

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

Case No. 21A-33617-MDX

3 **WILLIAM L. SUN, M.D.**

**ORDER DENYING MOTION FOR
REHEARING OR REVIEW**

4 Holder of License No. 33617
5 For the Practice of Allopathic Medicine
6 In the State of Arizona,

7 Respondent.

8 At its public meeting on June 9, 2022, the Arizona Medical Board (“Board”)
9 considered William L. Sun, M.D.’s (“Respondent”) Motion for Rehearing or Review of
10 the Board’s Order dated in the above referenced matter. After consideration, the Board
11 voted to deny Respondent’s Motion for Rehearing or Review.

12 **ORDER**

13 IT IS HEREBY ORDERED that:

14 Respondent’s Motion for Rehearing or Review is denied. The Board’s April 8,
15 2022, Findings of Fact, Conclusions of Law and Order for **revocation** in Case 21A-
16 33617-MDX is effective and constitutes the Board’s final administrative order.

17 **RIGHT TO APPEAL TO SUPERIOR COURT**

18 Respondent is hereby notified that the Board’s Order in Case 21A-33617-MDX
19 constitutes a final administrative decision. Respondent is advised that an appeal to
20 Superior Court in Maricopa County may be taken from this decision pursuant to title 12,
21 chapter 7, and article 6 of the Arizona Revised Statutes.

22 DATED AND EFFECTIVE this 14th day of June, 2022.

23 ARIZONA MEDICAL BOARD

24 By Patricia E. McSorley

25 Patricia E. McSorley
26 Executive Director
27

1 EXECUTED COPY of the foregoing mailed
2 this 14th day of June, 2022 to:

3 William L. Sun, M.D.
4 Address of Record
5
6 Carrie H. Smith
7 Assistant Attorney General
8 Office of the Attorney General SGD/LES
9 2005 N. Central Avenue
10 Phoenix, AZ 85004

11 ORIGINAL of the foregoing filed
12 this 14th day of June, 2022 with:

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

16 
17 Board staff

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1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No.21A-33617-MDX

3 **WILLIAM LI SUN, M.D.,**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
(License Revocation)**

4 Holder of License No. 33617
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 On April 7, 2022, this matter came before the Arizona Medical Board ("Board") for
8 consideration of Administrative Law Judge ("ALJ") Adam D. Stone's proposed Findings of
9 Fact, Conclusions of Law and Recommended Order. William Li Sun, M.D.,
10 ("Respondent") was not present; Assistant Attorney General Carrie H. Smith represented
11 the State. Assistant Attorney General Monique K. Coady was available to provide
independent legal advice to the Board.

12 The Board, having considered the ALJ's Decision and the entire record in this
13 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

14 **FINDINGS OF FACT**

15 1. The Arizona Medical Board ("Board") is the duly constituted authority for
16 licensing and regulating the practice of allopathic medicine in the State of Arizona.

17 2. On December 10, 2021, the Board issued a Complaint and Notice of Hearing
18 setting this matter for hearing at 9:00 a.m. on February 2, 2022 at the Office of
Administrative Hearings, an independent State agency.

19 3. Through the Complaint, the Board alleges that William Li Sun, M.D.
20 committed unprofessional conduct because he: failed to maintain adequate records on a
21 patient; exhibited a pattern of using or being under the influence of alcohol or drugs while
22 practicing medicine; used controlled substances that were not prescribed to him during the
23 course of treatment; committed any conduct that was or might have been harmful or
24 dangerous to the patient or public; violated an order entered by the Board; and prescribed
prescription medication to a person he did not have a doctor-patient relationship with.
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1 4. No representative appeared for Dr. Sun at the scheduled hearing time and
2 the matter was convened in his absence at about 9:17 a.m.

