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**BEFORE THE ARIZONA REGULATORY BOARD
OF PHYSICIAN ASSISTANTS**

In the Matter of
DOUGLAS R. DENNEY, PA-C
Holder of License No. 3112
For the Performance of Healthcare Tasks
In the State of Arizona.

Case No. PA-21-0085A
**ORDER FOR DECREE OF CENSURE
AND PROBATION;
AND CONSENT TO THE SAME**

Douglas R. Denney, PA-C (“Respondent”) elects to permanently waive any right to a hearing and appeal with respect to this Order for Decree of Censure and Probation and Consent to the Same; admits the jurisdiction of the Arizona Regulatory Board of Physician Assistants (“Board”); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of physician assistants in the State of Arizona.
2. Respondent is the holder of License No. 3112 for the performance of health care tasks in the State of Arizona.
3. The Board initiated case number PA-21-0085A after receiving a report from Respondent’s employer that Respondent had tested positive for alcohol on a for cause urine drug screen. The employer reported that Respondent had been sent home and removed from the Hospital’s schedule.
4. Respondent subsequently submitted a self-report indicating that he may have a health condition that impairs his ability to safely perform health care tasks.
5. Respondent subsequently attended an Assessment with a Board-approved Assessor. Based on the Assessment’s findings and results, the Assessor opined that

1 Respondent was unsafe to perform health care tasks pending further evaluation and/or
2 treatment.

3 6. Respondent entered into an Interim Consent Agreement for Practice
4 Restriction, effective November 1, 2021 ("First Practice Restriction"). The First Practice
5 Restriction prohibited Respondent from performing healthcare tasks, pending completion
6 of treatment and a determination that Respondent was safe to return to the performance of
7 healthcare tasks.

8 7. Respondent subsequently completed intensive, outpatient treatment at a
9 Board-approved facility ("Facility") and was discharged with staff approval on January 5,
10 2022. Based on Respondent's treatment and prognosis, the Facility opined that
11 Respondent was safe to practice, provided he enter into a monitoring agreement with the
12 Board, and comply with recommendations for aftercare.

13 8. Respondent met with the Assessor for a post-treatment assessment on
14 January 11, 2022. In his January 13, 2022 Assessment Report, the Assessor agreed that
15 Respondent was safe to return to the performance of healthcare tasks, and recommended
16 monitoring with the PHP for two years and compliance with recommendations for
17 aftercare.

18 9. Based on the recommendations of the Assessor, Respondent entered into
19 an Interim Order to Participate in the Physician Health Program and Consent to the Same
20 ("First Interim Consent Agreement"). The First Interim Consent Agreement vacated the
21 First Practice Restriction and required Respondent to comply with terms and conditions of
22 PHP monitoring including enrollment with a Monitor and a prohibition against taking illegal
23 drugs or mood altering medications unless prescribed for a legitimate therapeutic purpose.
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1 10. On June 20, 2022, the PHP Monitor reported that Respondent recently
2 tested positive for an illicit substance in violation of his Interim Consent Agreement.
3 Respondent denied using the substance but admitted to using herbal supplements of
4 unclear origin that had not been previously disclosed to the Monitor. The PHP Monitor
5 recommended that Respondent undergo a comprehensive evaluation at a Board-approved
6 facility, and opined that Respondent as not safe to perform health care tasks.

7 11. Effective July 1, 2022, Respondent entered into an Interim Consent
8 Agreement for a Practice Restriction (“Second Practice Restriction”).
9

10 12. Respondent completed the comprehensive evaluation at a Board-approved
11 Facility as recommended by the PHP Monitor, and the Facility recommended that
12 Respondent complete inpatient treatment. Respondent subsequently underwent inpatient
13 treatment and was discharged with staff approval on August 13, 2022.

14 13. Respondent met with the Monitor for a post-treatment Assessment. In the
15 Monitor’s August 25, 2022 Assessment Report, the Monitor noted that Respondent was
16 participating in an Intensive Outpatient Treatment Program (“IOP”) and opined that
17 Respondent was safe to return to the performance of healthcare tasks, provided he
18 participate in additional monitoring and comply with recommendations for aftercare.

19 14. Effective September 15, 2022, Respondent entered into a second Interim
20 Order to Participate in the Physician Health Program and Consent to the Same (“Second
21 Interim Consent Agreement”) that vacated the Second Practice Restriction, and required
22 Respondent to comply with terms and conditions of PHP monitoring consistent with
23 Assessor’s recommendations.

24 15. Respondent is in compliance with the terms and conditions of the Second
25 Interim Consent Agreement.

1 **CONCLUSIONS OF LAW**

2 1. The Arizona Regulatory Board of Physician Assistants possesses
3 jurisdiction over the subject matter hereof and over Respondent.

4 2. The conduct and circumstances described above constitutes unprofessional
5 conduct pursuant to A.R.S. § 32-2501(18)(d) ("Exhibiting a pattern of using or being
6 under the influence of alcohol or drugs or a similar substance while performing health
7 care tasks or to the extent that judgment may be impaired and the ability to perform
8 health care tasks detrimentally affected.").

