

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **Donovan J. Anderson, M.D.**

4 Holder of License No. **13491**
5 For the Practice of Allopathic Medicine

6 In the State of Arizona.

Case No. MD-15-0691A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Donovan J. Anderson, M.D. ("Respondent") elects to permanently waive any right
9 to a hearing and appeal with respect to this Interim Consent Agreement for Practice
10 Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

11 **INTERIM 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 No. 13491 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-15-0691A after Respondent disclosed
17 on his 2015 license renewal application that the California Medical Board ("CMB") took
18 action against his California medical license.

19 4. On January 10, 2014 and after a hearing on the merits, the CMB issued an
20 Order for five years of stayed revocation probation arising out of Respondent's care and
21 treatment of three patients. With regard to Patient D.T., the CMB sustained findings that
22 Respondent wrote progress notes on days when Respondent did not see Patient D.T.,
23 entered vital signs that were not current and otherwise failed to accurately document his
24 care and treatment of the patient. With regard to Patient S.M., The CMB sustained
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1 findings that Respondent treated S.M.'s chronic pain by prescribing opiates over an
2 extended period of time, without obtaining past medical records, seeking out specific
3 diagnoses for claimed symptoms, performing appropriate additional testing and laboratory
4 work, considering non-opioid treatment alternatives, and failing to take action to address
5 concerns of opioid abuse or diversion. With regard to Patient R.R., The CMB sustained
6 findings that Respondent failed to comply with CMB guidelines for prescribing controlled
7 substances in that Respondent failed to include a detailed history and physical
8 assessment, failed to obtain prior medical records, failed to document the goals of
9 treatment, failed to discuss the risks and benefits and side effects of prescribing controlled
10 substances, prescribing controlled substances after concerns about possible addiction,
11 failed to obtain appropriate tests and imaging and failed to conduct appropriate drug
12 screens.

13 5. The Order included terms and conditions including practice monitoring or
14 taking the professional enhancement program offered by Physician Assessment and
15 Clinical Education Program, University of California, San Diego School of Medicine
16 ("PACE"), as well as taking the PACE medical record keeping course.

17 6. Respondent's prior disciplinary history with the Board includes a Letter of
18 Reprimand and Civil Penalty in MD-03-0319A for, in part, failure to conduct a complete
19 physical exam, a Letter of Reprimand in MD-08-0900A for failure to perform an accurate
20 history and physical examination during a patient's initial ED visit and for inadequate
21 medical records and a Letter of Reprimand and One Year Probation in MD-09-1540A for
22 failure to properly assess and monitor a diabetic patient. The probation included a
23 requirement that Respondent obtain CME In medical recordkeeping and an intensive
24 course for the management of diabetes.

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1 non-compliant with the CMB Order, Respondent shall be prohibited from practicing
2 medicine in the State of Arizona pursuant to A.R.S. § 32-1401(22) until he applies to the
3 Executive Director and receives permission to do so.

4 2. Within 14 days from the date of this Order, Respondent shall register for a
5 competency evaluation at a facility approved by the Board and complete the evaluation
6 within 90 days from the date of this Order. Respondent is responsible for all expenses
7 relating to the evaluation. The evaluator is conducting the evaluation and report solely for
8 the benefit of the Board. Respondent shall comply with any recommendations made by
9 the evaluating facility and approved by Board staff, including any requirement that
10 Respondent obtain additional Continuing Medical Education.

11 3. Once all of the terms and conditions of this Interim Consent Agreement have
12 been met, Respondent may request, in writing, release and/or modification of this Interim
13 Consent Agreement. In order to obtain a release of this Interim Consent Agreement,
14 Respondent's request must be accompanied by proof that he has completed the terms
15 and conditions of the CMB Order. The Executive Director, in consultation with and
16 agreement of the Lead Board Member and the Chief Medical Consultant, has the
17 discretion to determine whether it is appropriate to release Respondent from this Interim
18 Consent Agreement.

19 4. The Board retains jurisdiction and may initiate new action based upon any
20 violation of this Interim Consent Agreement, including, but not limited to, summarily
21 suspending Respondent's license.

22 4. Because this is an Interim Consent Agreement and not a final decision by
23 the Board regarding the pending investigation, it is subject to further consideration by the
24 Board. Once the investigation is complete, it will be promptly provided to the Board for its
25 review and appropriate action.

1 officer of this State from instituting civil or criminal proceedings with respect to the conduct
2 that is the subject of this Interim Consent Agreement. Respondent further does not
3 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
4 judicial review or any other administrative and/or judicial action, concerning the matters
5 related to a final disposition of this matter, unless he affirmatively does so as part of the
6 final resolution of this matter.

7 5. Respondent acknowledges and agrees that upon signing this Interim
8 Consent Agreement and returning it to the Board's Executive Director, Respondent may
9 not revoke his acceptance of this Interim Consent Agreement or make any modifications to
10 it. Any modification of this original document is ineffective and void unless mutually
11 approved by the parties in writing.

12 6. Respondent understands that this Interim Consent Agreement shall not
13 become effective unless and until it is signed by the Board's Executive Director.

14 7. Respondent understands and agrees that if the Board's Executive Director
15 does not adopt this Interim Consent Agreement, he will not assert in any future
16 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
17 bias, prejudice, prejudgment, or other similar defense.

18 8. Respondent understands that this Interim Consent Agreement is a public
19 record that may be publicly disseminated as a formal action of the Board, and that it shall
20 be reported as required by law to the National Practitioner Data Bank.

21 9. Respondent understands that this Interim Consent Agreement does not
22 alleviate his responsibility to comply with the applicable license-renewal statutes and rules.
23 If this Interim Consent Agreement remains in effect at the time Respondent's allopathic
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1 medical license comes up for renewal, he must renew his license if Respondent wishes to
 2 retain his license. If Respondent elects not to renew his license as prescribed by statute
 3 and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-
 4 3202), become suspended until the Board takes final action in this matter. Once the
 5 Board takes final action, in order for Respondent to be licensed in the future, he must
 6 submit a new application for licensure and meet all of the requirements set forth in the
 7 statutes and rules at that time.

8 10. Respondent understands that any violation of this Interim Consent
 9 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
 10 formal order, probation, consent agreement or stipulation issued or entered into by the
 11 board or its executive director under this chapter").

13 Donovan Anderson MD
 14 Donovan Anderson, M.D.

DATED: 12/4/15

15 DATED this ^{mb 10th} 4th day of December, 2015.

17 ARIZONA MEDICAL BOARD

18 By Patricia E. McSorley
 19 Patricia E. McSorley
 20 Executive Director

21 EXECUTED COPY of the foregoing e-mailed
 22 this 10th day of December, 2015 to:

23 Donovan Anderson, M.D.
 24 Address of Record

25 ORIGINAL of the foregoing filed
 this 10th day of December, 2015 with:

1 Arizona Medical Board
2 9545 E. Doubletree Ranch Road
3 Scottsdale, AZ 85258

4 Mary Boley
Arizona Medical Board Staff

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