BEFORE THE ARIZONA STATE BOARD OF PODIATRY EXAMINERS

In the matter of:) Case No. 98013-C
MICHAEL ESBER, D.P.M.,	}
Holder of License No. 0358 for the Practice of Podiatry in the State of Arizona) FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF CENSURE

This matter came before the Arizona State Board of Podiatry Examiners ("the Board") on June 26, 1998 for an Informal Interview to determine whether grounds existed for the imposition of discipline against Michael Esber, D.P.M. ("Licensee"). The proceedings in this matter are governed by A.R.S. §§ 32-852.01 and 32-854.01.

Having heard the testimony of the Licensee and having read and considered the documents and correspondence contained in the complaint file and having deliberated fully the Board makes the following Findings of Fact, Conclusions of Law and Order.

GENERAL FINDINGS

- The Board has jurisdiction over Licensee and the subject matter pursuant to A.R.S. § 32-801 et seq.
- 2. The Board has authority to hold informal interviews pursuant to A.R.S. § 32-852.01(C). After an informal interview the Board may take action, including issuing a Decree of Censure, A.R.S. § 32-852.01(C)(2).
 - 3. Licensee received sufficient and timely notice of the informal interview.

FINDINGS OF FACT

- Licensee holds podiatry license No. 0358 with the Arizona State Board of Podiatry Examiners.
- At all times relevant hereto, Licensee was a licensed podiatrist under the above listed license;

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- 6. On or about April 24, 1998, patient J.F. visited Licensee for the purpose of diagnosis and treatment of pain in his left foot. As a result of the diagnosis Licensee prescribed and dispensed Flucon, a prescription medication.
- 7. Licensee admits that the patient was not given written instructions for usage of the prescription nor did the patient's records or the prescription bottle itself contain written instructions.

CONCLUSIONS OF LAW

- 1. The Board of Podiatry Examiners possesses jurisdiction over the subject matter hereof and over the Licensee, **Michael Esber**, **D.P.M.**
- The conduct and circumstances described above constitute
 Unprofessional Conduct pursuant to A.R.S. § 32-854.01(18) (violation of any federal or state laws or rules and regulations applicable to the practice of podiatry).
- The conduct and circumstances described above constitute a violation of
 A.R.S. § 32-871 (dispensing of drugs and devices; conditions; definition).

ORDER

Based upon the foregoing General Findings, Findings of Fact and Conclusions of Law, the Board hereby orders the following:

IT IS HEREBY ORDERED:

- 1. Decree of Censure against Licensee, Michael Esber, License No. 0358.
- 2. Civil Penalty in the total amount of fifty dollars (\$50.00) to be paid on or before October 31, 1998.

DATED this 14 day of October, 1998.

ARIZONA STATE BOARD OF PODIATRY EXAMINERS

Joseph Dobrusir Board President

1	ORIGINAL of the foregoing filed
2	this <u>14</u> day of <u>October</u> , 1998, with:
3	Arizona State Board of Podiatry Examiners 1400 W. Washington, Suite 230
4	Phoenix, Arizona 85007
5	COPY of the foregoing mailed by certified mail No. P 618 259 755 this 15th day of October, 1998,
6	this 15th day of October , 1998, to:
7	
8	Michael Esber, D.P.M. 14300 Granite Valley Dr., Ste 5-B Sun City West, Arizona 85375
9	80
10	COPY of the foregoing mailed by Interagency Mail this <u>15th</u> day of <u>October</u> 1998,
11	to:
12	Terrie Zenoff Assistant Attorney General
13	Office of the Attorney General 1275 W. Washington
14	Phoenix, Arizona 85007
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