

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

3 In the Matter of:

Case No. PA-21-0108A

4 **DEREK R. BROWN, P.A.**

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

5 Holder of License No. 2685
6 For the Performance of Healthcare Tasks
In the State of Arizona

7 Derek R. Brown, P.A. ("Respondent"), elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand; admits the
9 jurisdiction of the Arizona Regulatory Board of Physician Assistants ("Board"); and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 physician assistants in the State of Arizona.

14 2. Respondent is the holder of license number 2685 for the performance of
15 health care tasks in the State of Arizona.

16 3. The Board initiated case number PA-21-0108A after receiving a complaint
17 alleging that Respondent was treating two individuals (MSG and LSG) who were his
18 friends, but not patients of his practice.

19 4. In his written response to the Board, Respondent stated that in the Winter of
20 2020, his longtime neighbors MSG and LSG chose not to receive vaccinations for COVID-
21 19 and requested prescriptions for hydroxychloroquine, doxycycline, Augmentin, Bactrim
22 and Nystatin, which he provided.

23 5. On November 19, 2021 Respondent stated that he was at the home of MSG
24 and LSG performing yard work, and MSG disclosed that both he and LSG were
25 experiencing symptoms of COVID-19. Respondent stated that he advised both patients to

1 get tested and seek primary care. After both tested positive and could not be seen by
2 primary care, Respondent stated that he advised MSG to go to the emergency room, but
3 MSG declined. Respondent stated he called in Zithromax, Decadron and Pulimcort
4 prescriptions for both patients. MSG requested Ivermectin, and Respondent provided
5 MSG a prescription for it. After MSG continued to decline, Respondent again advised to
6 seek emergency care, and advised LSG to call 911. MSG transported to a hospital via
7 EMS and MSG subsequently expired.

8 6. According to Hospital records, MSG presented via EMS due to cough,
9 shortness of breath for ten days. He had a fever, and he was 81% on room air. MSG
10 reported that he had not taken any medications for symptoms. During his initial evaluation,
11 MSG was brought up to 96% on oxygen, and was pleasant but confused. A chest x-ray
12 was compatible with COVID-19. MSG was diagnosed with acute hypoxic respiratory
13 failure secondary to acute COVID-19 pneumonia, metabolic encephalopathy secondary to
14 home medication clonazepam and Lexapro among other diagnosis. On November 28,
15 2021, at 2211, MSG expired. The death certificate listed the cause of death as acute
16 cardiac arrest as a consequence of corona virus pneumonia.

17 7. Respondent's Supervising Physician provided a written response stating that
18 Respondent's care of MSG and LSG was provided outside the scope of his work duties
19 and the Supervising Physician's supervision.

20 8. Respondent failed to maintain medical records regarding his care of MSG
21 and LSG.

22 9. During the course of the Board's investigation, Respondent provided
23 confidential Board investigative documents to LSG.

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1 **CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-2501(18)(a) ("Violating any federal or state law or rule
6 that applies to the performance of health care tasks as a physician assistant. Conviction in
7 any court of competent jurisdiction is conclusive evidence of a violation."). Specifically,
8 Respondent's conduct violated A.R.S. § 32-2552(C) ("The following items are not available
9 to the public: 1. Patient records, including clinical records, medical reports and laboratory
10 statements and reports. 2. Files, films, reports or oral statements relating to diagnostic
11 findings or treatment of patients. 3. Any information from which a patient or the patient's
12 family might be identified. 4. Information received and records kept by the board in its
13 investigations.").

14 3. The conduct and circumstances described above constitute unprofessional
15 conduct pursuant to A.R.S. § 32-2501(18)(c) ("Performing health care tasks that have not
16 been delegated by the supervising physician.").

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

20 5. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-2501(18)(p) ("Failing or refusing to maintain adequate
22 records on a patient.").

23 6. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-2501(18)(ll) ("Prescribing, dispensing or furnishing a
25 prescription medication or a prescription-only device as defined in section 32-1901 to a

1 person unless the licensee first conducts a physical examination of that person or has
2 previously established a professional relationship with the person.”).

3 **ORDER**

4 IT IS HEREBY ORDERED THAT:

5 1. Respondent is issued a Letter of Reprimand;
6 DATED AND EFFECTIVE this 9th day of November, 2022.

7
8 ARIZONA REGULATORY BOARD
9 OF PHYSICIAN ASSISTANTS

10 By 
11 Patricia E. McSorley
12 Executive Director

13 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

25 5. All admissions made by Respondent in this Order are solely for final
disposition of this matter and any subsequent related administrative proceedings or civil

1 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
2 are not intended or made for any other use, such as in the context of another state or
3 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
4 State of Arizona or any other state or federal court.

5 6. Notwithstanding any language in this Order, this Order does not preclude in
6 any way any other State agency or officer or political subdivision of this state from
7 instituting proceedings, investigating claims, or taking legal action as may be appropriate
8 now or in the future relating to this matter or other matters concerning Respondent,
9 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
10 acknowledges that, other than with respect to the Board, this Order makes no
11 representations, implied or otherwise, about the views or intended actions of any other
12 state agency or officer or political subdivisions of the State relating to this matter or other
13 matters concerning Respondent.

14 7. Upon signing this agreement, and returning this document (or a copy
15 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
16 entry of the Order. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

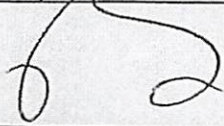
19 8. This Order is a public record that will be publicly disseminated as a formal
20 disciplinary action of the Board and will be reported to the National Practitioner's Data
21 Bank and on the Board's web site as a disciplinary action.

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

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1 10. If the Board does not adopt this Order, Respondent will not assert as a
2 defense that the Board's consideration of the Order constitutes bias, prejudice,
3 prejudgment or other similar defense.

4 11. Respondent has read and understands the terms of this Agreement.

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Derek R. Brown, P.A.


DATED: 10/18/22

8
9 EXECUTED COPY of the foregoing mailed
this 9th day of November, 2022 to:

10 Derek R. Brown, P.A.
11 Address of Record

12
13 ORIGINAL of the foregoing filed
this 9th day of November, 2022 with:

14 Arizona Regulatory Board
15 of Physician Assistants
16 1740 West Adams, Suite 4000
Phoenix, Arizona 85007

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18 _____
Board staff