottles of 100 each

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4)	Phentermine Capsules, 30mg	4 Bottles of 100 each
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Conclusions of Law

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3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(nn) (refusing to submit to a body fluid examination as required by the board pursuant to §32-1452 or pursuant to a board investigation into a doctor of medicine's alleged substance abuse).

Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that EDWARD L. BOTNIK, M.D. be issued a Letter of Reprimand.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

Mark R. Speicher

Mark R. Speicher
Executive Director

MRS/jm
Attachment

Edward L. Botnik MD
7-25-96