
ARIZONA

Arizona Medical Board & Arizona Regulatory Board of Physician Assistants

Medical Consultant Orientation



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Complaint Process

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- ▶ The Arizona Medical Board (“Board”) receives thousands of complaints each year against physicians and physician assistants who hold Arizona licenses.
- ▶ The Board is obligated to investigate allegations that are within the Board’s jurisdiction and that fall within the *Medical Practice Act*.
- ▶ Allegations concerning quality of care issues are sent to qualified medical consultants who practice in the same specialty as the physician against whom the complaint has been filed. Board staff retain discretion in assigning a consultant outside of the physician’s specialty, if the licensee is working outside of their designated specialty.
 - ▶ Example: A family practice provider working in pain management may require review by a pain management consultant to opine whether the standard of care was met.

Complaint Process

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- ▶ Following a medical consultant's review, cases may follow two different paths:
 - ▶ If no deviation from the standard of care or violations of the *Medical Practice Act* are found, the case may be forwarded for dismissal.
 - ▶ If deviations or violations of the *Medical Practice Act* are found, the licensee is given an opportunity to provide a supplemental response to the consultant's findings. This may require the consultant to provide a supplemental report to opine whether the licensee's response changed their opinion in any way.
- ▶ All medical consultant reports are reviewed by the Board's Chief Medical Consultant. Cases involving a statutory violation are forwarded initially to a staff committee (SIRC) and then to the full Board for review.
- ▶ The Arizona Medical Board is a twelve-member board comprised of allopathic physicians and members of the public, including a licensed registered nurse.
- ▶ The Arizona Regulatory Board of Physician Assistants is a ten-member board comprised of allopathic physicians, osteopathic physicians, physician assistants, and members of the public.

MD statistics for Fiscal Year 2025

- ▶ 32,435 licensed MD's
- ▶ 1,399 complaints opened
- ▶ Average days to complete an investigation - 253
 - ▶ 42 cases resulted in discipline
 - ▶ Letters of Reprimand, Probation, Decree of Censure, Surrender
 - ▶ 134 cases resulted in non-disciplinary Advisory Letters
 - ▶ Also includes Advisory Letters with Non-disciplinary CME
 - ▶ 786 cases were either dismissed by the Executive Director (no violation) or the Board.

**Fiscal year 2025 refers to the timeframe of 7/1/2024-6/30/2025*

PA statistics for Fiscal Year 2025

- ▶ 5,323 licensed PA's
- ▶ 157 complaints opened
- ▶ Average days to complete an investigation - 268
 - ▶ 6 cases resulted in discipline
 - ▶ Letter of Reprimand, Probation, Decree of Censure, Surrender
 - ▶ 23 cases resulted in non-disciplinary Advisory Letters
 - ▶ Includes Advisory Letters with Non-Disciplinary CME
 - ▶ 65 cases were dismissed by the Executive Director or the Board.

**Fiscal year 2025 refers to the timeframe of 7/1/2024-6/30/2025*

Medical Consultant Qualifications

- ▶ You may serve as a medical consultant for the Board if you:
 - ▶ Possess an active license to practice medicine in Arizona,
 - ▶ Have been engaged in the practice of medicine (*post-residency*) for at least five (5) years,
 - ▶ Have no prior Board disciplinary history,
 - ▶ Are not the subject of a pending investigation, pending disciplinary action, or final disciplinary action by any licensing agency or health care entity,
 - ▶ Practice in the same or similar area or specialty as the physician being investigated,
 - ▶ Do not serve as an expert witness or consultant for physicians who are being investigated by the Arizona Medical Board, and
 - ▶ Are not conflicted with the licensee or patient.
- (See further below **Conflict-of-Interest** Information in this Orientation).

Medical Consultant Role

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- ▶ Medical consultants have a valuable role in the investigative process. The Board depends on its consultants for their expertise and unbiased opinions.
- ▶ The Board wants your opinion as to the standard of care within your specialty and whether or not you believe the standard of care was met.
- ▶ Although the Board is not bound by a medical consultant's review, all reports are carefully considered as part of the total investigative file.

