

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DOUGLAS P. NELSON, M.D.**

4 Holder of License No. 24103
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-21-0063A

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

7 Douglas P. Nelson, M.D. ("Respondent"), elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for License Reactivation, Letter of
9 Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board");
10 and 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 24103 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0063A after receiving Respondent's
17 request for license reactivation.

18 4. Respondent participated in the Board's Physician Health Program ("PHP")
19 from August 17, 2000 through August 17, 2005 pursuant to a Stipulated Rehabilitation
20 Agreement ("SRA"). Respondent successfully completed the terms and conditions of the
21 SRA and the SRA was terminated.

22 5. The Board initiated MD-20-0710A after receiving a complaint from another
23 physician on behalf of his female patient ("Co-Worker") who was also a co-worker of
24 Respondent, alleging inappropriate interoffice interactions by Respondent directed at his
25 Co-Worker.

1 6. Pursuant to A.R.S. § 32-1452(F), Respondent requested that his license to
2 practice medicine in the State of Arizona be placed on the status of Inactive with Cause,
3 reporting that he has relapsed. Respondent subsequently entered into a Request for
4 Inactivation with Cause and Order Inactivating License with Cause, effective August 30,
5 2020.

6 7. Respondent completed residential treatment at a Board-approved treatment
7 facility on December 10, 2020. Respondent subsequently enrolled in private monitoring
8 with one of the Board's Physician Health Program ("PHP") Contractors.

9 8. On January 11, 2021 Respondent completed a Post-Treatment Assessment
10 with a Board-approved PHP Assessor. Based on the Assessment results and findings, the
11 Assessor opined that Respondent was safe to practice medicine with enrollment in the
12 PHP for monitoring and aftercare. The Assessor attributed Respondent's inappropriate
13 workplace conduct with his Co-Worker to poor discretion resulting from his relapse.

14 9. On November 19, 2020 Respondent completed an online professional
15 boundaries course with a Board approved provider for a total of 2 continuing medical
16 education ("CME") hours.

17 10. On January 21, 2021, Respondent requested reactivation of his medical
18 license.

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

21 **CONCLUSIONS OF LAW**

22 1. The Arizona Medical Board possesses jurisdiction over the subject matter
23 hereof and over Respondent.

24 2. The Board has received substantial evidence supporting the Findings of Fact
25 described above and said findings require the Board to either refer the matter for formal

1 hearing to revoke Respondent's license or reactivate Respondent's license and place
2 Respondent on probation for five years with restrictions necessary to assure public safety.
3 A.R.S. § 32-1452(F).

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

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

12 **ORDER**

13 IT IS HEREBY ORDERED that:

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

- 16 1. Respondent's license is issued a Letter of Reprimand.
- 17 2. Within six months of the effective date of this Order, Respondent shall
18 complete the Professional/Problem-Based Ethics ("ProBE") program offered by the Center
19 for Personalized Education for Physicians ("CPEP") for Ethics and Boundaries. The CME
20 hours shall be in addition to the hours required for the renewal of licensure. Respondent
21 shall obtain an unconditional or conditionally passing grade. In the event that Respondent
22 does not receive an unconditional or conditionally passing grade, Respondent shall follow
23 any and all recommendations made for further education and/or remediation, subject to
24 approval by the Board or its staff. Respondent shall sign any and all consents or releases
25 necessary to allow CPEP to communicate to the Board directly. Respondent shall not

1 revoke any releases prior to successful completion of ProBE. Respondent shall be
2 responsible for the expenses of participation in ProBE and shall notify Board staff
3 immediately upon scheduling the ProBE course.

4 3. Respondent shall enroll and participate in the Board's PHP for a period of
5 five (5) years.

6 4. Respondent shall not consume alcohol or any food or other substance
7 containing poppy seeds or alcohol.

8 5. Respondent shall not take any illegal drugs or mood altering medications
9 unless prescribed for a legitimate therapeutic purpose.

