BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

IN THE MATTER OF:	**Case No.: 3835**
E. GRIFFIN CIPOLLA, Holder of License No. **2811**	**CONSENT AGREEMENT FOR PROBATIONARY ORDER WITH TERMS**
For the practice of osteopathic medicine in the State of Arizona	

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and E. Griffin Cipolla, D.O. (hereinafter "Respondent"), collectively known as "the parties", hereby agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Consent Agreement and Order; and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Consent Agreement and Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Interim Consent Agreement and Order in state or federal court.

3. Respondent understands that this Consent Agreement and Order will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Consent Agreement and Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.

5. Respondent admits to the statement of facts and conclusions of law contained in the Consent Agreement and Order.

6. All admissions made by Respondent are solely for disposition of this matter and

any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent and the Board understand that this Consent Decree resolves any and all allegations against, and the Board's investigation into, Respondent arising from Case No. 3835.

8. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend any part of the Consent Agreement and Order, without first obtaining Board approval.

REVIEWED AND ACCEPTED THIS 27 DAY OF February, 2008.

E. Griffin Cipolla, D.O.

Jay Fradkin, Esq., Respondent's Counsel

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 2811 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

1. On January 9, 2007, the Board received a complaint from GP ("Complainant") alleging that the Respondent, without authorization, requested a copy of GP's patient record from his current primary care physician.[1]

[1] The Respondent had previously been the complainants' physician; however, was no longer in a doctor-patient relationship with the complaining party.

2. On January 26, 2007 the Board notified the Respondent of this complaint and requested a response to the allegations contained therein.

3. On February 17, 2007, the Respondent provided an answer to the Board and included copies of pertinent records. The Respondent admitted that he submitted a records release to another physician for GP's laboratory results. The Respondent stated, "Mr. P did not authorize me to sign his initials to the records release."

4. On June 2, 2007, the Board conducted its initial review of this matter and voted to refer this matter to an Investigative Hearing.

5. At the Investigative Hearing on September 29, 2007, a proposed consent agreement was presented and the Board voted to accept the proposed consent agreement with one modification, which is included in this final Consent Agreement and Order.

CONCLUSIONS OF LAW

1. The conduct described in Findings of Fact 1 through 5 herein constitutes unprofessional conduct as defined in at A.R.S. § 32-1854 (19), which states, "Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical professions."

ORDER

Pursuant to the authority vested in the Board,

1. **IT IS HEREBY ORDERED** that Respondent, E. Griffin Cipolla, Holder of Osteopathic Medical License number 2811, shall be placed on **PROBATION** for a period of **one (1) year** FROM SEPTEMBER 29, 2007 during which time he shall comply with the following terms:

A. Respondent shall obtain psychiatric and psychological treatment by a therapist(s) who are licensed psychiatrist and psychologist and are selected by Respondent and approved by the Board's Executive Director. Respondent shall comply with the both of the professional's recommendation for the frequency of therapy, treatment sessions and or medication as prescribed. Respondent shall inform the Board by letter (mailed within

ten days of the date of this Order) of the psychiatrist and psychologist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the psychiatrist and psychologist. In the event Respondent changes professionals, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions and/or medications until he has submitted a written request to the Board and obtained Board approval.

B. Respondent shall complete **twenty (20) hours** of continuing medical education in the area of HIPAA laws, regulation and compliance which shall be completed within six (6) months. CME shall be in addition to that normally required and shall be approved by the Executive Director prior to completion.

C. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist(s) shall be directed by Respondent and or his legal counsel to send to the Board a detailed written progress report every month for the remainder of the treatment; and Respondent, shall waive any confidentiality concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

ISSUED THIS 28th DAY OF ~~SEPTEMBER~~ FEBRUARY, 2007 2008.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By: _____

Jack Confer, Executive Director

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS SEAL

Original "Consent Agreement for Probationary Order with Terms" filed this 28th day of February, 2008 with the:

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

Copy of the foregoing "Consent Agreement for Probationary Order with Terms" sent by certified mail, return receipt requested this 28th day of February, 2008 to:

E. Griffin Cipolla, D.O.
c/o Jay Fradkin, Esq.
Jennings, Strouss & Salmon, PLC
201 East Washington Street, 11th Floor
Phoenix, AZ 85004-2385

Copies of the foregoing "Consent Agreement For Probationary Order with Terms" sent via regular mail this 28th day of February, 2008 to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Kathy Fowles