

1 BEFORE THE ARIZONA MEDICAL BOARD

2  
3 In the Matter of

4 **LISA EMMANS, M.D.**

5 Holder of License No. 29814  
6 For the Practice of Medicine  
7 In the State of Arizona.

Case No. MD-02-0712

**CONSENT AGREEMENT FOR  
PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Medical Board  
10 ("Board") and Lisa Emmans, M.D. ("Respondent"), the parties agreed to the following  
11 disposition of this matter at the Board's public meeting on May 14, 2003.

12 1. Respondent acknowledges that she has read and understands this Consent  
13 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.  
14 Respondent acknowledges that she has the right to consult with legal counsel regarding  
15 this matter and has done so or chooses not to do so.

16 2. Respondent understands that by entering into this Consent Agreement for  
17 the issuance of the foregoing Order, she voluntarily relinquishes any rights to a hearing or  
18 judicial review in State or federal court on the matters alleged, or to challenge this Consent  
19 Agreement and the Order in its entirety as issued by the Board, and waives any other  
20 cause of action related thereto or arising from said Order.

21 3. Respondent acknowledges and understands that this Consent Agreement  
22 and the Order is not effective until approved by the Board and signed by its Executive  
23 Director.

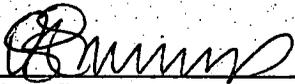
24 4. All admissions made by Respondent are solely for final disposition of this  
25 matter and any subsequent related administrative proceedings or civil litigation involving  
the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government  
2 regulatory agency proceeding, civil or criminal court proceeding, in this State or any other  
3 state or federal court.

4 5. Respondent acknowledges and agrees that, although the Consent  
5 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
6 Respondent may not revoke her acceptance of the Consent Agreement and Order.  
7 Respondent may not make any modifications to the document. Any modifications to this  
8 original document are ineffective and void unless mutually approved by the parties.

9 6. Respondent further understands that this Consent Agreement and Order,  
10 once approved and signed, is a public record that may be publicly disseminated as a  
11 formal action of the Board.

12 7. If any part of the Consent Agreement and Order is later declared void or  
13 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force  
14 and effect.

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16 \_\_\_\_\_  
Lisa Emmans, M.D.

1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of License No. 29814 for the practice of allopathic  
5 medicine in the State of Arizona.

6 3. In October 2001 Respondent and the Board, through its Executive Director,  
7 entered into a Stipulated Rehabilitation Agreement ("SRA") requiring Respondent to enroll  
8 in the Board's confidential program for the treatment and rehabilitation of physicians who  
9 are impaired by alcohol or drug use ("MAP").

10 4. One of the terms of the SRA required Respondent to abstain from the  
11 ingestion of alcohol, including any food containing alcohol. The SRA also mandates  
12 random biological fluid testing.

13 5. The SRA informs the physician that, while an SRA is not disciplinary, any  
14 violation of the SRA constitutes unprofessional conduct as defined in A.R.S. § 32-  
15 1401(24)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued  
16 or entered into by the board or its executive director under the provisions of this chapter)."  
17 The SRA also mandates that, in case of a relapse, the physician must enter into an Interim  
18 Consent Agreement that requires the physician immediately stop practicing medicine and  
19 participate undergo in-patient treatment.

20 6. On October 31, 2002, Respondent's biological fluid sample tested positive  
21 for Ethanol. On November 7, 2002, Respondent admitted to the Board's contracted  
22 addiction medicine specialist ("Specialist") that she had consumed alcohol in violation of  
23 the SRA.

24 7. On November 8, 2002, Respondent signed an Interim Consent Agreement  
25 for Practice Restriction and InPatient Treatment ("Interim Agreement"). On December 2,

1 2002 Respondent entered inpatient treatment. Respondent was discharged from inpatient  
2 treatment on January 1, 2003.

3 8. Respondent has been participating in MAP since her discharge on January  
4 1, 2003. Specialist met with Respondent regarding her recovery and treatment status and  
5 has recommended that Interim Agreement be terminated and that Respondent be  
6 mandated to participate in MAP for the next five years.

