

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of

**THOMAS R. BRANDT, M.D.**

Holder of License No. 25293  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-24-0472A

**ORDER FOR LICENSE  
REACTIVATION, LETTER OF  
REPRIMAND AND PROBATION, AND  
CONSENT TO THE SAME**

Thomas R. Brandt, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for License Reactivation, Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("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 the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 25293 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-24-0472A after receiving Respondent's request for license reactivation.

4. Respondent participated in the Board's Physician Health Program ("PHP") from August 30, 2006 through October 13, 2010 pursuant to a Consent Agreement for a Letter of Reprimand and Probation ("Original Order"). Respondent successfully completed the terms and conditions of the Original Order and the Original Order was terminated.

5. The Board initiated case MD-23-069A on July 19, 2023, when the Board received a self-report from Respondent that he had entered the Iowa PHP effective February 7, 2023 for five years of PHP Monitoring. According to Respondent's narrative, on January 23, 2023 Respondent tested positive for alcohol during a for-cause breathalyzer screen. Respondent stated that he had consumed alcohol approximately two

1 hours prior to work, and that he was asked to submit for testing based on staff reports that  
2 he was displaying signs of intoxication.

3 6. On March 4, 2024, Respondent requested that her license be placed on  
4 "Inactive with Cause" status, which the Board's Executive Director approved.

5 7. Respondent successfully completed an intensive outpatient treatment  
6 program ("IOP"). Respondent has been determined to be safe to return to the practice of  
7 medicine subject to Respondent's participation in PHP for a period of five years.

8 8. On May 8, 2024 Respondent requested reactivation of his/her medical  
9 license.

10 9. Board staff stated that according to the Board's three-strike policy, this  
11 is Respondent's "second strike."

#### 12 CONCLUSIONS OF LAW

13 1. The Arizona Medical Board possesses jurisdiction over the subject matter  
14 hereof and over Respondent.

15 2. The Board has received substantial evidence supporting the Findings of Fact  
16 described above and said findings require the Board to either refer the matter for formal  
17 hearing to revoke Respondent's license or reactivate Respondent's license and place  
18 Respondent on probation for five years with restrictions necessary to assure public safety.  
19 A.R.S. § 32-1452(F).

20 3. The conduct and circumstances described above constitute unprofessional  
21 conduct pursuant to A.R.S. § 32-1401(27)(f) ("Exhibiting a pattern of using or being under  
22 the influence of alcohol or drugs or a similar substance while practicing medicine or to the  
23 extent that judgment may be impaired and the practice of medicine detrimentally  
24 affected.").

1           4.     The conduct and circumstances described above constitute unprofessional  
2 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is  
3 or might be harmful or dangerous to the health of the patient or the public.").

4                               **ORDER**

5           IT IS HEREBY ORDERED that:

6 Respondent's license is reactivated upon payment of the renewal fee. Respondent is  
7 placed on Probation with the following terms and conditions:

- 8           1.           Respondent's license is issued a Letter of Reprimand.
- 9           2.           Respondent shall enroll and participate in the Board's PHP for a period of  
10 five (5) years.<sup>1</sup>
- 11          3.           Respondent shall not consume alcohol or any food or other substance  
12 containing poppy seeds or alcohol.
- 13          4.           Respondent shall not take any illegal drugs or mood altering medications  
14 unless prescribed for a legitimate therapeutic purpose.
- 15          5.           Respondent shall continue to participate in any personalized aftercare  
16 programs or activities. Respondent shall report on those activities as requested by the  
17 PHP, including executing any releases necessary to allow the PHP to monitor his  
18 participation and communicate directly with and obtain records from the treating providers  
19 for those aftercare activities. Respondent shall be responsible for all costs of aftercare,  
20 including costs associated with compliance of this Board Order.
- 21          6.           If requested by the PHP, Respondent shall enter treatment with a PHP  
22 Contractor approved psychotherapist and shall comply with any and all treatment  
23 recommendations, including taking any and all prescribed medications. Respondent shall  
24

25                               \_\_\_\_\_  
<sup>1</sup> Respondent's participation shall be retroactive to February 7, 2023.

1 instruct the treating psychotherapist to submit quarterly written reports to the PHP  
2 regarding diagnosis, prognosis, current medications, recommendation for continuing care  
3 and treatment, and ability to safely practice medicine. The reports shall be submitted  
4 quarterly to the PHP, the commencement of which to be determined by the PHP  
5 Contractor. Respondent shall provide the psychotherapist with a copy of this Order.  
6 Respondent shall pay the expenses for treatment and be responsible for paying for the  
7 preparation of the quarterly reports.

