



1 December 23, 2014. The Hospital later notified the Board of the incident. It was noted  
2 that Respondent did not see or treat and patients while under the influence.

3 5. Respondent was subsequently assessed by the Board's Physician Health  
4 Program ("PHP") Contractor on January 26, 2015. Respondent was preliminarily  
5 diagnosed with Alcohol Dependence and in-patient treatment was recommended.

6 6. Respondent completed treatment at an inpatient facility from February 3,  
7 2015 through March 4, 2015. Respondent met with the Board's PHP Contractor for a  
8 post-treatment assessment and it was recommended that Respondent enter into the PHP  
9 for a period of five (5) years for Alcohol Dependence monitoring.

10 7. PA Swan entered into an Interim Consent Agreement to participate in the  
11 PHP on May 21, 2015 and has been compliant with the terms of monitoring to date.

12  
13 **CONCLUSIONS OF LAW**

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

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

19 3. The conduct and circumstances described above constitutes unprofessional  
20 conduct pursuant to A.R.S. § 32-2501(18)(j) ("[a]ny conduct or practice that is or might be  
21 harmful or dangerous to the health of a patient or the public.").

22 **ORDER**

23 IT IS HEREBY ORDERED THAT:

24 1. Respondent is issued a Letter of Reprimand.

25

1           2.     Respondent's license is placed on Probation for **Five Years**<sup>1</sup> and is subject  
2 to her continued participation in the Board's PHP and compliance with the following terms  
3 and conditions.

4           3.     Respondent shall not consume alcohol or any food or other substance  
5 containing poppy seeds or alcohol.

6           4.     Respondent shall not take any illegal drugs or mood altering medications.

7           5.     Respondent shall attend the PHP's relapse prevention group therapy  
8 sessions one time per week for the duration of this Order, unless excused by the relapse  
9 prevention group facilitator for good cause. Individual relapse therapy may be substituted  
10 for one or more of the group therapy sessions, if PHP pre-approves substitution. The  
11 relapse prevention group facilitators or individual relapse prevention therapist shall  
12 submit monthly reports to the PHP regarding attendance and progress.

13          6.     If requested by the PHP, Respondent shall attend ninety 12-step meetings  
14 or other self-help group meetings appropriate for substance abuse and approved by the  
15 PHP, for a period of ninety days. Upon completion of the ninety meetings in ninety days,  
16 Respondent shall participate in a 12-step recovery program or other self-help program  
17 appropriate for substance abuse as recommended by the PHP. Respondent shall attend  
18 a minimum of three 12-step or other self-help program meetings per week. Two meetings  
19 per month must be Caduceus meetings. Respondent must maintain a log of all self-help  
20 meetings.

21          7.     Respondent shall promptly obtain a primary care physician ("PCP") and  
22 shall submit the name of the physician to the PHP in writing for approval. The approved  
23 PCP shall be in charge of providing and coordinating Respondent's medical care and

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25 <sup>1</sup> Respondent's probation shall be retroactive to May 21, 2015.

1 treatment. Except in an *Emergency*, Respondent shall obtain medical care and treatment  
2 only from the PCP and from health care providers to whom the PCP refers Respondent.  
3 Respondent shall promptly provide a copy of this Order to the PCP. Respondent shall  
4 also inform all other health care providers who provide medical care or treatment that  
5 Respondent is participating in PHP. "*Emergency*" means a serious accident or sudden  
6 illness that, if not treated immediately, may result in a long-term medical problem or loss  
7 of life.

8       8. All prescriptions for controlled substances shall be approved by the PHP  
9 prior to being filled except in an *Emergency*. Controlled substances prescribed and filled  
10 in an emergency shall be reported to the PHP within 48 hours. Respondent shall take no  
11 Medication unless the PCP or other health care provider to whom the PCP refers  
12 Respondent prescribes and the PHP approves the Medication. Respondent shall not self-  
13 prescribe any Medication. "Medication" means a prescription-only drug, controlled  
14 substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen,  
15 and plain acetaminophen. Respondent shall submit to random biological fluid, hair and  
16 nail testing for two years from the date of this Order (as specifically directed below) to  
17 ensure compliance with PHP.

18       9. Respondent shall submit to random biological fluid, hair and/or nail testing  
19 (as specifically directed below) to ensure compliance with PHP.

20       10. Respondent shall provide the PHP in writing with one telephone number  
21 that shall be used to contact Respondent on a 24 hour per day/seven day per week basis  
22 to submit to biological fluid, hair and/or nail testing to ensure compliance with PHP. For  
23 the purposes of this section, telephonic notice shall be deemed given at the time a  
24 message to appear is left at the contact telephone number provided by Respondent.  
25 Respondent authorizes any person or organization conducting tests on the collected

1 samples to provide testing results to the PHP. Respondent shall comply with all  
2 requirements for biological fluid, hair and/or nail collection. Respondent shall pay for all  
3 costs for the testing.

4 11. Respondent shall provide the PHP with written notice of any plans to travel  
5 out of state.

6 12. Respondent shall immediately notify the Board and the PHP in writing of  
7 any change in office or home addresses and telephone numbers.

8 13. Respondent provides full consent for the PHP to discuss the Respondent's  
9 case with the Respondent's PCP or any other health care providers to ensure compliance  
10 with PHP.

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

14 15. 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 16. 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  
25

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 17. 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 18. 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 19. In the event of chemical dependency relapse by Respondent or  
14 Respondent's use of drugs or alcohol in violation of this Order, Respondent shall  
15 promptly enter into an Interim Order for Practice Restriction and Consent to the Same  
16 that requires, among other things, that Respondent not perform health care tasks until  
17 such time as Respondent successfully completes long-term inpatient treatment for  
18 chemical dependency designated by the PHP Contractor and obtains affirmative approval  
19 from the Board or its Executive Director to return to the performance of health care tasks.  
20 Prior to approving Respondent's request to return to the performance of health care  
21 tasks, Respondent may be required to submit to witnessed biological fluid collection or  
22 undergo any combination of physical examination, psychiatric or psychological  
23 evaluation. In no respect shall the terms of this paragraph restrict the Board's authority to  
24 initiate and take disciplinary action for violation of this Order.

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

4           21.    The Board retains jurisdiction and may initiate a new action based upon any  
5 violation of this Order.

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

18           23.    This agreement supersedes all previous agreements between the parties.  
19

20 DATED AND EFFECTIVE this 25<sup>th</sup> day of February, 2016.

21  
22 ARIZONA REGULATORY BOARD OF  
PHYSICIAN ASSISTANTS

23 By Patricia McSorley  
24 Patricia McSorley  
25 Executive Director



1           7.     Respondent understands and agrees that if the Board does not adopt this  
2 Order, she will not assert in any future proceedings that the Board's consideration of this  
3 Order constitutes bias, prejudice, prejudgment, or other similar defense.

4           8.     Respondent understands that this Order is a public record that may be  
5 publicly disseminated as a formal action of the Board and will be reported to the National  
6 Practitioner's Data Bank and posted on the Board's web site as a disciplinary action.

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

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

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16 JANET L. SWAN, P.A.

DATED: 1/21/16

17 EXECUTED COPY of the foregoing mailed

18 this 25<sup>th</sup> day of February, 2016 to:

19 Janet L. Swan, P.A.  
20 Address of Record

21 ORIGINAL of the foregoing filed  
22 this 25<sup>th</sup> day of February 2016 with:

23 Arizona Regulatory Board  
24 of Physician Assistants  
25 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

  
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Board Staff