3 5. The Board presented the testimony of Erinn Downey, its Physician Health
4 Program manager, and submitted 10 exhibits into evidence.¹

5 6. Ms. Downey was the Board Investigator, and testified at hearing that the
6 Board had begun an investigation into Dr. Sun based on a complaint from Christopher
7 Sullivan, MD, Interim Chief Medical Officer at Banner Estrella Medical Center (Banner).
8 Banner had summarily suspended Dr. Sun's privileges as of June 24, 2019, after it had
9 received a report from Phoenix Police Department (PPD) detailing that Dr. Sun appeared
10 to be a heroin user and that he gave prescriptions to a woman he never saw as a patient.
11 In addition the Banner records indicated that on June 24, 2019, Banner required Dr. Sun to
12 submit for an immediate drug test. In an e-mail that same day, Dr. Sun stated that he
13 could not undergo the testing because he did not have long enough nails for testing, he
14 had a skin condition and that his religion prohibited him from providing a hair sample.²

15 7. Ms. Downey also testified that on June 27, 2019, the Board obtained a
16 CSPMP report for Dr. Sun for the date range June 27, 2018 through June 27, 2019. The
17 Board noted that for one patient, C.P., Dr. Sun regularly filled large quantities of oxycodone
18 prescriptions. Ms. Downey testified that the quantities were unusual given that Dr. Sun is
19 an OBGYN and most patients would require much less controlled substance medications.³
20 Ms. Downey testified that Dr. Sun stated that he did not know patient, C.P., and that he
21 never had prescribed 270 tablets of a narcotic.⁴

22 8. Ms. Downey then testified that on June 28, 2019, Board staff sent an Interim
23 Consent Agreement for Practice Restriction and Interim Order for Physician Health
24 Program (PHP) Assessment.⁵ After several delays, Dr. Sun agreed to the Consent
25 Agreement and scheduled the PHP Assessment.

23 ¹ At hearing, Exhibits 7-10 were designated as Confidential.

24 ² See Exhibit 8.

24 ³ See *Id.*

24 ⁴ See Exhibit 8.

25 ⁵ See Exhibit 7.

1 9. Next, Ms. Downey testified that on July 30, 2019, Monica Faria, MD, issued
2 her PHP report which stated she was unable to determine if Dr. Sun was safe to practice
3 without Dr. Sun submitting to a drug test. Dr. Sun finally took a drug test and tested
4 positive for several narcotics for which he did not have a prescription. Ms. Downey
5 testified that while Dr. Sun challenged the results, the Board still decided to move forward.
6 Ultimately, Dr. Sun was required to attend a comprehensive inpatient evaluation. Ms.
7 Downey testified that Dr. Sun again delayed attending the same and ultimately did not
attend the evaluation.

8 10. As part of the practice restriction, Dr. Sun was not supposed to prescribe
9 medications; yet, Ms. Downey ran another CSPMP report and found that Dr. Sun again
10 prescribed 270 oxycodone to “C.P.”⁶ Although Dr. Sun denied the same, Ms. Downey
11 stated that upon reviewing the copies of the prescriptions, the signature appeared to be Dr.
Sun’s.

12 11. Ms. Downey then testified that on May 21, 2020, the Staff Investigational
13 Review Committee (SIRC) provided its recommendations, which recommended that Dr.
Sun’s license be revoked or that he surrender his license.⁷

14 12. Ms. Downey then testified that on June 30, 2020, the Board sent SIRC’s
15 report and requested that Dr. Sun sign a consent agreement within 10 days. Dr. Sun failed
16 to sign the consent agreement and the matter was referred for a hearing.

17 13. Ms. Downey concluded by arguing that the above provide that Dr. Sun
18 cannot be regulated as he failed to comply with the Board’s requests. Further, the last time
19 Dr. Sun contacted the Board was April 2020. Finally, Ms. Downey added that Dr. Sun’s
license is currently expired.

20 **CONCLUSIONS OF LAW**

- 21 1. The Board has jurisdiction The Board has jurisdiction over Respondent and
the subject matter in this case. See Ariz. Rev. Stat. § 32-1401 *et seq.*
22 2. The Board alleges that Dr. Sun’s conduct was in violation of Ariz. Rev. Stat.
23 sections 32-1401(27)(e), (f), (g), (r), (s), and (tt).
24

25 ⁶ See Exhibit 8.
 ⁷ See Exhibit 9.

1 3. The Board must prove its allegations by clear and convincing evidence. Ariz.
2 Rev. Stat. § 32-1451.04.

