BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

DAVID IZENBERG, D.O.
Holder of License No. 2253
For the practice of osteopathic medicine in the State of Arizona

Case No.: DO-16-0133A

INTERIM CONSENT AGREEMENT AND ORDER FOR PRACTICE RESTRICTION AND EVALUATION

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and David Izenberg, D.O. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement and the stipulated Interim Findings of Fact, Interim Conclusions of Law and Interim Order ("Interim Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. This Interim Consent Agreement is not effective until approved by the Board and signed by its Executive Director.
4. Respondent admits to the Interim Findings of Fact and Interim
Conclusions of Law contained in the Interim Consent Agreement.

5. This Interim Consent Agreement, or any part thereof, may be considered
in any future disciplinary action against Respondent.

6. This Interim Consent Agreement does not constitute a dismissal or
resolution of this or other matters currently pending before the Board, if any, and does
not constitute any waiver, express or implied, of the Board's statutory authority or
jurisdiction.

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

8. Upon signing this agreement, and returning this document (or a copy
thereof) to the Board's Executive Director, Respondent may not revoke the acceptance
of the Interim Consent Agreement. Respondent may not make any modifications to the
document. Any modifications to this original document are ineffective and void unless
mutually approved by the parties.

9. This Interim Consent Agreement, once approved and signed, is a public
record that will be publicly disseminated as a formal action of the Board and will be
reported to the National Practitioner Data Bank and to the Board's website.

10. If any part of the Interim Consent Agreement is later declared void or
otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety
shall remain in force and effect.
11. If the Board does not adopt this Interim Consent Agreement, (1) Respondent will not assert as a defense that the Board’s consideration of the Interim Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense; and (2) the Board will not consider content of this Interim Consent Agreement as an admission by Respondent.

REVIEWED AND ACCEPTED THIS ___ DAY OF __________, 2017.

[Signature]
David Izenberg, D.O.

JURISDICTIONAL STATEMENT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the licensing and practice of osteopathic medicine in the State of Arizona.

2. Respondent holds license No. 2253 issued by the Board to practice as an osteopathic physician.

INTERIM FINDINGS OF FACT

1. On June 23, 2016, The Board received a complaint from patient J.P.’s parents regarding care provided to him by Respondent.

2. The complainant alleged he was under Respondent’s care for several years, since 2007, and throughout his care, they felt Respondent had overprescribed medications to their son. They also felt he failed to recognize their son was a drug addict and his continued prescribing enabled their son’s habit.

3. A review of the medical records and treatment indicate that Respondent did prescribe a number of controlled substances to J.P. There were
significant concerns about Respondent’s treatment, lack of examinations and his general knowledge base. A chart review was completed and it raised a concern of a pattern regarding inappropriate prescribing by Respondent.

5. The Board held an Investigative Hearing on this matter on May 6, 2017. Respondent appeared personally and with counsel.

6. The Board had the following concerns based upon the evidence that Respondent:

   a. Prescribed both opioids and benzodiazepines concurrently;
   b. Prescribed methadone in conjunction with benzodiazepines and opioids;
   c. Prescribed multiple benzodiazepines to the same patient;
   d. Prescribed drugs without understanding the side-effects;
   e. Continued to prescribe opioids to patients who had a past history of substance abuse;
   f. Failed to recognize drug seeking behavior in some of his patients, including patient J.P;
   g. Continued to prescribe and over-prescribe controlled substances;
   h. Prescribed Adderall to a patient without doing a work-up to determine if the patient had ADHD;
   i. Failed to monitor persons to whom the drugs were being prescribed to guard against overprescribing;
   j. Failed to obtain urine drug screens from patients taking controlled substances on a consistent basis;
   k. Failed to document prescriptions for controlled substances;
I. Failed to examine the patient to determine the condition that he felt necessitated
the prescribing of the medications;

m. Failed to document physical examination results;

n. Failed to document the reason(s) for the prescription(s)
o. Failed to make appropriate pain management and psychiatric referrals.

INTERIM CONCLUSIONS OF LAW

1. Pursuant to A.R.S. §32-1800, et seq. the Board has subject matter
and personal jurisdiction in this matter. .

2. The conduct and circumstances described in paragraphs 1 through 6
above, if proven, constitute unprofessional conduct as defined in the following
paragraphs of A.R.S. §32-1854:

   (6) Engaging in the practice of medicine in a manner that harms or
may harm a patient or that the Board determines falls below the community standard.

   (21) Failing or refusing to establish and maintain adequate records on a
patient as follows:

   (a) If the patient is an adult, for at least six years after the last date the
licensee provided the patient with medical or health care services.

   (36) Prescribing or dispensing controlled substances or
prescription-only medications without establishing and maintaining adequate patient
records.

   (38) Any conduct or practice that endangers a patient’s or the public’s health
or may reasonably be expected to do so.
(48) Prescribing, dispensing, or furnishing a prescription medication
or a prescription-only device to a person if the licensee has not conducted a
physical or mental health status examination of that person or has not previously
established a physician-patient relationship.

INTERIM ORDER

Pursuant to the authority vested in the Board, and based upon the Interim
Findings of Fact and Interim Conclusions of Law, IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice osteopathic medicine, No. 2253, is
placed on a practice restriction that prohibits him from prescribing or dispensing
Schedule 2, 3, 4 and 5 medications, and psychotropic medications. Respondent may
not provide any recommendations for medical marijuana. This restriction shall remain in
place until Respondent appears before the Board and the Board lifts the restriction.

2. This Interim Order for practice restriction for prescribing will be effective
May 22, 2017 at 11:59 p.m. Prescriptions written on or before May 22, 2017
Is considered valid and effective and may be filled.

3. IT IS FURTHER ORDERED, Respondent shall undergo a physician
practice assessment by the Physician Assessment and Clinical Education Program
("PACE"), at the University of San Diego (619-543-6770/www.paceprogram.ucsd.edu)
or a practice assessment through The Center For Personalized Education for
Physicians ("CPEP") in Denver, Colorado (303-577-3232 or www.cpepdoc.org),
or an equivalent program that has been pre-approved by the Board's Executive
Director, unless otherwise ordered by the Board. The evaluation shall be completed
no later than October 31, 2017.
4. Respondent shall cause all reports resulting from the evaluation/assessment to be delivered directly from the evaluator to the Executive Director of the Board. The case will be placed back on the Board’s agenda for the next available meeting once the report has been received.

5. Respondent’s current dispensing registration shall be suspended until the Board lifts the suspension.

6. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration and modification by the Board.

7. Respondent shall sign such releases as are necessary to ensure that the report(s) of the evaluation and/or assessment are made directly and confidentially to the Executive Director of the Board of Osteopathic Examiners.

8. **Costs:** Respondent shall bear all costs incurred regarding compliance with this Order.

9. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action and or referral to the appropriate law enforcement agency.

ISSUED THIS 28TH DAY OF MAY, 2017.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: [Signature]
Jenna Jones, Executive Director

Original filed this 22nd day of May, 2017 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing sent via regular mail this
22nd day of May, 2017 to:

David Izenberg, D.O.
Address of Record

And

Steve Myers, Esq.
Address of record

Copy of the foregoing sent via regular mail
this 22nd day of May, 2017 to:

Jeanne Galvin, AAG
Office of the Attorney General SGD/LES
1275 West Washington
Phoenix AZ 85007