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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
Aimee L. Butel, M.D.
Holder of License No. 35660
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-13-0355A
**ORDER FOR SUSPENSION AND
CONSENT TO THE SAME**

Aimee L. Butel, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Suspension; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license number 35660 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-13-0355A after receiving Respondent's self-report that she had been charged with a DUI and failure to remain at the scene of a fatal collision.
4. On March 23, 2013 Respondent was driving a vehicle and struck a pedestrian who was lying or sitting in the roadway. Respondent left the scene of the accident without providing information to police officers but rather, was seen in the area near the accident displaying signs and symptoms consistent with impairment. Respondent's portable breath test returned a .129 percent blood alcohol level.
5. On March 29, 2013, Respondent underwent an assessment with the Board's Physician Health Program ("PHP") contractor, who diagnosed Respondent with alcohol

1 abuse and recommended that she enroll in the PHP for two years, with an additional
2 requirement for psychiatric treatment.

3 6. On July 22, 2013, Respondent entered into an Interim Consent Agreement
4 for PHP participation ("Interim Consent Agreement"). She remains in compliance with
5 PHP.

6 7. On December 6, 2013, Respondent pled guilty to leaving the scene of an
7 injury collision, a Class 5 Felony; and DUI, a Class 1 Misdemeanor. The Court suspended
8 imposition of the sentence, contingent upon successful completion of three years'
9 probation with terms and conditions.

10 8. Respondent has not practiced medicine since 2009.

11 **CONCLUSIONS OF LAW**

12 1. The Board possesses jurisdiction over the subject matter hereof and over
13 Respondent.

14 2. The conduct and circumstances described above constitute unprofessional
15 conduct pursuant to A.R.S. § 32-1401(27)(d) ("[C]ommitting a felony, whether or not
16 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,
17 conviction by any court of competent jurisdiction or a plea of no contest is conclusive
18 evidence of the commission.").

19 3. The conduct and circumstances described above constitute unprofessional
20 conduct pursuant to A.R.S. § 32-1401(27)(f) ("[H]abitual intemperance in the use of
21 alcohol or habitual substance abuse.").

22 **ORDER**

23 IT IS HEREBY ORDERED THAT:

24 1. The Interim Consent Agreement is vacated as of the effective date of this
25 agreement.

1 2. Respondent's license is suspended indefinitely beginning on the effective
2 date of this Order. Respondent may request release from suspension from the Board in
3 writing. Reinstatement shall not be granted until after Respondent completes a clinical
4 competency assessment at a facility approved by the Board or its staff, and provide the
5 Board with the assessment report for the Board's consideration. The Board retains sole
6 discretion to determine whether the Respondent is eligible for reinstatement. The Board
7 retains sole discretion to determine whether additional restrictions, terms or conditions
8 should be set on Respondent's reinstatement.

9 3. During the term of Respondent's suspension she shall continue her
10 participation in the Board's PHP for a minimum period of two years¹ and remain in
11 compliance with the following terms and conditions:

12 4. Respondent shall not consume alcohol or any food, or other substance
13 containing poppy seeds or alcohol.

14 5. Respondent shall not take any illegal drugs or mood altering medications.

15 6. Respondent shall not take any controlled substances except as prescribed
16 by a physician for a proper therapeutic purpose.

17 7. Respondent shall submit to random biological fluid testing (as specifically
18 directed below).

19 8. Respondent shall provide the PHP Contractor in writing with one telephone
20 number that shall be used to contact Respondent on a 24 hour per day/seven day per
21 week basis to submit to biological fluid collection. For the purposes of this section,
22 telephonic notice shall be deemed given at the time a message to appear is left at the
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¹ Respondent's PHP participation shall be retroactive to July 22, 2013, the date in which she enrolled with the Program pursuant to the Interim Consent Agreement.

1 contact telephone number provided by Respondent. Respondent authorizes any person or
2 organization conducting tests on the collected samples to provide testing results to the
3 PHP Contractor. Respondent shall comply with all requirements for biological fluid
4 collection. Respondent shall pay for all costs for the biological fluid testing.

5 9. Respondent shall provide the PHP Contractor with written notice of any
6 plans to travel out of state.

7 10. Respondent shall pay for all costs, including PHP Contractor costs
8 associated with participating in PHP at the time service is rendered, or within 30 days of
9 each invoice sent to the Respondent. An initial deposit of two months PHP Contracting
10 fees is due upon entering the program. Failure to pay either the initial PHP Contracting
11 deposit or monthly fees 60 days after invoicing will be reported to the Board by the
12 contractor and may result in disciplinary action up to and including revocation.

13 11. In the event of the use of drugs or alcohol by Respondent in violation of this
14 Consent Agreement, Respondent shall be immediately referred to formal hearing for
15 revocation.