9 3. The conduct and circumstances described above constitutes unprofessional
10 conduct pursuant to A.R.S. § 32-2501(18)(j) ("Committing any conduct or practice that is
11 or might be harmful or dangerous to the health of a patient or the public.").

12 4. The conduct and circumstances described above constitutes unprofessional
13 conduct pursuant to A.R.S. § 32-2501(18)(k) ("Violating a formal order, probation or
14 stipulation issued by the board.").

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

17 1. Respondent is issued a Decree of Censure.

18 2. Respondent's license is placed on Probation for **Five Years**¹ and is subject
19 to participation in the Board's PHP and compliance with the following terms and
20 conditions:

21 3. Respondent shall not consume alcohol or any food or other substance
22 containing poppy seeds or alcohol.

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

24 _____

25 ¹ Respondent's participation shall be retroactive to September 15, 2022.

1 unless prescribed for a legitimate therapeutic purpose.

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

9 6. Respondent shall continue to participate in any personalized aftercare
10 programs or activities as recommended by the Assessor in his post-treatment
11 Assessment Report, including ongoing psychotherapy. Respondent shall report on those
12 activities as requested by the PHP, including executing any releases necessary to allow
13 the PHP to monitor his participation and communicate directly with and obtain records
14 from the treating providers for those aftercare activities. Respondent shall be responsible
15 for all costs of aftercare, including costs associated with compliance of this Interim
16 Consent Agreement.

17 7. Respondent shall participate in a 12-step recovery program or other self-
18 help program appropriate for substance abuse as recommended by the PHP.
19 Respondent shall attend a minimum of three 12-step or other self-help program meetings
20 per week. Two meetings per month must be Caduceus meetings. Respondent must
21 maintain a log of all self-help meetings.

22 6. Respondent shall promptly obtain a Primary Care Physician ("PCP") and
23 shall submit the name of the physician to the PHP in writing for approval. The approved
24 PCP shall be in charge of providing and coordinating Respondent's medical care and
25 treatment. Except in an Emergency, Respondent shall obtain medical care and treatment

1 only from the PCP and from health care providers to whom the PCP refers Respondent.
2 Respondent shall promptly provide a copy of this Interim Consent Agreement to the PCP.
3 Respondent shall also inform all other health care providers who provide medical care or
4 treatment that Respondent is participating in PHP. "Emergency" means a serious
5 accident or sudden illness that, if not treated immediately, may result in a long-term
6 medical problem or loss of life. Respondent provides full consent for the PHP to discuss
7 the case with the PCP or any other of Respondent's health care providers to ensure
8 compliance with PHP.

9 7. Respondent shall enter treatment with a PHP Monitor approved addiction
10 psychiatrist or addiction medicine specialist as recommended by the Assessor in his
11 post-treatment Assessment Report and shall comply with any and all treatment
12 recommendations, including taking any and all prescribed medications. Respondent shall
13 instruct the treating professional to submit quarterly written reports to the PHP regarding
14 diagnosis, prognosis, current medications, recommendation for continuing care and
15 treatment, and ability to safely practice medicine. The reports shall be submitted quarterly
16 to the PHP, the commencement of which to be determined by the PHP Monitor.
17 Respondent shall provide the psychiatrist with a copy of this Stipulated Rehabilitation
18 Agreement. Respondent shall pay the expenses for treatment and be responsible for
19 paying for the preparation of the quarterly reports. At the expiration of one year or
20 anytime thereafter, Respondent may submit a written request to the PHP Monitor
21 requesting termination of the requirement that Respondent remain in treatment with a
22 psychiatrist. The decision to terminate will be based in part upon the treating
23 psychiatrist's recommendation for continued care and treatment.

24 9. All prescriptions for controlled substances shall be approved by the PHP
25 prior to being filled except in an Emergency. Controlled substances prescribed and filled

1 in an emergency shall be reported to the PHP within 48 hours. Respondent shall take no
2 Medication unless the PCP or other health care provider to whom the PCP refers
3 Respondent prescribes and the PHP approves the Medication. Respondent shall not self-
4 prescribe any Medication. "Medication" means a prescription-only drug, controlled
5 substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen,
6 and plain acetaminophen.

7 10. Respondent shall submit to random biological fluid, hair and/or nail testing
8 for the remainder of this Order (as specifically directed below) to ensure compliance with
9 PHP.

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

19 12. Respondent shall provide the PHP with written notice of any plans to travel
20 out of state.

21 13. Respondent shall immediately notify the Board and the PHP in writing of
22 any change in office or home addresses and telephone numbers.

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

1 15. Respondent shall be responsible for all costs, including PHP costs
2 associated with participating in PHP at the time service is rendered, or within 30 days of
3 each invoice sent to the Respondent. An initial deposit of two months PHP fees is due
4 upon entering the program. Failure to pay either the initial PHP deposit or monthly fees
5 60 days after invoicing will be reported to the Board by the PHP and may result in
6 disciplinary action up to and including license revocation.

