





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

2           5.     All prescriptions for controlled substances shall be approved by the PHP  
3 prior to being filled except in an *Emergency*. Controlled substances prescribed and filled  
4 in an emergency shall be reported to the PHP within 48 hours. Respondent shall take no  
5 *Medication* unless Respondent's Primary Care Physician ("PCP") or other health care  
6 provider to whom the PCP refers Respondent prescribes and the PHP approves the  
7 *Medication*. Respondent shall not self-prescribe any *Medication*. "Medication" means a  
8 prescription-only drug, controlled substance, and over-the counter preparation, other than  
9 plain aspirin, plain ibuprofen, and plain acetaminophen. "Emergency" means a serious  
10 accident or sudden illness that, if not treated immediately, may result in a long-term  
11 medical problem or loss of life.

12           6.     Respondent shall submit to random biological fluid, hair and nail testing for  
13 two years from the date of this Order (as specifically directed below) to ensure compliance  
14 with PHP.

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

23           8.     Respondent shall provide the PHP with written notice of any plans to travel  
24 out of state.

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1           9.     Respondent shall successfully complete a PHP approved 36 hour  
2 alcohol/drug awareness education class.

3           10.    Respondent provides full consent for the PHP to discuss the Respondent's  
4 case with the Respondent's PCP or any other health care providers to ensure compliance  
5 with PHP.

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

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

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

22          14.    In the event Respondent resides or practices as a physician in a state other  
23 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that  
24 state's medical licensing authority or medical society. Respondent shall cause the  
25 monitoring state's program to provide written quarterly reports to the PHP regarding

1 Respondent's attendance, participation, and monitoring. The monitoring state's program  
2 and Respondent shall immediately notify the PHP if Respondent is non-compliant with any  
3 aspect of the monitoring requirements or is required to undergo any additional treatment.

4 15. The PHP shall immediately notify the Board if Respondent is non-compliant  
5 with any aspect of the monitoring requirements or this Order.

6 16. In the event of the use of drugs or alcohol by Respondent in violation of this  
7 Order, Respondent shall promptly enter into an Interim Consent Agreement for Treatment  
8 at a PHP approved facility. Following the successful conclusion of treatment, Respondent  
9 shall enter into an Interim Consent Agreement for full participation in PHP. In no respect  
10 shall the terms of this paragraph restrict the Board's authority to initiate and take  
11 disciplinary action for violation of this Order.

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

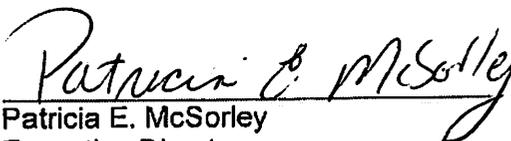
21 18. This Order supersedes any and all Consent Agreements previously entered  
22 into by Respondent and the Board regarding this matter.

23 19. The Board retains jurisdiction and may initiate new action against  
24 Respondent based upon any violation of this Order.

25 DATED AND EFFECTIVE this 4th day of June, 2015.

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ARIZONA MEDICAL BOARD

By   
Patricia E. McSorley  
Executive Director

**CONSENT TO ENTRY OF ORDER**

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

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

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

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

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

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

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

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

11           9.     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           10.    Any violation of this Order constitutes unprofessional conduct and may result  
15 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,  
16 consent agreement or stipulation issued or entered into by the board or its executive  
17 director under this chapter.") and 32-1451.

18           11.    Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he  
19 cannot act as a supervising physician for a physician assistant while his license is on  
20 probation.

21           12.    *Respondent has read and understands the conditions of probation.*

22  
23   
24 \_\_\_\_\_  
PHILIP A. GIDEON, M.D.

DATED: 3/30/2015

25 EXECUTIVE COPY of the foregoing mailed  
this 4<sup>th</sup> day of June, 2015 to:

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Paul J. Giancola  
Snell & Wilmer, LLP  
400 E Van Buren  
Phoenix, AZ 85004  
Attorney for Respondent

ORIGINAL of the foregoing filed  
this 4<sup>th</sup> day of June, 2015 with:

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

Margaret  
Board Staff)