

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **Jason R. Jensen, M.D.**

4 Holder of License No. 43504
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-13-0804A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION AND CONSENT TO
SAME**

7
8 Jason R. Jensen, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
10 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
11 this Order by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of license number 43504 for the practice of
16 allopathic medicine in the State of Arizona.

17 3. The Board initiated case number MD-13-0804A after receiving
18 correspondence from Respondent's employer that Respondent may be unsafe to practice
19 medicine. It was alleged that Respondent may have been diverting drugs from his place of
20 employment, a hospital, and that he was involved in a car accident that resulted in a DUI
21 charge relating to prescription drug use.

22 4. After meeting with the Board staff for an investigational interview,
23 Respondent was referred to the Board's Physician Health Program ("PHP") to undergo an
24 assessment by the Board's PHP Monitor. During the assessment, Respondent denied
25 diverting medication and stated that the prescription medication that resulted in his DUI
charge were leftover from a previous surgery. Respondent's hair test results were positive

1 for meperidine. As a result, Respondent was referred for an evaluation at a Board
2 approved facility.

3 5. Respondent presented to the Betty Ford Center ("BFC") for an evaluation.
4 During the evaluation, Respondent admitted to diverting meperidine and Fentanyl between
5 May and July 2013. (Respondent had previously denied to Board staff and the PHP
6 Monitor that he had diverted medications from the hospital.)

7 6. After successfully completing residential treatment at BFC in November
8 2013, he was discharged. Respondent's discharge diagnoses included opioid
9 dependence in early full remission, alcohol abuse in early remission, sedative, hypnotic or
10 anxiolytic abuse and posttraumatic stress disorder in remission.

11 7. The PHP Monitor determined that Respondent was safe to practice medicine
12 while enrolled in the PHP for a period of five years. In December 2013, Respondent
13 entered into an Interim Consent Agreement for PHP participation.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

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

20 3. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(g) ("[u]sing controlled substances except if
22 prescribed by another physician for use during a prescribed course of treatment").

23 4. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(j) ("[p]rescribing, dispensing or administering
25 scheduled II controlled substances as defined in section 36-2513 including, amphetamines

1 and similar schedule II sympathomimetic drugs in the treatment of exogenous obesity for a
2 period in excess of thirty days in any one year, or the non-therapeutic use of injectable
3 amphetamines”).

4 5. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(jj) (“[k]nowingly making a false or misleading
6 statement to the board or on a form required by the board or in a written correspondence,
7 including attachments, with the board”).

8 **ORDER**

9 IT IS HEREBY ORDERED THAT:

10 Respondent is issued a **Letter of Reprimand** and placed on Probation for **five**
11 **years** with the following terms and conditions:

12 1. **Participation**¹. Respondent shall remain enrolled in and participate in the
13 Board’s Physician Health Program (“PHP”) monitoring service which is administered by a
14 private contractor (“Monitor”).

15 2. **Relapse Prevention Group**. Respondent shall attend the Monitor’s relapse
16 prevention group therapy sessions one time per week for the duration of this Order, unless
17 excused by the relapse prevention group facilitator for good cause. Individual relapse
18 therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-
19 approves substitution. The relapse prevention group facilitators or individual relapse
20 prevention therapist shall submit monthly reports to the Monitor regarding attendance and
21 progress.

22 3. **12 Step or Self-Help Group Meetings**. If applicable, Respondent shall
23 attend ninety 12-step meetings or other self-help group meetings appropriate for
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¹ Respondent’s PHP participation is retroactive to December 6, 2013.

1 substance abuse and approved by the Monitor, for a period of ninety days. Upon
2 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
3 recovery program or other self-help program appropriate for substance abuse as
4 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
5 other self-help program meetings per week.. Two meetings per month must be Caduceus
6 meetings. Respondent must maintain a log of all self-help meetings.

7 4. **Approved Primary Care Physician.** Respondent shall promptly obtain a
8 primary care physician and shall submit the name of th physician to the Monitor in writing
9 for approval. The approved primary care physician ("PCP") shall be in charge of providing
10 and coordinating Respondent's medical care and treatment. Except in an *Emergency*,
11 Respondent shall obtain medical care and treatment only from the PCP and from health
12 care providers to whom the PCP refers Respondent. Respondent shall promptly provide
13 a copy of this Order to the PCP. Respondent shall also inform all other health care
14 providers who provide medical care or treatment that Respondent is participating in PHP.
15 "*Emergency*" means a serious accident or sudden illness that, if not treated immediately,
16 may result in a long-term medical problem or loss of life.

