

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **KATHERINE E. GROSS, M.D.**

4 Holder of License No. 58013
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-22-0193A

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

7 Katherine E. Gross, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 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 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 58013 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-22-0193A after receiving a report from
17 the Board's Physician Health Program ("PHP") Monitor that Respondent had tested
18 positive for a controlled substance in violation of her confidential agreement for monitoring.

19 4. Respondent's license is subject to a Stipulated Rehabilitation Agreement
20 ("SRA") entered in MD-20-0283A, effective March 23, 2021. The SRA required
21 Respondent to comply with terms and condition of monitoring including random substance
22 use screening.

23 5. On February 10, 2022, Respondent tested positive for a controlled substance
24 on a substance use screen. The PHP Monitor determined that Respondent had been
25 prescribed the medication without obtaining approval from the PHP as required by the
SRA. Respondent failed to respond to the Monitor's attempts to contact her, and failed to

1 check-in for substance abuse screening on two occasions. The Monitor scheduled
2 Respondent for an additional test for which she failed to appear. The Monitor was
3 subsequently contacted by Respondent's spouse, who advised that she had voluntarily
4 presented for inpatient treatment.

5 6. Respondent subsequently completed inpatient treatment at a Board-
6 approved facility ("Facility") and was discharged with staff approval on March 18, 2022,
7 and subsequently enrolled in an intensive, outpatient treatment program ("IOP").

8 7. While in IOP, Respondent tested positive for alcohol on one occasion, and
9 admitted to the Monitor that she had consumed alcohol.

10 8. Respondent entered into an Interim Consent Agreement for Practice
11 Restriction, effective June 20, 2022.

12 9. Respondent reentered inpatient treatment, followed by a 90-day partial
13 hospitalization program and an IOP. Respondent successfully completed the IOP on
14 December 30, 2022.

15 10. After completion of the IOP, Respondent met with the PHP Monitor. Based
16 on Respondent's treatment and prognosis, the Monitor opined that Respondent was safe
17 to practice, provided she continue monitoring with the Board, and comply with
18 recommendations for aftercare.

19 11. On March 30, 2023, Respondent entered into an Interim Consent Agreement
20 for PHP participation. Respondent is in compliance with the terms of her PHP monitoring.

21 **CONCLUSIONS OF LAW**

22 a. The Board possesses jurisdiction over the subject matter hereof and over
23 Respondent.

24 b. The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401(27)(f) ("Exhibiting a pattern of using or being under

1 the influence of alcohol or drugs or a similar substance while practicing medicine or to the
2 extent that judgment may be impaired and the practice of medicine detrimentally
3 affected.”).

4 c. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(s) (“Violating a formal order, probation, consent
6 agreement or stipulation issued or entered into by the board or its executive director under
7 the provisions of this chapter.”).

8 d. The conduct and circumstances described above constitute unprofessional
9 conduct pursuant to A.R.S. § 32-1401(27)(ee) (“Failing to furnish information in a timely
10 manner to the board or the board's investigators or representatives if legally requested by
11 the board.”).

12 e. The conduct and circumstances described above constitute unprofessional
13 conduct pursuant to A.R.S. § 32-1401(27)(oo) (“Refusing to submit to a body fluid
14 examination or any other examination known to detect the presence of alcohol or other
15 drugs as required by the board pursuant to section 32-1452 or pursuant to a board
16 investigation into a doctor of medicine's alleged substance abuse.”).

17 **ORDER**

18 IT IS HEREBY ORDERED THAT:

- 19 1. Respondent is issued a Letter of Reprimand.
- 20 2. Respondent is placed on Probation for a period of five years¹ with the
21 following terms and conditions:
- 22 3. Respondent shall not consume alcohol or any food or other substance
23 containing poppy seeds or alcohol.
- 24

25 _____
¹ Respondent's probation shall be retroactive to March 30, 2023.

1 4. Respondent shall not take any illegal drugs or mood altering medications
2 unless prescribed for a legitimate therapeutic purpose.

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

9 6. Respondent shall continue to participate in any personalized aftercare
10 programs or activities as recommended by the Monitor in his March 20, 2023 Report
11 including, but not limited to mutual support groups and other treatment recommendations.
12 Respondent shall report on those activities as requested by the PHP, including executing
13 any releases necessary to allow the PHP to monitor his participation and communicate
14 directly with and obtain records from the treating providers for those aftercare activities.
15 Respondent shall be responsible for all costs of aftercare, including costs associated with
16 compliance of this Interim Consent Agreement.

17 7. If requested by the PHP and not already completed, Respondent shall attend
18 ninety 12-step meetings or other self-help group meetings appropriate for substance
19 abuse and approved by the PHP, for a period of ninety days. Upon completion of the
20 ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
21 program or other self-help program appropriate for substance abuse as recommended by
22 the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
23 meetings per week. Two meetings per month must be Caduceus meetings. Respondent
24 must maintain a log of all self-help meetings.