Medical Consultant Role

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- ▶ All investigative files will be made available to medical consultants on a secure website.
- ▶ Images may be uploaded via secure link or may be emailed in the format they were provided to the Board.
- ▶ It is your responsibility to ensure that any information you review remains confidential and that you destroy any files that you may have in your possession and computer.
- ▶ Although you may ask colleagues for their hypothetical opinions, you may not share any of the information you review with others.

Confidentiality

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- ▶ Your report is considered part of the Board's confidential investigative file and will not be released to the public, but may be provided to the licensee, as explained below.
- ▶ If deviations or violations of the *Medical Practice Act* are found, the licensee is given an opportunity to provide a supplemental response to the consultant's findings. This may require the consultant to provide a supplemental report to opine whether the licensee's response changed their opinion in any way.



Confidentiality

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- ▶ The licensee under review is obligated by law to keep the complete investigative record confidential and not share any part of it (*including your report*) with coworkers, employers, malpractice insurance carriers, colleagues, or any other party, unless represented by counsel.
- ▶ You are not permitted to contact the licensee under investigation, including but not limited to their employer, attorney, witnesses, complainant, the patient under review, pharmacies, and facilities. If additional information is required for your review, you may request the information from the investigator. Do not investigate beyond the available Board's information given to you!
- ▶ If you have been contacted by a party, please contact Board staff immediately, as it may compromise the investigation.

Testimony

- ▶ Medical consultants will not be asked to appear before the Board to give testimony. The Board will rely on your report when considering a case.
- ▶ However, in the rare event that a case proceeds to a full evidentiary hearing before an Administrative Law Judge, the consultant may be asked to appear virtually or in person.
- ▶ At that time, you may be contacted by an Assistant Attorney General who will guide you through the process. You will also receive case access again and be compensated for your time.

Liability / Immunity

- ▶ Medical consultants are not required to purchase separate medical malpractice insurance in order to conduct case reviews.
- ▶ Physicians acting as medical consultants to the Arizona Medical Board do not need to purchase separate liability insurance coverage for acts performed within the course and scope of their consultant duties. The Arizona Department of Administration provides coverage for the Arizona Medical Board, its officers, agents, employees and others necessary to accomplish its functions “against liability for acts or omissions of any nature while acting in authorized governmental or proprietary capacities and in the course and scope of employment or authorization.” (A.R.S. §41-621)

Payment and CME

- ▶ Medical consultants are paid \$450 per initial review.
- ▶ After receiving a physician's response to a medical consultant report involving deviations from the standard of care, medical consultants may be asked to provide a short supplemental report addressing the physician's response and whether it changes your initial opinion. The Board will pay another \$300 for the supplemental review.
- ▶ You will be asked to submit a "W9 State of Arizona Substitute" to Board staff. The specific form will be provided to you.
- ▶ Medical consultants may also claim one hour of CME credit for every hour spent performing a case review.



Contact with Board Staff

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- ▶ The OMC Coordinator will usually contact you by email regarding a case that is available for review. This is considered an invitation to review a case.
- ▶ If no response to the invitation is received after two weeks, the OMC Coordinator may select a different consultant.
- ▶ The initial information provided includes a brief synopsis of the case, the name of the physician or physician assistant being investigated, and the size of the case.
- ▶ If you have a potential conflict of interest, do not possess sufficient expertise or experience to review the case, or do not have time to review the medical records, please let us know as soon as possible.
- ▶ Your prompt reply to a case invitation, even if you need to decline, helps the investigation move forward in a timelier manner.



Contact with Board Staff

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- ▶ Once a case is assigned to you, the consultant, the OMC Coordinator will give you instructions on how to access the case materials online.
- ▶ Upon having access to the case, we request that you review the initial information as soon as possible and determine if you have a potential conflict of interest with the physician, the physician assistant, or the patient. Please notify us if you are not qualified to perform the review.
- ▶ You will also be provided with the name and contact information for the Board's assigned investigator for a case. If you need additional information during your review, the investigator will obtain that information for you.
- ▶ Additionally, if you rely on documentation and cite it in your report, such as professional articles, or published medical opinions, etc., please provide it to the OMC Coordinator along with your report.



