

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-22-0500A

3 **EDWARD M. LIPAN, M.D.**

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION; AND CONSENT TO
THE SAME**

4 Holder of License No. 21830
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

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

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 21830 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-22-0500A after receiving a report from
17 a Hospital that Respondent's privileges were summarily suspended and later revoked for
18 concerns regarding unprofessional conduct.

19 4. The Hospital investigated alleged verbal and text message communications
20 by Respondent to members of the nursing staff in the Hospital's wound care clinic. Three
21 members of the nursing staff reported communications that the Hospital concluded were
22 inappropriate in a workplace. After the Hospital revoked Respondent's privileges,
23 Respondent appealed the decision. Respondent subsequently resigned his privileges
24 after reaching a settlement with the Board.

25 5. During the Board's investigation, Board staff requested Medical Consultant
("MC") review of Respondent's care and treatment of two patients.

1 6. SM was a 78-year-old female with multiple medical problems including
2 peripheral vascular disease, who was being seen in the Hospital's wound care clinic as a
3 patient of Respondent. SM has livedoid vasculopathy, a rare and debilitating autoimmune
4 disorder characterized by recurrent painful ulceration of the skin due to chronic
5 inflammation of the blood vessels.

6 7. On January 19, 2022, Respondent wrote SM a prescription for oxycodone-
7 acetaminophen 325mg 1 tablet every 4-6 hours as needed for a 4-month duration. The
8 pharmacist at the patient's pharmacy initially refused to fill the script, but later acquiesced
9 and filled the prescription after speaking to Respondent over the phone. The prescription
10 was ultimately filled for 30 tablets, for a 5-day duration.

11 8. MA was a 51-year-old female with several chronic medical conditions,
12 including chronic renal failure, history of IV drug abuse, uncontrolled type 2 diabetes,
13 hypertension, and hyperlipidemia. MA was being managed by Respondent in the Hospital
14 wound care clinic for chronic skin wounds of the bilateral lower extremities.

15 9. On January 25, 2022, the clinic notes report that the patient's wound vac
16 dressing was applied incorrectly and there was redness, swelling, and purulent drainage
17 noted from the wound vac and the patient's dressings. Respondent's documentation
18 stated that no signs or symptoms of infection were present; however, he ordered a wound
19 culture.

20 10. On January 27, 2022, Respondent was notified by the nurse that the wound
21 culture was positive for MRSA. Respondent responded by text that the patient was not
22 infected, and he would address it at her next visit. Nursing staff contacted Respondent's
23 colleague who ordered doxycycline. On February 2, 2022, MA presented to the Hospital
24 ED with complaint of increasing pain, redness, and swelling of the left lower extremity. MA
25

1 was admitted and started on IV Vancomycin and Piperacillin-tazobactam for left lower
2 extremity cellulitis.

3 11. The standard of care requires a physician to appropriately prescribe
4 controlled substances. Respondent deviated from this standard of care by inappropriately
5 prescribing opioids to SM for long term use.

6 12. The standard of care requires a physician to refer a patient to a specialist if
7 needed. Respondent deviated from the standard of care by failing to refer Patient SM to a
8 pain management specialist to address her chronic pain.

9 13. The standard of care requires a physician to recognize and address the
10 signs and symptoms of an infection. Respondent deviated from the standard of care for
11 Patient MA by failing to recognize an active infection and prescribe appropriate treatment.

12 14. Actual patient harm was identified in that treatment of MA's MRSA infection
13 was delayed.

14 15. There was the potential for patient harm in that Patient SM was at risk of
15 abuse, overdose and death. Patient MA was at risk of developing sepsis and septic
16 shock.

17 16. During the Board's investigation, Respondent failed to timely respond on
18 multiple occasions to Board staff's requests for response.

19 17. Respondent underwent an evaluation with a Board approved provider, who
20 opined that Respondent was safe to practice medicine, with a recommendation to
21 complete continuing medical education ("CME") in boundaries and ethics.

22 **CONCLUSIONS OF LAW**

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

25

1 In the event that Respondent does not receive an unconditional or conditionally
2 passing grade, Respondent shall follow any and all recommendations made for further
3 education and/or remediation, subject to approval by the Board or its staff.

4 Respondent shall sign any and all consents or releases necessary to allow CPEP to
5 communicate to the Board directly. Respondent shall not revoke any releases prior to
6 successful completion of ProBE. Respondent shall be responsible for the expenses of
7 participation in ProBE and shall notify Board staff immediately upon scheduling the ProBE
8 course.

9 **b. Obey All Laws**

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

13 **c. Probation Termination**

14 The Probation shall terminate upon proof of Respondent's unconditional or
15 conditionally passing grade from ProBE. In the event that Respondent does not receive
16 such a grade from ProBE, the Probation shall remain in effect until Respondent has
17 successfully completed any additional education and/or remediation requirements, and
18 may be subject to Board consideration.

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

21 DATED AND EFFECTIVE this 7th day of September, 2023.

22 ARIZONA MEDICAL BOARD

23
24 By Patricia E. McSorley
25 Patricia E. McSorley
Executive Director

1 **CONSENT TO ENTRY OF ORDER**

2 1. Respondent has read and understands this Consent Agreement and the
3 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
4 acknowledges he has the right to consult with legal counsel regarding this matter.

5 2. Respondent acknowledges and agrees that this Order is entered into freely
6 and voluntarily and that no promise was made or coercion used to induce such entry.

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

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

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

19 6. Notwithstanding any language in this Order, this Order does not preclude in
20 any way any other State agency or officer or political subdivision of this state from
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate
22 now or in the future relating to this matter or other matters concerning Respondent,
23 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
24 acknowledges that, other than with respect to the Board, this Order makes no
25 representations, implied or otherwise, about the views or intended actions of any other

1 state agency or officer or political subdivisions of the State relating to this matter or other
2 matters concerning Respondent.

3 7. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
5 the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

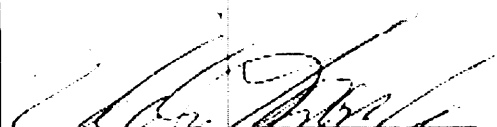
8 8. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 9. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.

13 10. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense

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

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

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23 
EDWARD M. LIPAN, M.D.
24
25

DATED 8/10/23

1 EXECUTED COPY of the foregoing mailed
this 7th day of September, 2023 to:

2
3 Edward M. Lipan, M.D.
4 Address of Record

5 Michael K. Goldberg, Esq.
6 Goldberg Law Group
7 16427 North Scottsdale Road, Suite 200
8 Scottsdale, Arizona 85254
9 Attorney for Respondent

10 ORIGINAL of the foregoing filed
11 this 7th day of September 2023 with:

12 Arizona Medical Board
13 1740 West Adams, Suite 4000
14 Phoenix, Arizona 85007

15 Michelle Rhodes
16 Board staff
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