COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Carl R. Sonder, M.D.,
Respondent

File No.: 18-49-009773

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and
Occupational Affairs ("Commonwealth") and Carl R. Sonder, M.D. ("Respondent") stipulate as
follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical
§§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of
March 20, 2002, P.L. 154, No. 13, as amended, 40 P.S. §§ 1303.101-1303.910; and/or the Act of

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice
as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no.
MD010494E, which was originally issued on August 20, 1968, and which expired on December
31, 2002.
STIPULATED FACTS

3. The Respondent admits that the following allegations are true:

   a. Absent additional Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

   b. Respondent's current address is 2006 N. Central Avenue, Phoenix, AZ 85004.

   c. At all relevant and material times, Respondent was authorized to practice as a physician in the State of Arizona.

   d. On or about July 13, 2018, the Arizona Medical Board ("Arizona Board") approved an Order for Letter of Reprimand and Probation; and Consent to the Same In the Matter of Carl R. Sonder, M.D.

   e. A true and correct copy of the Order referenced in paragraph 8 is attached as Exhibit A and is incorporated by reference.

   f. The Arizona Board issued a reprimand and placed Respondent's license to practice medicine in the State of Arizona on probation for a period of one (1) year, subject to specific terms and conditions.

ALLEGED VIOLATIONS

4. The Commonwealth alleges that the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at
Section 41(4), 63 P.S. § 422.41(4), in that Respondent had a license or other authorization to practice the profession disciplined by the proper licensing authority of another state.

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

   a. The Board finds that it is authorized to suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(4), 63 P.S. § 422.41(4), in that Respondent had a license or other authorization to practice the profession disciplined by the proper licensing authority of another state.

PERMANENT VOLUNTARY SURRENDER

   b. In consideration for not imposing other disciplinary sanctions (which could include the revocation of Respondent’s license to practice as a medical physician and surgeon and the imposition of civil penalties and/or the costs of investigation), the Parties propose, and the Board hereby accepts, the permanent VOLUNTARY SURRENDER of Respondent’s license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board. Respondent acknowledges that with the permanent voluntary
surrender of his authorizations to practice the profession, Respondent is
surrendering any and all property rights he may have in those authorizations to
practice the profession and will no longer be eligible to renew those
authorizations to practice the profession. As further stated consideration for the
Commonwealth not seeking other disciplinary sanctions against Respondent,
Respondent agrees to:

(1) cease practicing as a medical physician and
surgeon in the Commonwealth on and after the effective
date of this Consent Agreement, and shall not indicate any
ability to practice the profession in the Commonwealth in
any manner whatsoever in the future,

(2) Unless otherwise specified in this agreement,
Respondent agrees to not apply, at any time in the future,
for the reactivation, reinstatement, reissuance, or the
issuance of any authorization to practice issued by the
Board and further directs that the board should not
consider, and may deny without hearing, any application
for an authorization to practice filed with the Board,

(3) not work as an unlicensed assistant to any
person holding an authorization from the Board to practice
the profession,
(4) not possess a controlling interest in any
organization requiring an authorization from the Board to
practice the profession,

(5) not possess a controlling interest in any
organization whose employees require an authorization
from the Board to practice the profession when conducting
the business of the organization,

c. For purposes of this paragraph, the term 'controlling interest' shall
include being an owner, officer, manager, director, partner, member, or associate,
as well as owning any quantity of outstanding corporate stock sufficient to control
or direct the actions of the firm.

d. Respondent shall, within ten (10) days of adoption of this Consent
Agreement and Order, surrender Respondent’s wall certificate, biennial renewal
certificate and wallet card (or notarized affidavit of their loss or destruction) by
mailing them to:

Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

or by delivering them in person at:

Bureau of Professional and Occupational Affairs
One Penn Center
2601 North 3rd St.
Harrisburg, Pennsylvania
e. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

f. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges that he is aware that he has the right to consult with, and/or be represented by, private legal counsel of Respondent’s choosing and at Respondent’s expense when reviewing, considering and accepting the terms of this Consent Agreement. Respondent had an opportunity to consult with Attorney Gary Fadell regarding this Consent Agreement.
WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.
AGREEMENT NOT BINDING ON OTHER PARTIES

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues an Order approving and adopting this Consent Agreement.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS

13. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

ENTIRE AGREEMENT

14. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

VERIFICATION OF FACTS AND STATEMENTS

15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal
penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Keith E. Bashore  
Prosecuting Attorney  
DATED: 11/15/18

Carl Sonder, M.D.  
Carl R. Sonder, M.D.  
Respondent  
DATED: 11/14/18

Gary Fadell  
Attorney for Respondent  
DATED: 11/14/18
BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

CARL R. SONDER, M.D.

Holder of License No. 26236

For the Practice of Allopathic Medicine

In the State of Arizona.

Case No. MD-17-0838A

ORDER FOR LETTER OF

REPRIMAND AND PROBATION;

AND CONSENT TO THE SAME

Carl R. Sonder, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duty constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 26236 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-17-0838A after receiving a complaint alleging that Respondent was prescribing large amounts of controlled substances to his wife, LS.

4. On August 24, 2017, LS was admitted to a Hospital Emergency Room ("ER") due to acute encephalopathy. LS also had a prior admission to a separate Hospital in June of 2017. Due to LS's psychotropic regime and her confusion, psychiatry was consulted. A pharmacy profile showed that Respondent was prescribing multiple controlled substances for LS including benzodiazepines, stimulants, muscle relaxers, opioids and steroids.

