

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **CHARLES E. RUNYAN, M.D.**

4 Holder of License No. 52027
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-22-0759A

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

7 Charles E. Runyan, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the
9 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

10 **FINDINGS OF FACT**

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

13 2. Respondent is the holder of license number 52027 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-22-0759A after receiving a self-report
16 from Respondent that he may have a health condition that impaired his ability to safely
17 practice medicine and that he had scheduled an assessment with a Physician Health
18 Program ("PHP") Assessor.

19 4. On August 2, 2022, Respondent was placed on administrative leave and
20 required to complete for-cause substance use testing by the Hospital where he held
21 privileges during the Hospital's review of allegations that Respondent had diverted
22 controlled substances. Respondent admitted to using two controlled substances without a
23 prescription. The Hospital then directed Respondent to self-report to the Board.

24 5. Respondent subsequently completed the assessment with the PHP. During
25 the Assessment, Respondent disclosed a pattern of controlled substance diversion from
the Hospital. Based on the Assessment findings and results, the Assessor opined that she

1 had insufficient information to determine if Respondent was safe to practice, and
2 recommended that Respondent immediately enter treatment at an inpatient facility.

3 6. Respondent subsequently completed inpatient treatment at a Board-
4 approved facility ("Facility") and was discharged with staff approval on November 17,
5 2022. Upon discharge, Respondent entered into private monitoring with one of the
6 Board's PHP Contractors.

7 7. On November 21, 2022, Respondent completed a post-treatment
8 assessment with the PHP Assessor, who opined that Respondent was safe to practice
9 medicine while complying with recommendations for monitoring and aftercare.

10 8. On January 11, 2023, Respondent entered into an Interim Consent
11 Agreement for PHP participation. Respondent is in compliance with the terms of his PHP
12 monitoring.

13 **CONCLUSIONS OF LAW**

14 a. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

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

21 c. The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § 32-1401(27)(g) ("Using controlled substances except if
23 prescribed by another physician for use during a prescribed course of treatment.").

24 d. The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401(27)(j) ("Prescribing, dispensing or administering any

1 controlled substance or prescription-only drug for other than accepted therapeutic
2 purposes.”).

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

6 **ORDER**

7 IT IS HEREBY ORDERED THAT:

8 1. Respondent is issued a Letter of Reprimand.

9 2. Respondent is placed on Probation for a minimum period of five years¹ with
10 the following terms and conditions:

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. If recommended by the PHP, Respondent shall attend the PHP’s relapse
16 prevention group therapy sessions one time per week for the duration of this Interim
17 Consent Agreement, unless excused by the relapse prevention group facilitator for good
18 cause. Individual relapse therapy may be substituted for one or more of the group therapy
19 sessions, if PHP pre-approves substitution. The relapse prevention group facilitators or
20 individual relapse prevention therapist shall submit monthly reports to the PHP regarding
21 attendance and progress.

22 6. Respondent shall continue to participate in any personalized aftercare
23 programs or activities as recommended by the Assessor in her post-treatment Assessment
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¹ Respondent’s probation shall be retroactive to January 11, 2023.

1 Report including individual therapy. Respondent shall report on those activities as
2 requested by the PHP, including executing any releases necessary to allow the PHP to
3 monitor his participation and communicate directly with and obtain records from the
4 treating providers for those aftercare activities. Respondent shall be responsible for all
5 costs of aftercare, including costs associated with compliance of this Interim Consent
6 Agreement.

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

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

20 9. All prescriptions for controlled substances shall be approved by the PHP
21 Contractor prior to being filled except in an Emergency. Controlled substances prescribed
22 and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall
23 take no Medication unless the PCP or other health care provider to whom the PCP refers
24 Respondent prescribes and the PHP Contractor approves the Medication. Respondent
25 shall not self-prescribe any Medication. "Medication" means a prescription-only drug,

1 controlled substance, and over-the counter preparation, other than plain aspirin, plain
2 ibuprofen, and plain acetaminophen.

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

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

21 12. Respondent shall provide the PHP Contractor in writing with one telephone
22 number that shall be used to contact Respondent on a 24 hour per day/seven day per
23 week basis to submit to biological fluid, hair, and/or nail testing to ensure compliance with
24 the PHP. For the purposes of this section, telephonic notice shall be deemed given at the
25 time a message to appear is left at the contact telephone number provided by

1 Respondent. Respondent authorizes any person or organization conducting tests on the
2 collected samples to provide testing results to the PHP Contractor. Respondent shall
3 comply with all requirements for biological fluid, hair, and/or nail collection. Respondent
4 shall pay for all costs for the testing.

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

7 14. If requested by the PHP, Respondent shall successfully complete a PHP
8 approved 36 hour alcohol/drug awareness education class.

9 15. Respondent shall immediately notify the Board and the PHP Contractor in
10 writing of any change in office or home addresses and telephone numbers.

11 16. Respondent provides full consent for the PHP Contractor to discuss the
12 Respondent's case with the Respondent's PCP or any other health care providers to
13 ensure compliance with the PHP.

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

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

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

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

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

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

18 23. In the event of a chemical dependency relapse by Respondent or
19 Respondent's use of controlled substances or alcohol in violation of this Order,
20 Respondent shall promptly enter into an Interim Consent Agreement for Practice
21 Restriction that requires, among other things, that Respondent not practice medicine until
22 such time as Respondent successfully completes long-term inpatient treatment designated
23 by the PHP Contractor and obtains affirmative approval from the Executive Director, in
24 consultation with the Lead Board Member and Chief Medical Consultant, to return to the
25 practice of medicine. Prior to approving Respondent's request to return to the practice of

1 medicine, Respondent may be required to undergo any combination of physical
2 examinations, psychiatric or psychological evaluations. In no respect shall the terms of this
3 paragraph restrict the Board's authority to initiate and taken disciplinary action for any
4 violation of this Order.

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

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

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

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

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

22
23 ARIZONA MEDICAL BOARD

24 By Patricia E. McSorley
25 Patricia E. McSorley
Executive Director

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2 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

20 6. 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
representations, implied or otherwise, about the views or intended actions of any other

1 state agency or officer or political subdivisions of the State relating to this matter or other
2 matters concerning Respondent.

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

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

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

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

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

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

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

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CHARLES E. RUNYAN, M.D.

DATED: 10/2/2023

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EXECUTED COPY of the foregoing mailed
this 1st day of ~~October~~¹², 2023 to:

November

Charles E. Runyan, M.D.
Address of Record

Physician Health Program
Address on File

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

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

Michelle Hobus

Board staff