

1  
2  
3  
4  
5  
6  
7  
8  
9

**BEFORE THE ARIZONA  
BOARD OF PODIATRY EXAMINERS**

In the Matter of :

Case No: 13-05-B

**KATHLEEN STONE**

**CONSENT AGREEMENT  
AND ORDER**

License No. 0271  
For the Practice of Podiatry  
In the State of Arizona,

Respondent.

10  
11  
12  
13  
14  
15  
16

**CONSENT AGREEMENT**

**RECITALS**

17  
18  
19  
20  
21  
22  
23  
24  
25  
26

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and responsibilities of the Arizona Board of Podiatry Examiners (Board), and under A.R.S. §32-801, *et seq.*, and 41-1092.07(F)(5), Kathleen Stone, DPM, holder of license number 0271 to practice podiatry in the State of Arizona (Respondent), and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (Consent Agreement) as the final disposition of this matter.

1. Respondent has read and understands this Consent Agreement as set forth herein, and has been provided the opportunity to discuss this Consent Agreement with an attorney. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that she has a right to a public administrative hearing concerning the above-captioned matter, at which administrative hearing she could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all rights to such an administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative

1 and/or judicial action, concerning the matters set forth herein. Respondent affirmatively agrees  
2 that this Consent Agreement shall be irrevocable.

3 3. Respondent understands that this Consent Agreement or any part of the Agreement  
4 may be considered in any future disciplinary action by the Board against her.

5 4. Respondent understands that acceptance of this Consent Agreement does not  
6 preclude any other agency, subdivision or officer of this State from instituting any other civil or  
7 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

8 5. Respondent understands that this Consent Agreement deals with Board investigation  
9 number 13-05-B involving allegations of unprofessional conduct against Respondent. The  
10 investigation into this case against Respondent shall be concluded upon the Board's adoption of  
11 this Consent Agreement.

12 6. All admissions made by Respondent in this Consent Agreement are made solely for  
13 the final disposition of this matter and any related administrative proceedings or civil litigation  
14 involving the Board and Respondent. Therefore, any admissions made by Respondent in this  
15 Consent Agreement are not intended for any other use.

16 7. Respondent acknowledges and agrees that, upon signing this Consent Agreement and  
17 returning this document to the Board's Executive Director, or Counsel for the State, Respondent  
18 may not revoke her acceptance of the Consent Agreement or make any modifications to the  
19 document, regardless of whether the Consent Agreement has been issued by the Board's  
20 President. Any modification to this original document is ineffective and void unless mutually  
21 approved by the parties in writing.

22 8. Respondent understands that the foregoing Consent Agreement shall not become  
23 effective unless and until adopted by the Board and signed by its President.

24 9. Respondent understands and agrees that if the Board does not adopt this Consent  
25 Agreement, she will not assert as a defense that the Board's consideration of this Consent  
26 Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

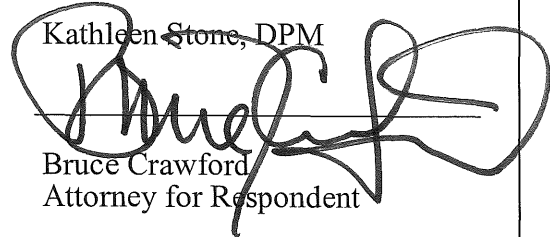
1           10. Respondent understands that this Consent Agreement is a public record that may be  
2 publicly disseminated as a formal action of the Board, and shall be reported as required by law to  
3 the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

4           11. Respondent understands that any violation of this Consent Agreement constitutes  
5 unethical professional conduct under A.R.S. §32-854.01(21) (violating any formal order,  
6 probation, or stipulation issued by the Board pursuant to this chapter) and may result in  
7 disciplinary action under A.R.S. §32-852.01.

