

1                                   **BEFORE THE ARIZONA MEDICAL BOARD**

2   In the Matter of

3   **DANIEL A. MACKAY, M.D.**

4   Holder of License No. 54315  
5   For the Practice of Allopathic Medicine  
6   In the State of Arizona.

**Case No. MD-23-0684A**

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

7           Daniel A. Mackay, M.D. ("Respondent") elects to permanently waive any right to a  
8   hearing and appeal with respect to this Order for a Letter of Reprimand; admits the  
9   jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order  
10   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 54315 for the practice of  
15   allopathic medicine in the State of Arizona.

16           3.     The Board initiated case number MD-23-0684A after receiving a self-report  
17   that the Texas Medical Board ("Texas Board") took disciplinary action against  
18   Respondent's Texas medical license.

19           4.     Effective June 9, 2023, Respondent entered into a Mediated Agreed Order  
20   with the Texas Board issuing Respondent's Texas medical license a Public Reprimand  
21   and requiring Respondent to comply with terms of probation including completion of  
22   continuing medical education ("CME") courses in controlled substance prescribing,  
23   supervision and delegation, medical recordkeeping, and risk management. Additionally,  
24   Respondent was required to take and pass the Medical Jurisprudence Examination offered  
25   by the Texas Board. The Mediated Agreed Order included findings that Respondent failed

1 to adequately supervise controlled substance prescribing provided to three patients by two  
2 midlevel providers under his supervision and failed to maintain adequate medical records.

3 5. Respondent completed the terms of the Mediated Agreed Order, and it was  
4 terminated effective September 18, 2023.

5 **CONCLUSIONS OF LAW**

6 a. The Board possesses jurisdiction over the subject matter hereof and over  
7 Respondent.

8 b. The conduct and circumstances described above constitute unprofessional  
9 conduct pursuant to A.R.S. § 32-1401(27)(p) ("Action that is taken against a doctor of  
10 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or  
11 physical inability to engage safely in the practice of medicine, the doctor's medical  
12 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
13 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this  
14 paragraph. The action taken may include refusing, denying, revoking or suspending a  
15 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
16 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on  
17 probation by that jurisdiction.").

18 **ORDER**

19 IT IS HEREBY ORDERED THAT:

20 1. Respondent is issued a Letter of Reprimand.

21 DATED AND EFFECTIVE this 11<sup>th</sup> day of December, 2023.

22 ARIZONA MEDICAL BOARD

23  
24 By Patricia E. McSorley  
25 Patricia E. McSorley  
Executive Director

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

14 10. ***Respondent has read and understands the terms of this agreement.***

15 Daniel Mackay MD  
16 DANIEL A. MACKAY, M.D.

DATED: 11/8/2023

17 EXECUTED COPY of the foregoing mailed  
18 this 11<sup>th</sup> day of December, 2023 to:

19 Daniel A. Mackay, M.D.  
20 Address of Record

21 ORIGINAL of the foregoing filed  
22 this 11<sup>th</sup> day of December, 2023 with:

23 Arizona Medical Board  
24 1740 West Adams, Suite 4000  
25 Phoenix, Arizona 85007

Michelle Ristes  
Board staff