

1 5. On April 6, 2014, Respondent was placed on a leave of absence by her
2 employer, North Country Healthcare. She was required to seek medical and psychiatric
3 care, and to cease practicing pending the outcome of the Board's investigation.

4 6. On April 11, 2014, Respondent was referred to the Board's Physician
5 Health Program ("PHP") for an assessment. The Board's PHP Contractor referred
6 Respondent to a psychiatrist who performed a detailed assessment. On April 17, 2014,
7 Respondent submitted a statement to the Board reporting that she was being treated for
8 major depression and on a leave of absence from her job. Respondent also reported
9 that she had prescribed clonazepam to her husband since approximately 2012.

10 7. On May 30, 2014, the Board received the final assessment report from the
11 PHP Contractor, with a recommendation that Respondent was safe to practice while
12 enrolled in PHP for a period of two years with ongoing care by an approved psychologist
13 and a primary care prescriber of antidepressant medication.

14 8. The Board also received a health assessment report from the psychiatrist,
15 which indicated a diagnosis of major depressive disorder, recurrent, mild, without
16 psychotic features, full remission. The psychiatrist found that Respondent is safe to
17 practice, contingent on her participation in psychiatric monitoring for a period of two
18 years. The psychiatrist opined that Respondent does not need treatment or evaluation
19 by a physician specializing in addictions.

20 9. On July 9, 2014, Respondent spoke with Board staff to clarify that she has
21 been permitted to resume practice since May 5, 2014. Board staff confirmed this with
22 Respondent's previous supervising physician.
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1 CONCLUSIONS OF LAW

2 1. The Arizona Regulatory Board of Physician Assistants possesses
3 jurisdiction over the subject matter hereof and over Respondent.

4 2. The conduct and circumstances described above constitutes unprofessional
5 conduct pursuant to A.R.S. § 32-2501(18)(q) (“[u]sing controlled substances that have
6 not been prescribed by a physician, physician assistant, dentist or nurse practitioner for
7 use during a prescribed course of treatment.”).

8 3. The conduct and circumstances described above constitutes unprofessional
9 conduct pursuant to A.R.S. § 32-2501(18)(r) (“[p]rescribing or dispensing controlled
10 substances to members of the physician assistant’s immediate family.”).

11 4. The conduct and circumstances described above constitutes unprofessional
12 conduct pursuant to A.R.S. § 32-2501(18)(kk) (“[p]rescribing, dispensing or furnishing a
13 prescription medication or a prescription-only device as defined in section 32-1901 to a
14 person unless the licensee first conducts a physical examination of that person or has
15 previously established a professional relationship with the person.”).

16 ORDER

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent is issued a Letter of Reprimand.

19 2. Respondent’s license is placed on Probation for **Two Years** and is subject
20 to her continued participation in the Board’s PHP¹ and compliance with the following
21 terms and conditions.

22 3. Respondent shall remain in treatment with a PHP-approved psychologist
23 and shall comply with any and all treatment recommendations. Respondent shall also
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25 ¹ Respondent’s PHP participation is retroactive to September 2, 2014.

1 continue to maintain a PHP-approved primary care provider for the issuance of anti-
2 depressant medications.

3 4. Respondent shall continue to instruct the treating psychologist to submit
4 quarterly written reports to PHP regarding diagnosis, prognosis, current medications,
5 recommendations for continuing care and treatment, and Respondent's ability to safely
6 perform healthcare tasks. The reports shall be submitted on or before the 15th day of
7 March, June, September and December of each year.

8 5. Respondent shall provide the psychologist with a copy of this Order.

9 6. Respondent shall pay the expenses of treatment and be responsible for the
10 cost of the preparation of quarterly reports.

11 7. The relationship between Respondent and the PHP is a direct relationship.
12 Respondent shall not use an attorney or other intermediary to communicate with the PHP
13 on participation and compliance issues.

14 8. Respondent shall be responsible for all costs, including PHP costs
15 associated with participating in PHP at the time service is rendered, or within 30 days of
16 each invoice sent to the Respondent. An initial deposit of two months PHP fees is due
17 upon entering the program. Failure to pay either the initial PHP deposit or monthly fees
18 60 days after invoicing will be reported to the Board by the PHP and may result in
19 disciplinary action up to and including license revocation.

20 9. 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 employment or privileges. Within 30 days of the date of this Order,
23 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
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1 employers, hospitals and free standing surgery centers where Respondent currently has
2 or in the future gains employment or privileges, of a chemical dependency relapse.

