

1 clinic did not have any physicians to see the patients scheduled that day. The Employer
2 was ultimately unable to secure a locum tenens for ten days following the resignations and
3 appointments for pediatric patients had to be cancelled, rescheduled or the patients were
4 referred elsewhere during that time period. Respondent did provide prescription refills for
5 established patients for a period of time following his resignation.

6 5. The standard of care requires a physician to give a reasonable amount of
7 time before resigning from a practice to assure seamless care of the patients in that
8 practice setting. Respondent deviated from the standard of care by abruptly resigning
9 from the practice without reasonable notice to assure seamless care of the patients in the
10 practice setting.

11 6. There was potential harm identified due to the unavailability of coverage for
12 the patients at the Employer's clinic. Potential harm can be viewed as anything that places
13 a patient at risk and/or leads to a delay of treatment. These patients were put at risk due to
14 the delay of care provided, especially patients who were in the waiting room and had
15 appointments to be seen the day that Respondent resigned.

16
17 **CONCLUSIONS OF LAW**

18 a. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 b. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or might be
22 harmful or dangerous to the health of the patient or the public.”).

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1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. 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 7. 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 8. If the Board does not adopt this Order, Respondent will not assert as a
12 defense that the Board's consideration of the Order constitutes bias, prejudice,
13 prejudgment or other similar defense.

14 9. **Respondent has read and understands the terms of this agreement.**

15
16 Duane M Wooten, MD
17 DUANE WOOTEN, M.D.

DATED: 2/24/16

18 EXECUTED COPY of the foregoing mailed
19 this 24th day of February, 2016 to:

20 Duane Wooten, M.D.
21 Address of Record

22 ORIGINAL of the foregoing filed
23 this 7th day of April, 2016 with:

24 Arizona Medical Board
25 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Dobe
Board Staff