8  
9 DATED: 4-9-13

SIGNED: Kathleen M Stone DPM

10  
11 APPROVED AS TO FORM:

Kathleen Stone, DPM  
  
Bruce Crawford  
Attorney for Respondent

12  
13  
14 **FINDINGS OF FACT**

15           12. Respondent holds license number 0271 issued by the Board to practice podiatry  
16 in the State of Arizona.

17           13. Between approximately 02/10/2001 and 08/08/2012, Respondent placed several  
18 orders through a private pharmaceutical company for the medications Ambien and Soma.  
19 Respondent indicated on the order paperwork that those medications were for her own personal  
20 use.

21           14. Between approximately 12/10/2010 and 12/17/2012, Respondent used the DEA  
22 registration number of another physician to call in prescriptions for herself at local pharmacies  
23 for the medications Ambien, Soma and Vicodin.

24           15. Respondent stated she had valid prescriptions for each of these medications at one  
25 time but admitted that she did not have valid prescriptions for the medications she obtained as  
26 described in paragraphs 13 and 14 above.

1 16. There was no evidence in the case of any danger to public health, safety or  
2 welfare.

3 **CONCLUSIONS OF LAW**

4 17. The Board has jurisdiction over this matter pursuant to A.R.S. §32-801, *et seq.*

5 18. The conduct and circumstances in the Findings of Fact above, constitute grounds  
6 for disciplinary action against Respondent's license according to A.R.S. §32-852 (4) (knowingly  
7 making a false or fraudulent statement, written or oral, required for applications, examination or  
8 licensing or in connection with the practice of podiatry); & (6) (unprofessional conduct as  
9 defined in A.R.S §32-854.01) via A.R.S. §32-854.01(4) (practicing podiatry under a trade name,  
10 under the name of another podiatrist, under any other name other than that which appears on the  
11 practitioner's license, or under any title which misrepresents the practice of podiatry).

12 19. The conduct and circumstances in the Findings of Fact above, constitute grounds  
13 for disciplinary action against Respondent's license according to A.R.S. §32-852(6)  
14 (unprofessional conduct as defined in A.R.S §32-854.01) via A.R.S. §32-854.01(13) (use of  
15 controlled substances or prescription-only drugs except if provided by a physician for use during  
16 a prescribed lawful course of treatment).

17 **ORDER**

18 Based upon the foregoing Findings of Fact, Conclusions of Law and agreement of the  
19 parties, the Board issues the following Order:

20 19. Respondent's license is placed on **PROBATION** for a period of two (2) years  
21 subject to the following terms and conditions:

22 A. Abstain from Unauthorized Drug Use/Proof of Prescription.

23 Respondent shall abstain completely from the personal use or possession of  
24 controlled substances, as defined in the State Controlled Substances Act, and dangerous drugs as  
25 defined by law, or any drugs requiring a prescription.

1 Orders prohibiting Respondent from personal use or possession of controlled  
2 substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for  
3 a bona fide illness or conditions by a state licensed medical care provider. Within thirty (30)  
4 days of the effective date of this agreement, Respondent shall choose one physician who will  
5 oversee all of her prescription medication needs throughout the duration of this agreement and  
6 provide the name of that physician to the Board or Board staff. Respondent may not receive  
7 prescription medications from any other healthcare provider except in the case of emergency.

8 B. Participation in Counseling

9 Within thirty (30) days of the effective date of this agreement, Respondent shall  
10 obtain a counselor with experience in substance abuse treatment and submit the name of that  
11 counselor to the Board or Board staff. Respondent shall maintain counseling services for as long  
12 as recommended by the counselor. The counselor will submit progress reports to the Board on a  
13 quarterly basis and Respondent shall make all reasonable efforts to facilitate the submission of  
14 such reports.

15 C. Addiction Medicine Specialist and Drug Testing.

16 Within thirty (30) days of the effective date of this agreement, Respondent shall  
17 enroll in a random drug testing program with a Board-approved addiction medicine specialist.  
18 The frequency of drug testing shall be at the sole discretion of the Board but no less than one (1)  
19 test per month for throughout the period of probation. The addiction medicine specialist will  
20 submit progress reports to the Board on a quarterly basis and Respondent shall make all  
21 reasonable efforts to facilitate the submission of such reports.

