



1           5.     It was alleged that Respondent broke into North Valley Surgery Center, his  
2 previous employer, and took five 4ml Vial Cocaine Hcl 40mg/ml. At the time of his arrest,  
3 Respondent was a participant in the PHP pursuant to his July 2012 SRA. On July 15,  
4 2013, two days after receiving the notification of Respondent's arrest and felony charge  
5 the Board received a report from the PHP Contractor indicating that Respondent was  
6 unsafe to practice medicine and recommended that he complete a minimum of 90 days of  
7 chemical dependency treatment.

8           6.     On July 19<sup>th</sup>, Respondent entered Promises Treatment Center for chemical  
9 dependency treatment, which he successfully completed on October 17, 2013. On July 23,  
10 2013, Respondent entered into an Interim Consent Agreement for Practice Limitation, and  
11 the SRA was terminated. Subsequent to his discharge from chemical dependency  
12 treatment, Respondent met with the PHP Contractor who determined that the physician  
13 was safe to practice contingent upon his participation in the PHP for a period of five years.  
14 On November 1, 2013, Respondent entered into an Interim Consent Agreement to  
15 participate in PHP and the Interim Order for Practice Limitation was vacated.

16           7.     On March 17, 2014, Respondent pled guilty to Count 1, as amended: Theft,  
17 Class 1 Misdemeanor, and guilty to Count 2, as amended: Possession of Drug  
18 Paraphernalia, Class 6 Undesignated Felony. On April 7, 2014, the Court suspended  
19 sentencing, and under the supervision of adult probation Respondent was placed on  
20 probation for a period of three years on both counts and is required to complete 360 hours  
21 of community service.

22           8.     During a Formal Interview on this matter, Respondent testified that he had  
23 been committed to recovery efforts and was diligently pursuing recovery through the  
24 Board's PHP.



1           2.     Respondent's license is placed on Probation for **five years** and is subject to  
2 his continued participation<sup>1</sup> in the Board's Physician Health Program ("PHP") and  
3 compliance with the following terms and conditions:

4           3.     Respondent shall not consume alcohol or any food or other substance  
5 containing poppy seeds or alcohol.

6           4.     Respondent shall not take any illegal drugs or mood altering medications.

7           5.     Respondent shall attend the PHP's relapse prevention group therapy sessions  
8 one time per week for the duration of this Order, unless excused by the relapse prevention  
9 group facilitator for good cause. Individual relapse therapy may be substituted for one or  
10 more of the group therapy sessions, if PHP pre-approves substitution. The relapse  
11 prevention group facilitators or individual relapse prevention therapist shall submit monthly  
12 reports to the PHP regarding attendance and progress.

13          6.     If requested by the PHP, Respondent shall attend ninety 12-step meetings or  
14 other self-help group meetings appropriate for substance abuse and approved by the PHP,  
15 for a period of ninety days. Upon completion of the ninety meetings in ninety days,  
16 Respondent shall participate in a 12-step recovery program or other self-help program  
17 appropriate for substance abuse as recommended by the PHP. Respondent shall attend a  
18 minimum of three 12-step or other self-help program meetings per week. Two meetings  
19 per month must be Caduceus meetings. Respondent must maintain a log of all self-help  
20 meetings.

21          7.     Respondent shall promptly obtain a primary care physician ("PCP") and shall  
22 submit the name of the physician to the PHP in writing for approval. The approved PCP  
23 shall be in charge of providing and coordinating Respondent's medical care and treatment.

24 \_\_\_\_\_  
25 <sup>1</sup> Respondent's PHP participation is retroactive to November 1, 2013..

1 Except in an Emergency, Respondent shall obtain medical care and treatment only from  
2 the PCP and from health care providers to whom the PCP refers Respondent. Respondent  
3 shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all  
4 other health care providers who provide medical care or treatment that Respondent is  
5 participating in PHP. "Emergency" means a serious accident or sudden illness that, if not  
6 treated immediately, may result in a long-term medical problem or loss of life.

7 8. All prescriptions for controlled substances shall be approved by the PHP prior to  
8 being filled except in an Emergency. Controlled substances prescribed and filled in an  
9 emergency shall be reported to the PHP within 48 hours. Respondent shall take no  
10 Medication unless the PCP or other health care provider to whom the PCP refers  
11 Respondent prescribes and the PHP approves the Medication. Respondent shall not self-  
12 prescribe any Medication. "Medication" means a prescription-only drug, controlled  
13 substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen, and  
14 plain acetaminophen.

15 9. Respondent shall submit to random biological fluid, hair, and/or nail testing for five  
16 years from the date of this Order (as specifically directed below) to ensure compliance with  
17 PHP.

