

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-20-0467A

3 **DAVID M. LEDER, M.D.**

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

4 Holder of License No. 54873  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

7 David M. Leder, 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 54873 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-20-0467A after receiving Respondent's  
17 self-report that he presented to work while impaired and may have a health condition that  
18 impacts his ability to safely practice medicine.

19 4. Respondent presented to work in the morning on June 3, 2020. Respondent  
20 reported to the Board that he consumed alcohol on the evening of June 2, 2020, and did  
21 not believe he was still impaired. Respondent's employer was notified that he might be  
22 impaired, and he was removed from patient care. Respondent reported that he treated  
23 five to six patients.

24 5. The standard of care prohibits a physician from engaging in patient care  
25 while impaired. Respondent deviated from the standard of care by presenting to work  
while impaired.

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1 c. 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 1. Respondent is issued a Letter of Reprimand.

7 2. Respondent is placed on Probation for a period of five years<sup>1</sup> with the  
8 following terms and conditions:

9 3. Respondent shall not consume alcohol or any food or other substance  
10 containing poppy seeds or alcohol.

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

13 5. Respondent shall attend a relapse prevention outpatient program for a  
14 duration and frequency recommended by the PHP Contractor, unless Respondent is  
15 excused by the relapse program facilitator for good cause. The relapse prevention group  
16 facilitators shall submit monthly reports to the PHP regarding Respondent's attendance  
17 and progress.

18 6. Respondent shall continue to participate in any personalized aftercare  
19 programs or activities as recommended by the PHP Assessor in his post-treatment  
20 assessment report. Respondent shall report on those activities as requested by the PHP,  
21 including executing any releases necessary to allow the PHP to monitor his participation  
22 and communicate directly with and obtain records from the treating providers for those

23  
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<sup>1</sup> Respondent's probation shall be retroactive to August 18, 2020. ✓ DML

1 aftercare activities. Respondent shall be responsible for all costs of aftercare, including  
2 costs associated with compliance of this Board Order.

3 7. Respondent shall continue to comply with any remaining return to work  
4 recommendations as recommended by the Assessor in his post-treatment assessment  
5 report. Respondent shall report on those activities as requested by the PHP, including  
6 executive any releases necessary to allow the PHP to monitor his compliance with this  
7 requirement and communicate directly with and obtain records from his employer(s) and  
8 worksite monitor. Respondent shall be responsible for all costs of compliance with this  
9 term, including the cost of complying with the reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

23           19. Respondent shall be responsible for all costs, including costs associated with  
24 participating in the PHP, at the time service is rendered or within 30 days of each invoice  
25 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon

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1 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days  
2 after invoicing will be reported to the Board by the PHP Contractor and may result in  
3 disciplinary action.

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

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

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

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

23 24. In the event of a chemical dependency relapse by Respondent or  
24 Respondent's use of controlled substances or alcohol in violation of this Order,  
25 Respondent shall promptly enter into an Interim Consent Agreement for Practice

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1 Restriction that requires, among other things, that Respondent not practice medicine until  
2 such time as Respondent successfully completes long-term inpatient treatment designated  
3 by the PHP Contractor and obtains affirmative approval from the Executive Director, in  
4 consultation with the Lead Board Member and Chief Medical Consultant, to return to the  
5 practice of medicine. Prior to approving Respondent's request to return to the practice of  
6 medicine, Respondent may be required to undergo any combination of physical  
7 examinations, psychiatric or psychological evaluations. In no respect shall the terms of this  
8 paragraph restrict the Board's authority to initiate and taken disciplinary action for any  
9 violation of this Order.

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

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

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

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

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1 DATED AND EFFECTIVE this 8th day of April, 2021.

2 ARIZONA MEDICAL BOARD

3  
4 By Patricia E. McSorley  
5 Patricia E. McSorley  
6 Executive Director

7 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

25 6. Notwithstanding any language in this Order, this Order does not preclude in  
any way any other State agency or officer or political subdivision of this state from

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

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

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


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

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

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

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1 12. Respondent has read and understands the conditions of Probation.

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DATED: 3/5/2021

4 DAVID M. LEDER, M.D.

5  
6 EXECUTED COPY of the foregoing mailed  
7 this 8<sup>th</sup> day of April, 2021 to:

8 David M. Leder, M.D.  
9 Address of Record

10 Physician Health Program  
11 Address on File

12 ORIGINAL of the foregoing filed  
13 this 8<sup>th</sup> day of April, 2021 with:

14 Arizona Medical Board  
15 1740 West Adams, Suite 4000  
16 Phoenix, Arizona 85007



17 Board staff  
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