

**BEFORE THE BOARD OF PODIATRY
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Theodore Varoz, DPM

Case No. 10-01-01

Respondent.

RESOLUTION AGREEMENT

WHEREAS, the Board of Podiatry of the State of New Mexico ("Board") has received a complaint on January 5, 2010, alleging that the Respondent Theodore Varoz, DPM, has allegedly engaged in unprofessional conduct, as defined in 16.21.11.10 B(6), N.M.A.C., by failing to release to a patient copies of that patient's records and x-rays in a reasonable period of time;

WHEREAS, the Board having made no specific finding regarding the allegations in this matter; and

WHEREAS, Respondent is willing to resolve this matter amicably and without the issuance of a Notice of Contemplated Action (NCA) required under the Uniform Licensing Act, and without a hearing; and

WHEREAS the Board believes that this Resolution Agreement ("Agreement") is appropriate and in the best interests of both the Board and Respondent,

IT IS HEREBY AGREED AS FOLLOWS:

1. Jurisdiction. The Respondent at all times relevant to these proceedings was a licensee of the Board. The Board has jurisdiction over the Respondent and the subject matter. Sec. 61-8-11.H, NMSA 1978.

2. Violations. The Respondent acknowledges that this resolution is for the implementation of procedures to ensure the Respondent will release within a reasonable period

of time to a patient or the patient's designated physician copies of the patient's medical records and x-rays.

3. Discipline. This Agreement constitutes a resolution of the action by the Board against the Respondent.

4. The Board shall take no further action against Respondent with respect to the matters in the subject case, provided that Respondent complies with the following:

A. That the Respondent complete six hours of medical recordkeeping and management within twelve months of the date of Respondent's execution of this Agreement; such training shall be in the form of in-person seminars, on-line courses or written materials, all of which have been approved for CME-CMU credit by a recognized certifying body. Respondent shall promptly submit documentation of the six hours to the Board.

B. That the Respondent permit a Board representative to enter Respondent's place of business, with or without notice, during Respondent's weekday business hours (8:30-12:00 AM and 1:30 PM-4:30 PM Monday through Thursday), other than on federal holidays and other holidays, to review Respondent's log of medical records requests to assure compliance with this Agreement for a period of twelve months from the date of Respondent's execution of this Agreement. Respondent will maintain a log of all medical records requests in a form acceptable to the Board (Attachment 1).

5. Waiver of rights.

A. Respondent has waived the time limitations set forth in the Uniform Licensing Act.

B. Respondent understands that he has a statutory right to a hearing on the charges made in the complaint against him, that he would have the right to appeal any decision of the Board following such hearings and he hereby waives these rights.

C. Respondent waives his right to assert a claim of bias or move to excuse any Board member based upon the Board member's consideration of this Agreement.

D. Respondent's waiver of any rights contained herein is made knowingly, intentionally, and voluntarily.

6. Respondent has the right to be represented by an attorney.

7. Respondent's execution of this Agreement is made knowingly, intentionally, and voluntarily.

8. Upon execution of this Agreement, Respondent releases the Board from any and all claims arising out of the Board's decision to investigate the complaint, file a Notice of Contemplated Action in accordance with the provisions of this Agreement, and take the actions described herein.

9. This Agreement is subject to Board approval.

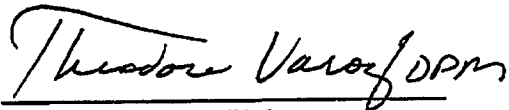
10. This Agreement is binding upon the Board and the Respondent.

11. Failure to comply with the terms and conditions of this Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Respondent fails to comply with the provisions hereof, the Board shall have the right to take such action against Respondent as it deems appropriate under the circumstances, including revocation of Respondent's license in accordance with the procedures of and pursuant to the rights set forth in the Uniform Licensing Act.

12. This Agreement is a resolution of Board case number P-Com 10-01-01, and only the specific allegations contained therein. The Board reserves the right to initiate proceedings for any other violations of the Occupational and Professional Licensing Act or the Rules and Regulations of the Board adopted pursuant to that act.

13. The complaint and this Agreement are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, §14-2-6(E) (1993). Other data, communications and information acquired by the Board relating to this matter shall be public as provided by the New Mexico Podiatry Act, Sec. 61-8-11, *et seq.*, NMSA 1978.

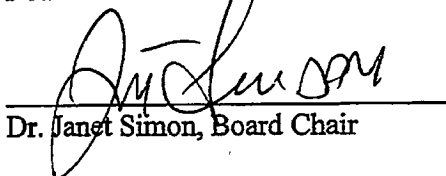
14. The complaint, this Agreement and the voluntary resolution thereof is not a reportable event to the Healthcare Integrity and Protection Data Bank.



Theodore Varoz, DPM
Respondent

Date: 2/11/11, 2011

FOR THE NEW MEXICO BOARD OF PODIATRY:


Dr. Janet Simon, Board Chair

Date: 13th June, 2011