17 5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
18 unless the PCP or other health care provider to whom the PCP refers Respondent
19 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
20 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
21 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
22 controlled substance is prescribed, dispensed, or administered to Respondent by any
23 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
24 notify the Monitor immediately.

25 6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any

1 food, or other substance containing poppy seeds or alcohol.

2 7. **Biological Fluid Collection.** Respondent shall provide the Monitor in
3 writing with one telephone number that shall be used to contact Respondent on a 24 hour
4 per day/seven day per week basis to submit to biological fluid collection. For the purposes
5 of this section, telephonic notice shall be deemed given at the time a message to appear is
6 left at the contact telephone number provided by Respondent. Respondent authorizes any
7 person or organization conducting tests on the collected samples to provide testing results
8 to the Monitor. Respondent shall comply with all requirements for biological fluid
9 collection.

10 8. **Out of State Travel and/or Unavailability at Home/Office Telephone**
11 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
12 out of state.

13 9. **Payment for Services.** Respondent shall pay for all costs, including Monitor
14 costs associated with participating in PHP at the time service is rendered, or within 30
15 days of each invoice sent to the Respondent. An initial deposit of two months monitoring
16 fees is due upon entering the program. Failure to pay either the initial monitoring deposit
17 or monthly fees 60 days after invoicing will be reported to the Board by the contractor and
18 may result in disciplinary action up to and including revocation.

19 10. **Interviews.** Respondent shall appear in person before the Monitor for
20 interviews upon request, upon reasonable notice.

21 11. **Address and Phone Changes, Notice.** Respondent shall immediately notify
22 the Monitor in writing of any change in office or home addresses and telephone numbers.

23 12. **Relapse, Violation.** In the event of chemical dependency relapse by
24 Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent
25 shall promptly enter into an Interim Order for Practice Restriction and Consent to the

1 Same that requires, among other things, that Respondent not practice medicine until such
2 time as Respondent successfully completes long-term inpatient for chemical dependency
3 designated by the MAP Contractor and obtains affirmative approval from the Board or the
4 Executive Director to return to the practice of medicine. Prior to approving Respondent's
5 request to return to the practice of medicine, Respondent may be required to submit to
6 witnessed biological fluid collection, undergo any combination of physical examination,
7 psychiatric or psychological evaluation and/or successfully pass the special purpose
8 licensing examination or the Board may conduct interviews for the purpose of assisting it
9 in determining the ability of Respondent to safely return to the practice of medicine. **In no
10 respect shall the terms of this paragraph restrict the Board's authority to initiate and
11 take disciplinary action for violation of this Order.**

12 13. **Notice Requirements.** Respondent shall immediately provide a copy of this
13 Order to all current and future employers and all hospitals and free standing surgery
14 centers where Respondent has privileges. Within 30 days of the date of this Order,
15 Respondent shall provide the Monitor with a signed statement of compliance with this
16 notification requirement. Respondent is further required to notify, in writing, all employers,
17 hospitals and free standing surgery centers where Respondent currently has or in the
18 future gains employment or privileges, of a chemical dependency relapse.,

19 14. **Out-of-State.** In the event Respondent resides or practices as a physician
20 in a state other than Arizona, Respondent shall participate in the rehabilitation program
21 sponsored by that state's medical licensing authority or medical society. Respondent shall
22 cause the monitoring state's program to provide written quarterly reports to the Monitor
23 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
24 program and Respondent shall immediately notify the Monitor if Respondent: a) is non-
25 compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for

1 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
2 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
3 additional treatment.

4 15. This Order supersedes all previous consent agreements and stipulations
5 between the Board and/or the Executive Director and Respondent.

6 16. The Board retains jurisdiction and may initiate new action based upon any
7 violation of this Order.

8 DATED AND EFFECTIVE this 21st day of April, 2014.

9
10 ARIZONA MEDICAL BOARD

11
12 By C Lloyd Vest, II
13 C. Lloyd Vest, II
Executive Director

14 **CONSENT TO ENTRY OF ORDER**

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

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

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

24 4. The Order is not effective until approved by the Board and signed by its
25 Executive Director.

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 thereof)
8 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
9 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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Jason R. Jensen, M.D.

DATED: 3/2/14

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EXECUTED COPY of the foregoing mailed
this 21st day of April, 2014 to:

Jason R. Jensen, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 21st day of April, 2014 with:

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

Mary Parke
Arizona Medical Board Staff