22 If Respondent is unable to submit a specimen on the date requested due to illness,  
23 Respondent must provide, in writing, within seven (7) days of the missed specimen,  
24 documentation from a state licensed medical provider who has personally seen and examined  
25 Respondent on the day of the requested drug test confirming that Respondent was not physically  
26 able to report to the laboratory for drug testing. In addition, any occurrence of the following

1 conditions constitutes noncompliance with this Consent Agreement: a positive drug test showing  
2 evidence of any drug other than an authorized drug; submission of a specimen where the  
3 integrity has been compromised, as indicated by the presence of adulterants; and submission of a  
4 urine sample that is below the acceptable volume or temperature to be tested. Failure to submit  
5 to a drug test on a day when a test has been required by the Board, its Executive Director, the  
6 addiction medicine specialist, or the laboratory will be considered a positive result.

7 D. Abstain from Alcohol Use.

8 Respondent shall abstain completely from the personal use of alcoholic  
9 beverages, including dental rinses, and any foods which contain or are prepared with alcohol.

10 E. Alcohol and Substance Abuse Education

11 Respondent shall complete a thirty-six (36) hour course relating to alcohol and  
12 substance abuse education. Within thirty (30) days of the effective date of this agreement,  
13 Respondent shall submit course information to the Board for pre-approval. Respondent must  
14 complete the course within six (6) months of the effective date of this agreement and submit  
15 proof of completion to the Board.

16 F. Release of Information Forms.

17 Respondent shall execute all release of information forms as may be required by  
18 the Board or its designee for the purpose of verifying her compliance with the terms of this  
19 agreement.

20 G. Interview with the Board or Executive Director.

21 Respondent shall appear in person, or if residing out of state telephonically, for  
22 interviews with the Board upon request, and with reasonable notice, of the Board or the Board's  
23 Executive Director.

24 H. Obey all Laws.

25 Respondent shall obey all federal, state and local laws/rules governing the  
26 practice of podiatry in this state.

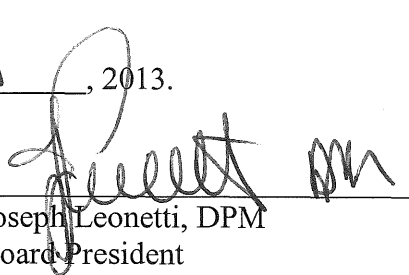
1 I. Costs.

2 Respondent shall bear all costs of complying with this agreement.

3 J. Effective Date

4 This agreement is effective retro-active to March 13, 2013. Respondent  
5 understands that all time-sensitive requirements as stated herein are also retro-active to March  
6 13, 2013.

7 Dated this 17 day of April, 2013.

8  
9 By:   
10 Joseph Leonetti, DPM  
11 Board President  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 ORIGINAL of the foregoing filed this  
2 18 day of April, 2013 with:

3 Arizona Board of Podiatry Examiners  
4 1400 W. Washington St. #230  
Phoenix, AZ 85007

5 COPY of the foregoing mailed by  
6 certified mail no. 7011 1570 0001, 8632 5740  
and first class mail this 18 day of April, 2013 to:

7 Kathleen Stone, DPM  
8 5605 W. Eugie Ave. #102  
9 Glendale, AZ 85304

10 COPY of the foregoing mailed this  
11 18 day of April, 2013 to:

12 Bruce Crawford, Attorney for Respondent  
13 Crawford and Kline  
1920 E. Southern Ave. #101  
14 Tempe, AZ 85282

15 COPY of the foregoing mailed this  
16 18 day of April, 2013 to:

17 John Tellier  
18 Assistant Attorney General  
1275 W. Washington - CIV/LES  
19 Phoenix, Arizona 85007  
20 Counsel for the State of Arizona

21 By:   
Board Staff