Conflict of Interest

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- ▶ If you believe you may have a conflict of interest, whether real or potential, with the physician or the case you are reviewing, please notify Board staff as soon as possible.
- ▶ Remember that even the appearance of impropriety constitutes a conflict of interest.
- ▶ Board staff cannot advise you whether there is a conflict or not. This must be a discretionary decision you make based on the information in your possession.

Conflict of Interest

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- ▶ Some common conflicts of interest are:
 - ▶ You are friends with the physician or physician assistant under investigation
 - ▶ You are an enemy of the physician or physician assistant
 - ▶ You and the physician or physician assistant are economic competitors
 - ▶ The physician or physician assistant is a family member
 - ▶ The issues in the case evoke a highly emotional reaction resulting in your inability to review the case objectively
 - ▶ You have a treating relationship with the patient.

- ▶ Remember that just knowing of a physician or physician assistant, having trained with the physician, or having treated one of the physician's patients does *not* automatically constitute a conflict of interest.



Medical Consultant Report Format

- ▶ After reviewing the case related materials provided, you will prepare a report that follows an accepted Board template.
- ▶ **The general format for your report must include:**
 - ▶ Detailed Chronological Analysis
 - ▶ Proposed Standard(s) of Care
 - ▶ Deviation(s) from the Standard of Care
 - ▶ Actual Harm Identified
 - ▶ Potential Harm Identified
 - ▶ Aggravating Factors
 - ▶ Mitigating Factors
 - ▶ Summary
 - ▶ List of Records Reviewed
- ▶ Guidelines for these points will be provided to you.

Medical Consultant Report

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- ▶ When drafting a report, identifying the *standard of care* and any potential deviations are especially important.
- ▶ The *standard of care* is typically defined as: “*what a reasonably prudent physician would do under the same or similar circumstances.*”
- ▶ Examples of well-defined standards of care and deviations are as follows:
 - ▶ The standard of care prior to prescribing medication is to perform a complete physical examination and obtain a list of other medications being prescribed to the patient.
 - ▶ The physician deviated from the standard of care because he failed to perform a complete physical examination and obtain a list of the patient’s other medications before writing a prescription.

Medical Consultant Report

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- ▶ You are *not* responsible for determining whether the *Medical Practice Act* has been violated. That is the exclusive purview of the Board. Instead, please limit your opinion to whether you feel that the standard of care has been met.
- ▶ Although you are providing an opinion, please attempt to make it as factual and objective as possible.
- ▶ Opinions that appear to be too subjective, inflammatory, or biased are far less credible than objective opinions and can, in some cases, prevent the Board from utilizing the consultant's report, which may result in the consultant's exclusion from participating as a consultant for the Board.

Medical Consultant Report

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- ▶ The length of your report will depend on the complexity of the case, number of patients involved, or whether the case involved treatment in a physician's office versus a hospital stay, etc.
- ▶ On average, medical consultant reports run between two and four pages long. Please note that Board staff cannot advise you how long a report will or should be for the case under your review. It depends on the consultant's findings.
- ▶ We request a report submission within four to five weeks, or as discussed.
- ▶ You do not need to document every aspect of the treatment rendered. Instead, focus on making the report concise, easy to understand by physicians of different specialties and lay Board members, and centered around the issues alleged in the complaint.
- ▶ Report Writing Guidelines will be provided to you.

Sample Medical Consultant Reports

- ▶ Click on the link below to see reports filed by other medical consultants:
- ▶ <https://omc.azmd.gov/Forms/SampleReportsCombined2.pdf>
 - ▶ Cardiology Report
 - ▶ Cardiology Report (2)
 - ▶ Emergency Medicine Report
 - ▶ Neurosurgery Report
 - ▶ Orthopedic Report
 - ▶ Orthopedic Surgery Report
 - ▶ Pediatric Report
 - ▶ Plastic Surgery Report
 - ▶ Urgent Care/PA Supervision Report
 - ▶ Pain Management Report

Specialties

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- ▶ The Board is always in need of all specialties and subspecialties.
- ▶ Some specialties are needed more often than others.
- ▶ When you sign up, please advise us of your preferred specialty and subspecialty.
- ▶ The rarer your expertise, the more you are needed to sign up.
- ▶ Of note, there may not be a case available as soon as you sign up as OMC.
- ▶ You will hear from us as soon as the need arises for a reviewer with your background.
- ▶ Remember that physicians may be conflicted with each other, which can be a reason you will not hear from us.
- ▶ You are welcome to advise the OMC Coordinator of upcoming availability if you are interested and have time to review a case.