### 7 CONCLUSIONS OF LAW

8 1. The Arizona Medical Board possesses jurisdiction over the subject matter  
9 hereof and over Respondent.

10 2. The Board has received substantial evidence supporting the Findings of Fact  
11 described above and said findings constitute unprofessional conduct or other grounds for  
12 the Board to take disciplinary action.

13 3. The conduct and circumstances above in paragraph 6 constitutes  
14 unprofessional conduct pursuant to A.R.S. § § 32-1401(24)(f) ("[h]abitual intemperance in  
15 the use of alcohol or habitual substance abuse;") and 32-1401(24)(r) ("[v]iolating a formal  
16 order, probation, consent agreement or stipulation issued or entered into by the board or  
17 its executive director under the provisions of this chapter)."

### 18 ORDER

19 Based upon the foregoing Findings of Fact and Conclusions of Law,

20 IT IS HEREBY ORDERED that:

21 1. The Interim Consent Agreement dated November 8, 2002 is terminated.

22 2. Respondent placed on Probation for five years with the following terms and  
23 conditions:

24 a. Respondent shall participate in the Board's Monitored Aftercare  
25 Program pursuant to the following:

1 **I. Definitions**

2 1. **"Medication"** means "prescription-only drug, controlled substance, and over-  
3 the counter preparation, other than plain aspirin and plain acetaminophen."

4 2. **"Emergency"** means "a serious accident or sudden illness that, if not treated  
5 immediately, may result in a long-term medical problem or loss of life."

6 **II. Terms**

7 1. **Participation.** Respondent shall promptly enroll in and participate in the  
8 Board's substance abuse treatment and rehabilitation program ("MAP"). As part of  
9 participation in MAP, Respondent shall cooperate with the Board Staff and contracting  
10 MAP supervisors.

11 2. Respondent's participation in MAP may be unilaterally terminated at the  
12 discretion of the Board at any time after issuance of this Order, with or without cause for  
13 termination.

14 3. If the Board (or its Executive Director) concludes that it is appropriate, this  
15 matter may be referred for further proceedings or investigation to the extent authorized by  
16 law to consider all relevant issues of Respondent's professional conduct and ability to  
17 safely and ethically engage in the practice of medicine.

18 4. Respondent's participation in MAP will terminate at the end of five (5) years  
19 unless the Board terminates this Order prior to the end of the 5-year period or extends the  
20 time period.

21 5. **Group Therapy.** Respondent shall attend MAP group therapy sessions one  
22 time per week for the duration of this Order, unless excused by the group therapist for  
23 good cause such as illness or vacation. Respondent shall instruct the MAP group  
24 therapist to release to the Board, upon its request, all records relating to Respondent's  
25 treatment, and to submit monthly reports to the Board regarding attendance and progress.  
The reports shall be submitted on or before the 10th day of each month.

1           6.     Board-Approved Primary Care Physician. Respondent shall promptly  
2 obtain a primary care physician and shall submit the name of the primary care physician to  
3 Board Staff in writing for approval.

4           7.     The Board-approved primary care physician ("PCP") shall be in charge of  
5 providing and coordinating Respondent's medical care and treatment. Except in an  
6 **Emergency**, Respondent shall obtain Respondent's medical care and treatment only from  
7 the PCP and from health care providers to whom the PCP refers Respondent.  
8 Respondent shall request that the PCP document all referrals in the medical record.

9           8.     Respondent shall promptly inform the PCP of Respondent's rehabilitation  
10 efforts and provide a copy of this Order to the PCP. Respondent shall also inform all other  
11 health care providers who provide medical care or treatment to Respondent that  
12 Respondent is participating in MAP.

13           9.     Medication. Except in an **Emergency**, Respondent shall take only  
14 **Medication** prescribed by the PCP or other health care provider to whom the PCP refers  
15 Respondent. Respondent shall not self-prescribe any **Medication**.

