

1 years. PA Borgesen successfully completed the terms and conditions of the Agreement,
2 and the SRA was terminated in February of 2007.

3 6. In September of 2012, the Board received a complaint regarding PA
4 Borgesen's behavior at work and he was referred to PHP for an assessment, during which
5 he admitted that he had relapsed with alcohol.

6 7. On September 14, 2012, PA Borgesen entered into an agreement for license
7 inactivation with cause. PA Borgesen was required to successfully complete a long-term
8 residential treatment program for chemical dependency in order to reactivate his license.

9 8. PA Borgesen successfully completed treatment on November 27, 2012 and
10 met the Board's PHP Monitor who reviewed the treatment records. The PHP Monitor
11 determined that PA Borgesen was safe to return to the performance of healthcare tasks
12 and recommended that he enter into PHP for a period of five years.

13 9. On December 28, 2012, PA Borgesen entered into an Interim Consent
14 Agreement to participate in PHP and his license remains inactive with cause. Board staff
15 reported that PA Borgesen is currently in compliance with all of the terms and conditions of
16 his Interim PHP Order.

17 10. The Board's Physician Health Program (PHP) Monitor found that
18 Respondent is safe to practice medicine while enrolled in the PHP under the usual terms
19 and conditions.

20 CONCLUSIONS OF LAW

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

23 2. The Board has received substantial evidence supporting the Findings of Fact
24 described above and said findings require the Board to either refer the matter for formal
25 hearing to revoke Respondent's license or reactive Respondent's license and place

1 Respondent on probation for five years with restrictions necessary to assure public safety.
2 A.R.S. § 32-1452(F).

3 3. The conduct and circumstances described above constitute unprofessional
4 conduct pursuant to A.R.S. § 32-2501(18)(d) ("[h]abitual intemperance in the use of
5 alcohol or habitual substance abuse.").

6 **ORDER**

7 IT IS HEREBY ORDERED that:

8 1. Respondent's license is reactivated upon payment of the renewal fee.

9 2. Respondent is placed on Probation for **five years** with the following terms
10 and conditions:

11 1. **Participation**¹. Respondent shall promptly enroll in and participate in the
12 Board's Physician Health Program (PHP) monitoring service which is administered by a
13 private contractor. ("Monitor").

14 2. **Relapse Prevention Group**. Respondent shall attend the Monitor's relapse
15 prevention group therapy sessions one time per week for the duration of this Order, unless
16 excused by the relapse prevention group facilitator for good cause. Individual relapse
17 therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-
18 approves substitution. The relapse prevention group facilitators or individual relapse
19 prevention therapist shall submit monthly reports to the Monitor regarding attendance and
20 progress.

21 3. **12 Step or Self-Help Group Meetings**. If applicable, Respondent shall
22 attend ninety 12-step meetings or other self-help group meetings appropriate for
23 substance abuse and approved by the Monitor, for a period of ninety days. Upon
24

25 ¹ Respondent's PHP participation shall be retroactive to December 28, 2012.

1 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
2 recovery program or other self-help program appropriate for substance abuse as
3 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
4 other self-help program meetings per week.. Two meetings per month must be Caduceus
5 meetings. Respondent must maintain a log of all self-help meetings.

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

16 5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
17 unless the PCP or other health care provider to whom the PCP refers Respondent
18 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
19 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
20 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
21 controlled substance is prescribed, dispensed, or administered to Respondent by any
22 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
23 notify the Monitor immediately.

24 6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any
25 food, or other substance containing poppy seeds or alcohol.

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

9 8. **Out of State Travel and/or Unavailability at Home/Office Telephone**
10 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
11 out of state.

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

18 10. **Interviews.** Respondent shall appear in person before the Monitor for
19 interviews upon request, upon reasonable notice.

20 11. **Address and Phone Changes, Notice.** Respondent shall immediately notify
21 the Monitor in writing of any change in office or home addresses and telephone numbers.

22 12. **Relapse, Violation.** In the event of chemical dependency relapse by
23 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
24 Respondent's license shall be **summarily suspended pending a hearing for**
25 **revocation.** In the alternative, Respondent may **SURRENDER HIS LICENSE** if he agrees

1 in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

2 13. **Notice Requirements.** Respondent shall immediately provide a copy of this
3 Order to all current and future employers and all hospitals and free standing surgery
4 centers where Respondent has privileges. Within 30 days of the date of this Order,
5 Respondent shall provide the Monitor with a signed statement of compliance with this
6 notification requirement. Respondent is further required to notify, in writing, all employers,
7 hospitals and free standing surgery centers where Respondent currently has or in the
8 future gains employment or privileges, of a chemical dependency relapse.,

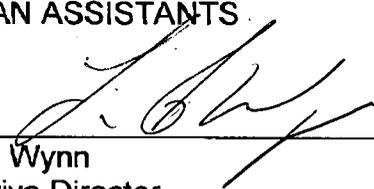
9 14. **Out-of-State.** In the event Respondent resides or practices as a physician
10 in a state other than Arizona, Respondent shall participate in the rehabilitation program
11 sponsored by that state's medical licensing authority or medical society. Respondent shall
12 cause the monitoring state's program to provide written quarterly reports to the Monitor
13 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
14 program and Respondent shall immediately notify the Monitor if Respondent: a) is non-
15 compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for
16 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
17 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
18 additional treatment.

19 15 This Order supersedes all previous consent agreements and stipulations
20 between the Board and/or the Executive Director and Respondent.

21 16. The Board retains jurisdiction and may initiate new action based upon any
22 violation of this Order.

1 DATED AND EFFECTIVE this 7th day of March, 2013.

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4 ARIZONA REGULATORY BOARD
OF PHYSICIAN ASSISTANTS

5
6 By 
Lisa S. Wynn
7 Executive Director

8
9 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

1 6. Upon signing this agreement, and returning this document (or a copy
2 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
3 entry of the Order. Respondent may not make any modifications to the document. Any
4 modifications to this original document are ineffective and void unless mutually approved
5 by the parties.

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

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

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

14 10. Any violation of this Order constitutes unprofessional conduct and may result
15 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
16 consent agreement or stipulation issued or entered into by the board or its executive
17 director under this chapter") and 32-1451.

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

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21 
Paul Borgesen, P.A.

DATED: 1/29/13

22
23 EXECUTED COPY of the foregoing mailed
24 this 29th day of March, 2013 to:

25 ORIGINAL of the foregoing filed
this 29th day of March, 2013 with:

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Arizona Regulatory Board of Physician Assistants Staff