5. The Controlled Substance Prescription Monitoring Program ("CSPMP") database shows that Respondent prescribed to LS in 2011, 2012, 2013, 2014, 2015 and 2017. Respondent stated that he made attempts to refer LS to other providers; however,
their refusal to provide any medications to LS led Respondent to continue to prescribe for her. Respondent admitted that he failed to maintain adequate medical records for his treatment of LS.

6. Since suffering a brain injury, LS has been under the care of a Nurse Practitioner and no longer takes psychotropic medications.

7. The standard of care for a complex patient requires a physician to complete an appropriate psychiatric evaluation with supporting clinical documentation, obtain informed consent for treatment, and to maintain a medication log for the patient. Respondent deviated from the standard of care by failing to complete an appropriate psychiatric evaluation with clinical documentation, by failing to obtain informed consent for treatment, and by failing to maintain a medication log.

8. There was actual patient harm in that LS was admitted to the hospital on multiple occasions for what appear to be neuropsychiatric symptoms possibly related to significant polypharmacy issues. There was potential for patient harm in that LS could have required additional hospitalization, was at risk for possible physical injury and death.

9. On January 24, 2018, Respondent underwent an evaluation with a Board-approved psychologist. Based on the evaluation's findings, the psychological evaluator opined that the likelihood of further professional boundary violations is low, provided Respondent complies with the evaluator's recommendations to complete a professional boundaries course and engage in treatment with a psychologist to address issues identified in the evaluation.
CONCLUSIONS OF LAW

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) ("Failing or refusing to maintain adequate records on a patient.").

c. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(h) ("Prescribing or dispensing controlled substances to members of the physician's immediate family.").

d. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

2. Respondent is placed on Probation for a period of 1 year with the following terms and conditions:

   a. Continuing Medical Education

       Respondent shall within 6 months of the effective date of this Order obtain no less than 10 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") in an intensive, in-person course regarding professional boundaries. Respondent shall within thirty days of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure.
b. **Board Approved Psychologist**

Respondent shall enter treatment with a Board-approved psychologist as recommended by his psychological evaluator for a minimum period of six months and shall comply with any and all treatment recommendations. Respondent shall instruct the treating psychologist to submit written reports to Board staff regarding diagnosis, prognosis, current medications, recommendation for continuing care and treatment, and ability to safely practice medicine. The reports shall be submitted quarterly to Board staff for the duration of treatment. Respondent shall pay the expenses of treatment and is responsible for paying for the preparation of the quarterly reports. Respondent shall authorize the psychologist to communicate with Board staff regarding Respondent's compliance with treatment, and if at any time the psychologist finds evidence that Respondent is a safety threat to patients.

c. **Obey All Laws**

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

d. **Tolling**

In the event Respondent should leave Arizona to reside or practice outside the State or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall notify the Executive Director in writing within ten days of departure and return or the dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days during which Respondent is not engaging in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary period.
e. **Probation Termination**

Prior to the termination of Probation, Respondent must submit a written request to the Board for release from the terms of this Order. Respondent’s request for release will be placed on the next pending Board agenda, provided a complete submission is received by Board staff no less than 30 days prior to the Board meeting. Respondent’s request for release must provide the Board with evidence establishing that he has successfully satisfied all of the terms and conditions of this Order, and be accompanied by a letter of support from the Board-approved psychologist indicating that Respondent no longer requires treatment. The Board has the sole discretion to determine whether all of the terms and conditions of this Order have been met or whether to take any other action that is consistent with its statutory and regulatory authority.

3. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(a).

DATED AND EFFECTIVE this 13th day of July, 2018.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Executive Director

**CONSENT TO ENTRY OF ORDER**

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.
2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

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

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final 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, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board’s Executive Director, Respondent may not revoke the consent to the entry of the Order. 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.

7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board’s web site as a disciplinary action.

8. If any part of the Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.
9. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.

10. Any violation of this Order constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1401(27)(s) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.") and 32-1451.

11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he cannot act as a supervising physician for a physician assistant while his license is on probation.

12. Respondent has read and understands the conditions of probation.

[Signature]
CARL R. SONDER, M.D.

DATED: 6, 25, 18

EXECTED COPY of the foregoing mailed this 13th day of July, 2018 to:

Gary Fadell
Fadell, Cheney, and Burt
1601 N 7 St, Suite 400
Phoenix, AZ 85006-2296
Attorney for Respondent

ORIGINAL of the foregoing filed this 13th day of July, 2018 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

[Signature]
Board staff
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Carl R. Sonder, M.D.,
Respondent

File No.: 18-49-009773

ORDER

AND NOW, this 11th day of December, 2018, the STATE BOARD OF MEDICINE

(“Board”) approves and adopts the foregoing Consent Agreement and incorporates the terms of
paragraph 5, which shall constitute the Board’s Order and is now issued in resolution of this
matter.

This Order shall take effect immediately.

BY ORDER:

STATE BOARD OF MEDICINE

Keith E. Loiselle
Chair

Keith E. Bashore, Prosecuting Attorney
2601 North Third Street
P.O. Box 69521
Harrisburg, PA 17106-9521

Gary Fadell, Esquire
Fadell Cheney & Burt
1601 N. 7th Street, #400
Phoenix, AZ 85006

Date of mailing:

December 17, 2018