10 6. Respondent shall continue to participate in any personalized aftercare
11 programs or activities as recommended by the Assessor including individual and marital
12 counseling. Respondent shall report on those activities as requested by the PHP,
13 including executing any releases necessary to allow the PHP to monitor his participation
14 and communicate directly with and obtain records from the treating providers for those
15 aftercare activities. Respondent shall be responsible for all costs of aftercare, including
16 costs associated with compliance of this Board Order.

17 7. Respondent shall enter treatment with a PHP Contractor approved addiction
18 psychiatrist and shall comply with any and all treatment recommendations, including taking
19 any and all prescribed medications. Respondent shall instruct the treating addiction
20 psychiatrist to submit quarterly written reports to the PHP regarding diagnosis, prognosis,
21 current medications, recommendation for continuing care and treatment, and ability to
22 safely practice medicine. The reports shall be submitted quarterly to the PHP, the
23 commencement of which to be determined by the PHP Contractor. Respondent shall
24 provide the addiction psychiatrist with a copy of this Order. Respondent shall pay the
25 expenses for treatment and be responsible for paying for the preparation of the quarterly

1 reports. At the expiration of one year or anytime thereafter, Respondent may submit a
2 written request to the PHP Contractor requesting termination of the requirement that
3 Respondent remain in treatment with the addiction psychiatrist. The decision to terminate
4 will be based in part upon the treating addiction psychiatrist's recommendation for
5 continued care and treatment.

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

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

22 10. Respondent shall attend a relapse prevention outpatient program for a
23 duration and frequency recommended by the PHP Contractor, unless Respondent is
24 excused by the relapse program facilitator for good cause. The relapse prevention group
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1 facilitators shall submit monthly reports to the PHP regarding Respondent's attendance
2 and progress.

3 11. If requested by the PHP and not already completed, Respondent shall attend
4 ninety 12-step meetings or other self-help group meetings appropriate for substance
5 abuse and approved by the PHP, for a period of ninety days. Upon completion of the
6 ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
7 program or other self-help program appropriate for substance abuse as recommended by
8 the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
9 meetings per week. Two meetings per month must be Caduceus meetings. Respondent
10 must maintain a log of all self-help meetings.

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

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

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

25

1 15. If requested by the PHP, Respondent shall successfully complete a PHP
2 approved 36 hour alcohol/drug awareness education class.

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

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

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

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

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

20 21. Respondent shall immediately provide a copy of this Order to 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. Within 30 days of the date of this
23 Order, Respondent shall provide the PHP with a signed statement of compliance with this
24 notification requirement. Respondent is further required to notify, in writing, all employers,
25

1 hospitals and free standing surgery centers where Respondent currently has or in the
2 future gains or applies for employment or privileges of a violation of this Order.

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

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

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

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

21 26. Prior to the termination of Probation, Respondent must submit a written
22 request to the Board for release from the terms of this Order. Respondent's request for
23 release will be placed on the next pending Board agenda, provided a complete submission
24 is received by Board staff no less than 30 days prior to the Board meeting. Respondent's
25 request for release must provide the Board with evidence establishing that he has

1 successfully satisfied all of the terms and conditions of this Order. The Board has the sole
2 discretion to determine whether all of the terms and conditions of this Order have been
3 met or whether to take any other action that is consistent with its statutory and regulatory
4 authority.

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

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

9 DATED AND EFFECTIVE this 10th day of June, 2021.

10 ARIZONA MEDICAL BOARD

11 By Patricia E. McSorley

12 Patricia E. McSorley
13 Executive Director

14
15 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

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

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

11 

12 _____
13 DOUGLAS P. NELSON, M.D.

DATED: 5/12/21

14 EXECUTED COPY of the foregoing mailed
15 this 11th day of June, 2021 to:

16 Douglas P. Nelson, M.D.
17 Address of Record
18 PHP Contractor
19 Address of Record

20 ORIGINAL of the foregoing filed
21 this 11th day of June, 2021 with:

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

Michelle Rhodes
25 Board staff