16 12. Respondent shall immediately provide a copy of this Order to all employers,
17 hospitals and free standing surgery centers where Respondent currently has or in the
18 future gains employment or privileges. Within 30 days of the date of this Order,
19 Respondent shall provide the PHP Contractor with a signed statement of compliance with
20 this notification requirement. Respondent is further required to notify, in writing, all
21 employers, hospitals and free standing surgery centers where Respondent currently has
22 or in the future gains employment or privileges, of a chemical dependency relapse.

23 13. Respondent shall continue her treatment with the psychiatrist approved by
24 the PHP Contractor and shall remain in treatment with the psychiatrist until further she has
25 completed a minimum of 12 months of continuous treatment. Respondent shall instruct the

1 psychiatrist to release to the PHP Contractor, upon request, all records relating to
 2 Respondent's treatment, and to submit quarterly written reports to the PHP Contractor
 3 regarding diagnosis, prognosis, medications, and recommendations for continuing care
 4 and treatment of Respondent. Respondent shall provide the psychiatrist with a copy of
 5 this Order. Respondent shall pay the expenses of all the psychiatric care and for the
 6 preparation of the quarterly reports. After twelve months, Respondent may submit a
 7 written request to the PHP Contractor requesting termination of the requirement that
 8 Respondent remain in treatment with a psychiatrist. The decision to terminate will be
 9 based, in part, upon the treating psychiatrist's recommendation for continued care and
 10 treatment.

11 14. In the event Respondent resides or practices as a physician in a state other
 12 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that
 13 state's medical licensing authority or medical society. Respondent shall cause the
 14 monitoring state's program to provide written quarterly reports to the PHP Contractor
 15 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
 16 program and Respondent shall immediately notify the PHP Contractor if Respondent: a) is
 17 non-compliant with any aspect of the monitoring requirements; b) relapses; c) tests
 18 positive for controlled substances; d) has low specific gravity urine drug test(s), missed
 19 and/or late urine drug tests, or otherwise rejected urine drug tests; and e) is required to
 20 undergo any additional treatment.

21 15. In the event Respondent's suspension exceeds 24 continuous months of
 22 participation in PHP, Respondent shall apply to the Board to for release from the terms of
 23 PHP. The Board shall consider Respondent's request together with a recommendation
 24 from the PHP Contractor regarding whether Respondent's request should be granted. In
 25 the event that the Respondent's request to lift her suspension is received prior to 24

1 continuous months of participation in PHP, the Board shall consider her request to lift the
2 suspension along with a recommendation from the PHP contractor regarding whether
3 Respondent should continue with PHP after her suspension has been lifted.

4 16. Respondent shall obey all state, federal and local laws, all rules governing
5 the practice of medicine in Arizona, and remain in full compliance with any court order
6 criminal probation, payments and other orders.

7 DATED AND EFFECTIVE this 3rd day of December, 2014.
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9 ARIZONA MEDICAL BOARD

10 By Patricia E. McSorley
11 Patricia E. McSorley
12 Interim Acting Executive Director

13 **CONSENT TO ENTRY OF ORDER**

14 1. Respondent has read and understands this Consent Agreement and the
15 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
16 acknowledges she has the right to consult with legal counsel regarding this matter.

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

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

23 4. The Order is not effective until approved by the Board and signed by its
24 Executive Director.
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1 5. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

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

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

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

17 9. If the Board does not adopt this Order, Respondent will not assert as a
18 defense that the Board's consideration of the Order constitutes bias, prejudice,
19 prejudgment or other similar defense.

20 10. Any violation of this Order constitutes unprofessional conduct and may result
21 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
22 consent agreement or stipulation issued or entered into by the board or its executive
23 director under this chapter") and 32-1451.

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1 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2533(E), she
2 cannot act as a supervising physician for a physician assistant while her license is under
3 suspension unrelated to rehabilitation.

4 12. Respondent understands that this Suspension does not alleviate her
5 responsibility to comply with applicable license renewal statutes and rules. If this
6 Suspension remains in effect at the time Respondent's license is due to be renewed, she
7 must renew her license if she wishes to retain her license.

8 13. **Respondent has read and understands the conditions of probation.**

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11 Aimee L. Bufel, M.D.

DATED: Oct 23, 2014

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14 EXECUTED COPY of the foregoing mailed
15 this 3rd day of December, 2014 to:

16 Larry Cohen, Esq.
17 Cohen Law Firm
18 P.O. Box 10056
19 Phoenix AZ 85064
20 Attorney for Respondent

21 ORIGINAL of the foregoing filed
22 this 3rd day of December 2014 with:

23
24 Arizona Medical Board
25 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Bube
Board Staff