- ▶ It helps the Board's case review process, if you, as the consultant, have expertise in rather difficult to find specialties.
- ▶ Examples include:
 - Pediatrics and its rare subspecialties, Vascular Surgery, Dermatological Surgery, Radiology, Oncology, Hematology, Neurology, Neurophysiology, Neurocritical Care, Endocrine Surgery, Neurosurgery, Neuro-Ophthalmology, Interventional Radiology, Gastroenterology, Urology, Psychiatry, Child/Adolescent Psychiatry, Behavioral Health, Pain Medicine, Pain Management, Psychosomatic Medicine, Physical Medicine and Rehabilitation, IVF Treatment, Interventional Specialties, Laparoscopic surgery skills across specialties, Ketamine use and treatment expertise, Experience in Concierge Medicine, Maxillofacial Surgery etc.
- ▶ You are welcome to update the OMC Coordinator at any time.
- ▶ If your specialty is not listed, contact us anyway.

Consultant Compensation

- ▶ \$450 per case review
 - ▶ A “W9 State of Arizona Substitute” form will be provided to you
- ▶ You may claim a continuing medical education credit (“CME”):
 - ▶ One credit for each hour you spend reviewing this case. A.A.C. R4-16-102(B) (8).
 - ▶ These CME credit hours may be applied to CME hours required by the Board and are not approved by any other body.
- ▶ Please keep a record of the cases you reviewed for the Board.
 - ▶ A CME form will be provided to you.

Pre-Report Writing Do's and Don'ts to Remember

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- ▶ Access and review the case file as soon as possible.
- ▶ Review all available files (*including the complaint and the licensee's response*)
- ▶ If you feel you do not have sufficient expertise or experience to review the case, let us know ASAP.
- ▶ If you discover a conflict of interest, inform Board staff immediately.
- ▶ Do not conduct your own investigation, even though you may have access to systems at your workplace. Only *Board provided records* and images are to be used for your review.
- ▶ Request additional information timely (such as imaging studies or medical records) by contacting Board staff (OMC Coordinator & Investigator).
- ▶ ***Be specific with your request.***

- ▶ Address the specific allegation(s) on which the complaint is based.
- ▶ Determine whether any other aspects of the case (not included in the allegation) deviate from the standard of care.
- ▶ Do *not* state whether you feel the *Medical Practice Act* has been violated.
- ▶ Use published literature to define the standard of care and to support your opinion, whenever possible.
- ▶ If imaging studies are an integral part of the case, review the studies and comment on them in your report.

- ▶ Type your findings into the report template provided by the OMC Coordinator. (see [Medical Consultant Report Format](#))
- ▶ Write the report in an as factual and objective manner as possible.
- ▶ Be consistent throughout your report and avoid contradictory statements.
- ▶ Do not use complicated language or abbreviations.
- ▶ Do not write the report in a subjective, derogatory, or biased manner – be objective instead.
- ▶ Please provide your report in a timely manner whenever possible, and communicate any delays with OMC Coordinator.

- ▶ If you feel the licensee met the standard of care but had inadequate medical records, please describe what about the records you consider inadequate.
- ▶ Be clear as to whether there was or was not any deviation from the standard of care. If you are unsure (which can occasionally happen) contact the OMC Coordinator.
- ▶ List the all Board-provided records that you reviewed.
- ▶ List your references, if any.
- ▶ Share your sources as exhibit in PDF format along with your report submission.
- ▶ Submit your report by the due date provided.

How to Sign Up

- ▶ Asking to serve as an **Outside Medical Consultant (OMC)** is easy.
 - ▶ Send us an email at OMC@azmd.gov
 - ▶ Ask us to add your name to our consultant list
 - ▶ Include your medical license number and an email already on file
 - ▶ Share specialties and subspecialties
 - ▶ We will follow up with a confirmation email within one week.

Thank you!