7 16. Respondent shall immediately provide a copy of this Order to all employers,
8 hospitals and free standing surgery centers where Respondent currently has or in the
9 future gains or applies for employment or privileges. Within 30 days of the date of this
10 Order, Respondent shall provide the PHP with a signed statement of compliance with this
11 notification requirement. Respondent is further required to notify, in writing, all
12 employers, hospitals and free standing surgery centers where Respondent currently has
13 or in the future gains or applies for employment or privileges, of a chemical dependency
14 relapse.

15 17. In the event Respondent resides or practices as a physician assistant in a
16 state other than Arizona, Respondent shall participate in the rehabilitation program
17 sponsored by that state's medical licensing authority or medical society. Respondent
18 shall cause the monitoring state's program to provide written quarterly reports to the PHP
19 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
20 program and Respondent shall immediately notify the PHP if Respondent is
21 noncompliant with any aspect of the Order or is required to undergo any additional
22 treatment.

23 18. The PHP shall immediately notify the Board if Respondent is non-compliant
24 with any aspect of this Order or is required to undergo any additional treatment.

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

13 20. Respondent shall obey all state, federal and local laws, all rules governing
14 the performance of health care tasks in Arizona, and remain in full compliance with any
15 court order criminal probation, payments and other orders.

16 21. The Board retains jurisdiction and may initiate a new action based upon any
17 violation of this Order.

18 22. Prior to the termination of Probation, Respondent must submit a written
19 request to the Board for release from the terms of this Order. Respondent's request must
20 be in writing and submitted at least 30 days prior to the date he would like the matter to
21 appear before the Board. In doing so, Respondent must provide the Board with evidence
22 establishing that he has successfully satisfied all of the terms and conditions of this
23 Order. Such evidence shall include a report from the PHP Contractor supporting the
24 termination of Probation. The Board has the sole discretion to determine whether all of
25 the terms and conditions of this Order have been met and whether Respondent has

1 adequately demonstrated that she has addressed all of the issues identified in it. At that
2 time, the Board shall determine whether it is appropriate to release Respondent from this
3 Order or take any other action that is consistent with its statutory and regulatory authority.
4

5 DATED AND EFFECTIVE this 31st day of May, 2023.
6

7 ARIZONA REGULATORY BOARD OF
8 PHYSICIAN ASSISTANTS

9 By 
10 Patricia E. McSorley
11 Executive Director

12 **CONSENT TO ENTRY OF ORDER**

13 Respondent understands and agrees that:

14 1. Any record prepared in this matter, all investigative materials prepared or
15 received by the Board concerning the allegations, and all related materials and exhibits
16 may be retained in the Board's file pertaining to this matter.

17 2. Respondent has read and understands this Order as set forth herein, and
18 has had the opportunity to discuss this Order with an attorney or has waived the
19 opportunity to discuss this Order with an attorney. Respondent voluntarily enters into this
20 Order and by doing so agrees to abide by all of its terms and conditions.

21 3. By entering into this Order, Respondent freely and voluntarily relinquishes
22 all rights to an administrative hearing on the matters set forth herein, as well as all rights
23 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
24 and/or judicial action, concerning the matters related to the Order.
25

1 4. The findings contained in the Findings of Fact portion of the Order are
2 conclusive evidence of the facts stated herein and may be used for purposes of
3 determining sanctions in any future disciplinary matter.

4 5. Respondent acknowledges and agrees that upon signing this Order and
5 returning it to the Board's Executive Director, Respondent may not revoke her
6 acceptance of this Order or make any modifications to it. Any modification of this original
7 document is ineffective and void unless mutually approved by the parties in writing.

8 6. Respondent understands that this Order shall not become effective unless
9 and until it is approved by the Board and signed by the Board's Executive Director.

10 7. Respondent understands and agrees that if the Board does not adopt this
11 Order, Respondent will not assert in any future proceedings that the Board's
12 consideration of this Order constitutes bias, prejudice, prejudgment, or other similar
13 defense.

14 8. Respondent understands that this Order is a public record that may be
15 publicly disseminated as a formal action of the Board and will be reported to the National
16 Practitioner's Data Bank and posted on the Board's web site as a disciplinary action.

17 10. Respondent understands that any violation of this Order constitutes
18 unprofessional conduct under A.R.S. § 32-2501(18)(ee) ("[v]iolating a formal order,
19 probation, consent agreement or stipulation issued or entered into by the board or its
20 executive director.").

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23 
24 DOUGLAS R. DENNEY, PA-C

DATED: 4/29/23

1 EXECUTED COPY of the foregoing mailed

2 this 31st day of May, 2023 to:

3 Douglas R. Denney, PA-C
4 Address of Record

5 PHP Contractor
6 Address of Record

7 ORIGINAL of the foregoing filed
8 this 31st day of May, 2023 with:

9 Arizona Regulatory Board
10 of Physician Assistants
11 1740 West Adams, Suite 4000
12 Phoenix, Arizona 85007

13 Michelle Probes
14 Board staff
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