16           10.    If a controlled substance is prescribed, dispensed, or administered to  
17 Respondent by any person other than the PCP, Respondent shall notify the PCP in writing  
18 within 48 hours. The notification shall contain all information required for the medication  
19 log entry specified in paragraph 11. Respondent shall request that the notification be  
20 made a part of the medical record. This paragraph does not authorize Respondent to take  
21 any **Medication** other than in accordance with paragraph 9.

22           11.    Medication Log. Respondent shall maintain a current legible log of all  
23 **Medication** taken by or administered to Respondent, and shall make the log available to  
24 the Board and its Staff upon request. For **Medication** (other than controlled substances)  
25 taken on an on-going basis, Respondent may comply with this paragraph by logging the  
first and last administration of the **Medication** and all changes in dosage or frequency.  
The log, at a minimum, shall include the following:

- a. Name and dosage of **Medication** taken or administered;
- b. Date taken or administered;
- c. Name of prescribing or administering Physician;
- d. Reason **Medication** was prescribed or administered.

This paragraph does not authorize Respondent to take any **Medication** other than in accordance with paragraph 9.

12. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or any food or other substance containing poppy seeds or alcohol.

13. **Biological Fluid Collection.** During all times that Respondent is physically present in the State and such other times as Board Staff may direct, Respondent shall promptly comply with requests from Board Staff, the group therapist, or the MAP director to submit to witnessed biological fluid collection. If Respondent is directed to contact an automated telephone message system to determine when to provide a specimen, Respondent shall do so within the hours specified by Board Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly comply" means "immediately". In the case of a telephonic request, "promptly comply" means that, except for good cause shown, Respondent shall appear and submit to specimen collection not later than two hours after telephonic notice to appear is given. The Board in its sole discretion shall determine good cause.

14. Respondent shall provide Board Staff in writing with one telephone number that may be used to contact Respondent on a 24 hour per day/seven day per week basis to submit to biological fluid collection. For the purposes of this section, telephonic notice shall be deemed given at the time a message to appear is left at the contact telephone number provided by Respondent. Respondent authorizes any person or organization conducting tests on the collected samples to provide testing results to the Board and the MAP Director.

1           15. Respondent shall cooperate with collection site personnel regarding  
2 biological fluid collection. Repeated complaints from collection site personnel regarding  
3 Respondent's lack of cooperation regarding collection may be grounds for termination from  
4 MAP.

5           16. **Payment for Services.** Respondent shall pay for all costs, including  
6 personnel and contractor costs, associated with participating in MAP at time service  
7 is rendered, or within 30 days of each invoice sent to Respondent.

8           17. **Examination.** Respondent shall submit to mental, physical, and medical  
9 competency examinations at such times and under such conditions as directed by the  
10 Board to assist the Board in monitoring Respondent's ability to safely engage in the  
11 practice of medicine and compliance with the terms of this Order.

12           18. **Treatment.** Respondent shall submit to all medical, substance abuse, and  
13 mental health care and treatment ordered by the Board, or recommended by the MAP  
14 director.

15           19. **Obey All Laws.** Respondent shall obey all federal, state and local laws, and  
16 all rules governing the practice of medicine in the State of Arizona.

17           20. **Interviews.** Respondent shall appear in person before the Board and its  
18 Staff and committees for interviews upon request, upon reasonable notice.

19           21. **Address and Phone Changes, Notice.** Respondent shall immediately  
20 notify the Board in writing of any change in office or home addresses and telephone  
21 numbers. Respondent shall provide Board staff at least three business days advance  
22 written notice of any plans to be away from office or home for more than five (5)  
23 consecutive days. The notice shall state the reason for the intended absence from home  
24 or office, and shall provide a telephone number that may be used to contact Respondent.