18 10. Respondent shall provide the PHP in writing with one telephone number that shall  
19 be used to contact Respondent on a 24 hour per day/seven day per week basis to submit  
20 to biological fluid, hair, and/or nail testing to ensure compliance with PHP. For the  
21 purposes of this section, telephonic notice shall be deemed given at the time a message to  
22 appear is left at the contact telephone number provided by Respondent. Respondent  
23 authorizes any person or organization conducting tests on the collected samples to  
24 provide testing results to the PHP. Respondent shall comply with all requirements for  
25 biological fluid, hair, and/or nail collection. Respondent shall pay for all costs for the

1 testing.

2 11. Respondent shall provide the PHP with written notice of any plans to travel out of  
3 state.

4 12. Respondent shall immediately notify the Board and the PHP in writing of any  
5 change in office or home addresses and telephone numbers.

6 13. Respondent provides full consent for the PHP to discuss the Respondent's case  
7 with the Respondent's PCP or any other health care providers to ensure compliance with  
8 PHP.

9 14. The relationship between the Respondent and the PHP is a direct relationship.  
10 Respondent shall not use an attorney or other intermediary to communicate with the PHP  
11 on participation and compliance issues.

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

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

1        17. In the event Respondent resides or practices in a state other than Arizona,  
2 Respondent shall participate in the rehabilitation program sponsored by that state's  
3 medical licensing authority or medical society. Respondent shall cause the monitoring  
4 state's program to provide written quarterly reports to the PHP regarding Respondent's  
5 attendance, participation, and monitoring. The monitoring state's program and Respondent  
6 shall immediately notify the PHP if Respondent is non-compliant with any aspect of the  
7 monitoring requirements or is required to undergo any additional treatment.

8        18. The PHP shall immediately notify the Board if Respondent is non-compliant with  
9 any aspect of the monitoring requirements or this Order.

10       19. In the event of chemical dependency relapse by Respondent or Respondent's use  
11 of drugs or alcohol in violation of this Order, Respondent shall promptly enter into an  
12 Interim Order for Practice Restriction and Consent to the Same that requires, among other  
13 things, that Respondent not practice medicine until such time as Respondent successfully  
14 completes long-term inpatient treatment for chemical dependency designated by the PHP  
15 Contractor and obtains affirmative approval from the Board or its Executive Director to  
16 return to the practice of medicine. Prior to approving Respondent's request to return to the  
17 practice of medicine, Respondent may be required to submit to witnessed biological fluid  
18 collection or undergo any combination of physical examination, psychiatric or  
19 psychological evaluation. In no respect shall the terms of this paragraph restrict the  
20 Board's authority to initiate and take disciplinary action for violation of this Order.

21       20. Respondent shall obey all federal, state and local laws, and all rules governing the  
22 practice of medicine in the State of Arizona.

23       21. Respondent shall appear in person before the Board and/or its staff and PHP for  
24 interviews upon request, with reasonable notice.

25       22. This Order supersedes all previous consent agreements and stipulations between

1 the Board and/or the Executive Director and Respondent.

2 23. Prior to the termination of Probation, Respondent must submit a written request to  
3 the Board for release from the terms of this Order. Respondent's request for release will  
4 be placed on the next pending Board agenda, provided a complete submission is received  
5 by Board staff no less than 14 days prior to the Board meeting. Respondent's request for  
6 release must provide the Board with evidence establishing that he has successfully  
7 satisfied all of the terms and conditions of this Order. The Board has the sole discretion to  
8 determine whether all of the terms and conditions of this Order have been met or whether  
9 to take any other action that is consistent with its statutory and regulatory authority.

10 24. The Board retains jurisdiction and may initiate new action based upon any violation  
11 of this Order.

12  
13 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

14 Respondent is hereby notified that he has the right to petition for a rehearing or  
15 review. The petition for rehearing or review must be filed with the Board's Executive  
16 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The  
17 petition for rehearing or review must set forth legally sufficient reasons for granting a  
18 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after  
19 date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed,  
20 the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

21 Respondent is further notified that the filing of a motion for rehearing or review is  
22 required to preserve any rights of appeal to the Superior Court.

23  
24  
25 DATED AND EFFECTIVE this 2<sup>nd</sup> day of April, 2015.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley  
Patricia E. McSorley  
Executive Director

EXECUTED COPY of the foregoing mailed  
this 2<sup>nd</sup> day of April, 2015 to:

Stephen W. Myers  
Myers & Jenkins  
One East Camelback Road  
Suite 500  
Phoenix, AZ 85012  
Attorney for Respondent

ORIGINAL of the foregoing filed  
this 2<sup>nd</sup> day of April, 2015 with:

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

Mary Babey  
Board Staff