3 4. Clear and convincing evidence is “[e]vidence indicating that the thing to be
4 proved is highly probable or reasonably certain.” BLACK’S LAW DICTIONARY 674 (10th
5 ed. 2014).

6 5. Ariz. Rev. Stat. section 32-1401 provides in part:

7 ***

8 27. "Unprofessional conduct" includes the following, whether occurring in this state
9 or elsewhere:

10 ***

11 (e) Failing or refusing to maintain adequate records on a patient.

12 (f) Exhibiting a pattern of using or being under the influence of alcohol or drugs or a
13 similar substance while practicing medicine or to the extent that judgment may be
14 impaired and the practice of medicine detrimentally affected.

15 (g) Using controlled substances except if prescribed by another physician for use
16 during a prescribed course of treatment.

17 ***

18 (r) Committing any conduct or practice that is or might be harmful or dangerous to
19 the health of the patient or the public.

20 (s) Violating a formal order, probation, consent agreement or stipulation issued or
21 entered into by the board or its executive director under this chapter.

22 ***

23 (tt) Prescribing, dispensing or furnishing a prescription medication or a prescription-
24 only device as defined in section 32-1901 to a person unless the licensee first
25 conducts a physical or mental health status examination of that person or has
previously established a doctor-patient relationship...

 6. Dr. Sun received adequate notice that the Interim Order had been issued and
that the Complaint and Notice of Hearing had been issued because these were sent to his

1 email address of record. The Complaint and Notice of Hearing was also sent via certified
2 mail to Dr. Sun's address of record.⁸ See Ariz. Rev. Stat. § 41-1092.04.

3 7. Through the testimony of Ms. Downey and the related exhibits, the Board
4 presented clear and convincing evidence showing that Dr. Sun failed to: maintain adequate
5 records on a patient; was under the influence of drugs while practicing medicine, used
6 controlled substances which were not prescribed to him; prescribed medication without an
7 established doctor-patient relationship; and violated formal order of the Board.

8 8. Because Dr. Sun has committed an act of unprofessional conduct, the Board
9 has authority to discipline his license. Ariz. Rev. Stat. § 32-1451(M). This authority exists
10 even though Dr. Sun did not renew his license. See Ariz. Rev. Stat. § 32-3202.

11 9. Clear and convincing evidence shows that Dr. Sun is not amenable to
12 regulation by the Board. Consequently, Dr. Sun's license should be revoked.

13 **ORDER**

14 Based on the foregoing, it is **ORDERED** revoking William Li Sun, M.D.'s License
15 No. 33617 for the practice of allopathic medicine in the State of Arizona.
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25 ⁸ See Exhibit 4.

1 RIGHT TO PETITION FOR REHEARING OR REVIEW

2 Respondent is hereby notified that he has the right to petition for a rehearing or
3 review. The petition for rehearing or review must be filed with the Board's Executive
4 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
5 petition for rehearing or review must set forth legally sufficient reasons for granting a
6 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days
7 after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not
8 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
9 Respondent.

10 Respondent is further notified that the filing of a motion for rehearing or review is
11 required to preserve any rights of appeal to the Superior Court.

12 DATED this 8th day of April 2022.

13 THE ARIZONA MEDICAL BOARD

14 By Patricia E. McSorley
15 Patricia E. McSorley
16 Executive Director

17 FILE
18 ORIGINAL of the foregoing filed this
19 8th day of April, 2022 with:

20 Arizona Medical Board
21 1740 W. Adams, Suite 4000
22 Phoenix, Arizona 85007

23 COPY of the foregoing filed
24 this 8th day of April, 2022 with:

25 Greg Hanchett, Director
Office of Administrative Hearings
1740 W. Adams
Phoenix, AZ 85007

1 Executed copy of the foregoing
2 mailed by U.S. Mail and emailed
3 this 8th day of April, 2022 to:

3 William Li Sun, M.D.
4 Address of Record

5 Carrie H. Smith
6 Assistant Attorney General
7 Office of the Attorney General
8 SGD/LES
9 2005 N. Central Avenue
10 Phoenix, AZ 85004

8 By: Michelle Robles
9 Arizona Medical Board

10 # 10192030

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