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

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

24 9. If recommended by the PHP Contractor, Respondent shall attend a relapse  
25 prevention outpatient program for a duration and frequency recommended by the PHP

1 Contractor, unless Respondent is excused by the relapse program facilitator for good  
2 cause. The relapse prevention group facilitators shall submit monthly reports to the PHP  
3 regarding Respondent's attendance and progress.

4 10. Respondent shall participate in a 12-step recovery program or other self-help  
5 program appropriate for substance abuse as recommended by the PHP. Unless the PHP  
6 Contractor otherwise recommends, Respondent shall attend a minimum of three 12-step  
7 or other self-help program meetings per week. Two meetings per month must be  
8 Caduceus meetings. Respondent must maintain a log of all self-help meetings.

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

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

21 13. Respondent shall provide the PHP Contractor with written notice of any  
22 plans to travel out of state.

23 14. Respondent shall immediately notify the Board and the PHP Contractor in  
24 writing of any change in office or home addresses and telephone numbers.  
25

1        15.        Respondent provides full consent for the PHP Contractor to discuss the  
2 Respondent's case with the Respondent's PCP or any other health care providers to  
3 ensure compliance with the PHP.

4        16.        The relationship between the Respondent and the PHP Contractor is a direct  
5 relationship. Respondent shall not use an attorney or other intermediary to communicate  
6 with the PHP Contractor on participation and compliance issues. All inquiries must be  
7 directed to Board staff.

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

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

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

23       20.        In the event Respondent resides or practices as a physician in a state other  
24 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that  
25 state's medical licensing authority or medical society in accordance with requirements of

1 that State's monitoring program. Respondent shall cause the monitoring state's program to  
2 provide written quarterly reports to the PHP Contractor regarding Respondent's  
3 attendance, participation, and monitoring. The monitoring state's program and Respondent  
4 shall immediately notify the PHP Contractor if Respondent is non-compliant with any  
5 aspect of the monitoring requirements or is required to undergo any additional treatment.

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

8 22. In the event of a violation of A.R.S. § 32-1401(27)(f) by Respondent or  
9 Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall  
10 be **summarily suspended pending a hearing for revocation**. In the alternative,  
11 Respondent may **SURRENDER THE LICENSE** if Respondent agrees in writing to being  
12 impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

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

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

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

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

5               DATED AND EFFECTIVE this 8th day of November, 2024.

6                               ARIZONA MEDICAL BOARD

7                               By Patricia E. McSorley

8                               Patricia E. McSorley  
9                               Executive Director

10  
11                               **CONSENT TO ENTRY OF ORDER**

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

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

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

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

23           5.       All admissions made by Respondent in this Order are solely for final  
24 disposition of this matter and any subsequent related administrative proceedings or civil  
25 litigation involving the Board and Respondent. Therefore, said admissions by Respondent



1 are not intended or made for any other use, such as in the context of another state or  
2 federal government regulatory agency proceeding, civil or criminal court proceeding, in the  
3 State of Arizona or any other state or federal court.

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

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

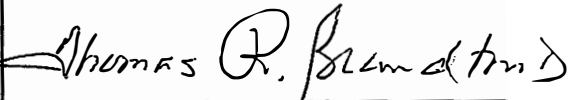
18 8. This Order is a public record that will be publicly disseminated as a formal  
19 disciplinary action of the Board and will be reported to the National Practitioner's Data  
20 Bank and on the Board's web site as a disciplinary action.

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

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

1 11. Any violation of this Order constitutes unprofessional conduct and may result  
2 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("Violating a formal order, probation,  
3 consent agreement or stipulation issued or entered into by the board or its executive  
4 director under this chapter") and 32-1451.

5 11. ***Respondent has read and understands the conditions of probation.***

6  
7 

DATED: 10/22/24

8 THOMAS R. BRANDT, M.D.

9  
10  
11  
12 EXECUTED COPY of the foregoing mailed  
13 this 8th day of November, 2024 to:

14 Thomas R. Brandt, M.D.  
15 Address of Record

16 PHP Contractor  
17 Address of Record

18 ORIGINAL of the foregoing filed  
19 this 8th day of November, 2024 with:

20 Arizona Medical Board  
21 1740 West Adams, Suite 4000  
22 Phoenix, Arizona 85007



23 Board staff