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

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

13 12. If Respondent fails to comply with the terms of this Order, Respondent shall
14 promptly enter into an Interim Consent Agreement for Practice Restriction that requires,
15 among other things, that Respondent not perform health care tasks until such time as
16 Respondent is evaluated by the PHP and deemed safe to return to the performance of
17 healthcare tasks and obtains affirmative approval from the Executive Director. Prior to
18 approving Respondent's request to return to the performance of health care tasks,
19 Respondent may be required to submit to any combination of physical examination,
20 psychiatric or psychological evaluations. In no respect shall the terms of this paragraph
21 restrict the Board's authority to initiate and take disciplinary action for violation of this
22 Order.

23 13. Respondent shall obey all state, federal and local laws, all rules governing
24 the performance of health care tasks in Arizona, and remain in full compliance with any
25 court order criminal probation, payments and other orders.

1 14. The Board retains jurisdiction and may initiate a new action based upon any
2 violation of this Order.

3 15. Prior to the termination of Probation, Respondent must submit a written
4 request to the Board for release from the terms of this Order. Respondent's request
5 must be in writing and submitted at least 30 days prior to the date she would like the
6 matter to appear before the Board. In doing so, Respondent must provide the Board
7 with evidence establishing that she has successfully satisfied all of the terms and
8 conditions of this Order. Such evidence shall include a report from the PHP supporting
9 the termination of Probation. The Board has the sole discretion to determine whether all
10 of the terms and conditions of this Order have been met and whether Respondent has
11 adequately demonstrated that she has addressed all of the issues identified in it. At that
12 time, the Board shall determine whether it is appropriate to release Respondent from
13 this Order or take any other action that is consistent with its statutory and regulatory
14 authority.

15
16 DATED AND EFFECTIVE this 26th day of February, 2015.

17
18 ARIZONA REGULATORY BOARD OF
19 PHYSICIAN ASSISTANTS

20 By Patricia E. McSorley
21 Patricia E. McSorley
22 Interim Acting Executive Director

23 **CONSENT TO ENTRY OF ORDER**

24 Respondent understands and agrees that:
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1 1. Any record prepared in this matter, all investigative materials prepared or
2 received by the Board concerning the allegations, and all related materials and exhibits
3 may be retained in the Board's file pertaining to this matter.

4 2. Respondent has read and understands this Order as set forth herein, and
5 has had the opportunity to discuss this Order with an attorney or has waived the
6 opportunity to discuss this Order with an attorney. Respondent voluntarily enters into this
7 Order and by doing so agrees to abide by all of its terms and conditions.

8 3. By entering into this Order, Respondent freely and voluntarily relinquishes
9 all rights to an administrative hearing on the matters set forth herein, as well as all rights
10 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
11 and/or judicial action, concerning the matters related to the Order.

12 4. The findings contained in the Findings of Fact portion of the Order are
13 conclusive evidence of the facts stated herein and may be used for purposes of
14 determining sanctions in any future disciplinary matter.

15 5. Respondent acknowledges and agrees that upon signing this Order and
16 returning it to the Board's Executive Director, Respondent may not revoke her
17 acceptance of this Order or make any modifications to it. Any modification of this original
18 document is ineffective and void unless mutually approved by the parties in writing.

19 6. Respondent understands that this Order shall not become effective unless
20 and until it is approved by the Board and signed by the Board's Executive Director.

21 7. Respondent understands and agrees that if the Board does not adopt this
22 Order, she will not assert in any future proceedings that the Board's consideration of this
23 Order constitutes bias, prejudice, prejudgment, or other similar defense.
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1 8. Respondent understands that this Order is a public record that may be
2 publicly disseminated as a formal action of the Board and will be reported to the National
3 Practitioner's Data Bank and posted on the Board's web site as a disciplinary action.

4 9. Respondent understands that any violation of this Order constitutes
5 unprofessional conduct under A.R.S. § 32-2501(18)(dd) ("[v]iolating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director.").

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

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16 AMY J. LENOX P.A.

DATED: _____

1/15/15

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19 EXECUTED COPY of the foregoing mailed

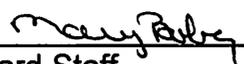
20 this 26th day of February, 2015 to:

21 Amy J. Lenox, P.A.
22 Address of Record

23 Greenberg and Sucher, PC
24 Address of Record

25 ORIGINAL of the foregoing filed
this 26th day of February, 2015 with:

Arizona Regulatory Board
of Physician Assistants
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

24 
25 Board Staff

RECEIVED

JAN 20 2015

**ARIZONA
MEDICAL BOARD**