25           22. **Relapse, Violation.** In the event of chemical dependency relapse by  
Respondent or use of drugs or alcohol by Respondent in violation of this Order,  
Respondent shall promptly enter into a Interim Consent Agreement that requires, among

1 other things, that Respondent not practice medicine until such time as Respondent  
2 successfully completes an inpatient or residential treatment program for chemical  
3 dependency designated by the Board or staff and obtains the affirmative approval of the  
4 Board to return to the practice of medicine. Prior to approving Respondent's request to  
5 return to the practice of medicine, the Board may require Respondent to submit to  
6 witnessed biological fluid collection, undergo any combination of a physical examination,  
7 psychiatric or psychological evaluation and/or to successfully pass the special purpose  
8 licensing examination or the Board may conduct interviews for the purposes 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 take  
11 disciplinary action for violation of this Order.

12       **23.    Notice Requirements.**

13           **(a)** Respondent shall immediately provide a copy of this Order to all  
14 employers and hospitals and free standing surgery centers at which Respondent currently  
15 has privileges. Within 30 days of the effective date of this Order, Respondent shall  
16 provide the Board with a signed statement that Respondent has complied with this  
17 notification requirement. Upon any change in employer or upon the granting of privileges  
18 at additional hospitals or free standing surgery centers, Respondent shall provide the  
19 employer, hospital or free standing surgery center with a copy of this Order. Within 30  
20 days of a change in employer or upon the granting of privileges at additional hospitals or  
21 free standing surgery centers, Order shall provide the Board with a signed statement that  
22 Order has complied with this notification requirement.

23           **(b)** Respondent is further required to notify, in writing, all employers,  
24 hospitals and free standing surgery centers at which Respondent currently has, or in the  
25 future gains employment or privileges, of a chemical dependency relapse, use of drugs or  
alcohol in violation of this Order and/or entry into a treatment program. Respondent shall

1 provide the Board with written confirmation of compliance with this notification requirement  
2 within 7 days of any of these events.

3 (c) Respondent shall immediately submit to the Board, under penalty of  
4 perjury, on a form provided by the Board, the name(s) and address(es) of all employers  
5 and all hospitals and free-standing surgery centers at which Respondent currently holds  
6 privileges to practice. Respondent is further required to, under penalty of perjury, on a  
7 form provided by the Board, immediately notify the Board of any changes in his  
8 employment and of any hospitals and freestanding surgery centers at which Respondent  
9 gains privileges after the effective date of this Order.

10 24. **Public Record.** This Order is a public record and, will be disclosed to the  
11 extent required by law.

12 25. **Out-of State.** In the event Respondent resides or practices medicine in a  
13 state other than Arizona, Respondent shall participate in the physician rehabilitation  
14 program sponsored by that state's medical licensing authority or medical society.  
15 Respondent shall cause the other state's program to provide written reports to the Board  
16 regarding Respondent's attendance, participation, and monitoring. The reports shall be  
17 due on or before the 15th day of March and September of each year, until the Board  
18 terminates this requirement in writing.

19 26. **Quarterly Declarations** Respondent shall submit quarterly declarations  
20 under penalty of perjury on forms provided by the Board, stating whether there has been  
21 compliance with all conditions of probation. The declarations shall be submitted on or  
22 before the 15th of March, June, September and December of each year, beginning on or  
23 before September 15, 2003.

24 This Order is the final disposition of case number MD-02-0712.  
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1 DATED this 14<sup>th</sup> day of May, 2003.



ARIZONA MEDICAL BOARD

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By *Barry Cassidy*  
BARRY A. CASSIDY, Ph.D., PA-C  
Executive Director

ORIGINAL of the foregoing filed this  
14<sup>th</sup> day of MAY, 2003 with:

The Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing  
mailed by U.S. Certified Mail this  
14<sup>th</sup> day of MAY, 2003, to:

Lisa Emmans, M.D.  
8226 East Sells Drive  
Scottsdale, Arizona 85251-2725

Copy of the foregoing hand-delivered this  
14<sup>th</sup> day of MAY, 2003, to:

Christine Cassetta  
Assistant Attorney General  
Sandra Waitt, Management Analyst  
Compliance  
Investigations  
Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

*Branda Adair*