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

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

17 10. Respondent shall consult with a PHP Contractor approved addiction
18 psychiatrist or addiction medicine specialist as recommended by the Monitor in his March
19 20, 2023 Report and if pharmacotherapy is recommended, enter into treatment with and
20 comply with any and all treatment recommendations, including taking any and all
21 prescribed medications. Respondent shall instruct the treating professional to submit
22 quarterly written reports to the PHP regarding diagnosis, prognosis, current medications,
23 recommendation for continuing care and treatment, and ability to safely practice medicine.
24 The reports shall be submitted quarterly to the PHP, the commencement of which to be
25 determined by the PHP Contractor. Respondent shall provide the professional with a copy

1 of this Interim Consent Agreement. Respondent shall pay the expenses for treatment and
2 be responsible for paying for the preparation of the quarterly reports.

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

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

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

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

1 15. If not already completed, Respondent shall successfully complete a PHP
2 approved 36 hour alcohol/drug awareness education class.

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

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

8 18. The relationship between the Respondent and the PHP Contractor is a direct
9 relationship. Respondent shall not use an attorney or other intermediary to communicate
10 with the PHP Contractor on participation and compliance issues. All inquiries must be
11 directed to Board staff.

12 19. Respondent shall be responsible for all costs, including costs associated with
13 participating in the PHP, at the time service is rendered or within 30 days of each invoice
14 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon
15 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days
16 after invoicing will be reported to the Board by the PHP Contractor and may result in
17 disciplinary action.

18 20. Respondent shall appear in person before with the PHP Contractor for
19 interviews upon request, upon reasonable notice.

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

1 hospitals and free standing surgery centers where Respondent currently has or in the
2 future gains or applies for employment or privileges of a violation of this Order.

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

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

13 24. In the event of a chemical dependency relapse by Respondent or
14 Respondent's use of controlled substances or alcohol in violation of this Order,
15 Respondent shall promptly enter into an Interim Consent Agreement for Practice
16 Restriction that requires, among other things, that Respondent not practice medicine until
17 such time as Respondent successfully completes long-term inpatient treatment designated
18 by the PHP Contractor and obtains affirmative approval from the Executive Director, in
19 consultation with the Lead Board Member and Chief Medical Consultant, to return to the
20 practice of medicine. Prior to approving Respondent's request to return to the practice of
21 medicine, Respondent may be required to undergo any combination of physical
22 examinations, psychiatric or psychological evaluations. In no respect shall the terms of this
23 paragraph restrict the Board's authority to initiate and taken disciplinary action for any
24 violation of this Order.

25. Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

26. Prior to the termination of Probation, Respondent must submit a written request to the Board for release from the terms of this Order. Respondent's request for release will be placed on the next pending Board agenda, provided a complete submission is received by Board staff no less than 30 days prior to the Board meeting. Respondent's request for release must provide the Board with evidence establishing that he/she has successfully satisfied all of the terms and conditions of this Order. The Board has the sole discretion to determine whether all of the terms and conditions of this Order have been met or whether to take any other action that is consistent with its statutory and regulatory authority.

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

28. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s).

DATED AND EFFECTIVE this 2nd day of November, 2023.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
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 she has the right to consult with legal counsel regarding this matter.

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

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

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

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

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

20 7. Notwithstanding any language in this Order, this Order does not preclude in
21 any way any other State agency or officer or political subdivision of this state from
22 instituting proceedings, investigating claims, or taking legal action as may be appropriate
23 now or in the future relating to this matter or other matters concerning Respondent,
24 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
25 acknowledges that, other than with respect to the Board, this Order makes no

1 representations, implied or otherwise, about the views or intended actions of any other
2 state agency or officer or political subdivisions of the State relating to this matter or other
3 matters concerning Respondent.

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

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

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

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

16 12. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16),
17 Respondent cannot act as a supervising physician for a physician assistant while
18 Respondent's license is on probation.

19 13. ***Respondent has read and understands the conditions of Probation.***

20
21 
22 KATHERINE E. GROSS, M.D.
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24
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DATED: 10/7/23

1 EXECUTED COPY of the foregoing mailed
2 this 2nd day of November, 2023 to:

3 Katherine E. Gross, M.D.
4 Address of Record

5 Physician Health Program
6 Address on File

7 ORIGINAL of the foregoing filed
8 this 2nd day of November, 2023 with:

9 Arizona Medical Board
10 1740 West Adams, Suite 4000
11 Phoenix, Arizona 85007

12 Michelle Probus
13 Board staff
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