

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DONNA B. DEFELICE, M.D**

4 Holder of License No. 24433
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-22-0361A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT TO THE
SAME**

7 Donna B. Defelice, M.D. ("Respondent"), elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and
10 consents to the entry of 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 24433 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-22-0361A after receiving a report from
17 Respondent on her 2022 Renewal Application that she had been charged with a DUI on
18 August 2, 2019.

19 4. On November 21, 2022, the Executive Director issued a Confidential Interim
20 Order for Physician Health Program ("PHP") Assessment ("Interim Order"). The order
21 required Respondent to schedule the PHP Assessment within 3 days and complete it
22 within 10 days. Additionally, the Interim Order required Respondent to comply with the
23 recommendations from the Assessor.

24 5. Respondent presented for a PHP Assessment with a Board-approved
25 Assessor on December 7, 2022. Based on the Assessment findings and results, the

1 Assessor opined that Respondent was not currently safe to practice medicine and
2 recommended that Respondent present for inpatient residential treatment.

3 6. Effective December 29, 2022, Respondent entered into an Interim Consent
4 Agreement for Practice Restriction.

5 7. Respondent refused to present for residential treatment as recommended by
6 the Assessor.

7 8. Additionally, during the course of the Board's investigation, Respondent
8 failed to timely respond to multiple requests for information requested by Board staff.

9 9. Respondent has requested surrender of licensure.

10 **CONCLUSIONS OF LAW**

11 1. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 2. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws, rules or
15 regulations applicable to the practice of medicine."). Specifically, Respondent's conduct
16 violated A.R.S. § 32-3208(A) ("A health professional who has been charged with a
17 misdemeanor involving conduct that may affect patient safety or a felony after receiving or
18 renewing a license or certificate must notify the health professional's regulatory board in
19 writing within ten working days after the charge is filed.").

20 3. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(s) ("Violating a formal order, probation, consent
22 agreement or stipulation issued or entered into by the board or its executive director under
23 this chapter.").

24 4. The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401(27)(ee) ("Failing to furnish information in a timely

1 manner to the board or the board's investigators or representatives if legally requested by
2 the board.”).

3 5. The Board possesses statutory authority to enter into a consent agreement
4 with a physician and accept the surrender of an active license from a physician who
5 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

6 **ORDER**

7 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
8 Number 24433, issued to Donna B. Defelice, M.D., for the practice of allopathic medicine
9 in the State of Arizona, and return her certificate of licensure to the Board.

10 DATED and effective this 2nd day of February, 2023.

11
12 ARIZONA MEDICAL BOARD

13 By: 
14 Patricia E. McSorley
15 Executive Director

16
17 **CONSENT TO ENTRY OF ORDER**

18 1. Respondent has read and understands this Consent Agreement and the
19 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
20 acknowledges she/he has the right to consult with legal counsel regarding this matter.

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

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

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

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

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

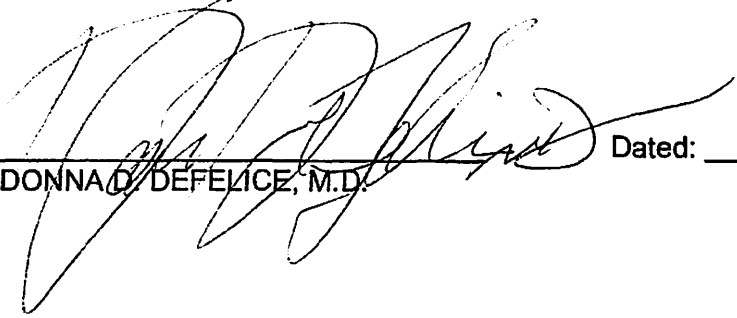
18 7. Upon signing this agreement, and returning this document (or a copy
19 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
20 entry of the Order. Respondent may not make any modifications to the document. Any
21 modifications to this original document are ineffective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

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

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

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

 Dated: 1/23/23
DONNA B. DEFELICE, M.D.

EXECUTED COPY of the foregoing mailed by US Mail this 2nd day of February 2023 to:

Donna B. Defelice, M.D.
Address of Record

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

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


Board staff