BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

WILLIAM F. REES, M.D.

Holder of License No. 53589
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-18-0798A

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

William F. Rees, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for License Reactivation, Letter of Reprimand, Practice Restriction and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of
the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 53589 for the practice of
allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-18-0798A after receiving Respondent's
request for license reactivation.

4. Respondent participated in the Board's Physician Health Program ("PHP")
from March 13, 2017 through August 18, 2017 pursuant to a Stipulated Rehabilitation
Agreement ("SRA"). Respondent successfully completed the terms and conditions of the
SRA, and the SRA was terminated.

5. On May 11, 2018, the Board initiated an investigation in case MD-18-0439A
after Respondent self-reported that he had relapsed with the consumption of alcohol.
Respondent reported that he experienced a syncopal episode at work ("the Clinic") on May
10, 2018, which resulted in injury, and required transportation to a hospital for treatment.
Respondent reported that a toxicology screen performed by the hospital recorded his
blood alcohol level at .034. The Board subsequently received confirming reports from the
Clinic and the hospital. Both reports indicated that Respondent presented to work
impaired.
6. On May 15, 2018, Respondent requested that his license be placed on
"Inactive with Cause" status, which the Board’s Executive Director approved.
7. Respondent completed residential treatment at a substance abuse treatment
facility ("Facility") on August 29, 2018. The Facility’s discharge recommendations included
a recommendation that Respondent submit to monitoring for the duration of his career.
8. The Facility determined that Respondent is safe to return to the practice of
medicine subject to Respondent’s participation in PHP subject to the monitoring terms and
conditions as recommended by the Facility. Respondent has entered into a private
monitoring contract with a PHP Contractor and is currently in compliance with the terms
and conditions of that contract.
9. On August 21, 2018, Respondent requested reactivation of his medical
license in anticipation of his discharge from the Facility.
10. **Board staff stated that according to the Board’s three-strike policy, this
is Respondent’s “second strike.”**

**Patient LL**

11. The Clinic reported that Respondent treated one patient on May 10, 2018
(“LL”). A Medical Consultant (“MC”) reviewed Respondent’s care and treatment of LL, an
established patient of the Clinic for whom Respondent had prescribed Phentermine at a
visit on April 19, 2018 for weight loss. Respondent provided an additional prescription for
Phentermine with a plan for follow up in one month.
12. The standard of care requires a physician to assess weight/BMI prior to
initiating therapy with a sympathomimetic medication (Phentermine). Respondent
deviated from the standard of care when he prescribed Phentermine to LL without
obtaining a current weight/BMI, which had not been performed on this patient for more
than three months.

13. It is the standard of care for a physician to avoid alcohol intake prior to
seeing and treating patients. Respondent deviated from the standard of care by
consuming alcohol close enough to the time that he was scheduled to see patients that he
was potentially impaired at work and suffered a syncopal episode.

14. There was actual harm to Respondent in that he experienced a syncopal
episode while at work. There was potential for patient harm to LL in that Respondent
could have made medical errors in the course of his treatment for LL, with the potential for
medication interactions or side effects.

Other Facts

15. During the course of the Board’s investigation, Board staff obtained
Controlled Substance Prescription Monitoring Program ("CSPMP") reports for Respondent
as a prescriber, and as a patient.

16. Respondent’s CSPMP report as a patient indicated that Respondent
received controlled substances from two physician assistants employed by the Clinic ("PA-
B" and "PA-K"). Respondent was assigned as the supervising physician for both PA-B
and PA-K during the period of time he received prescriptions from the physician
assistants.

17. Respondent also prescribed a controlled substance (Phentermine) to PA-K.
There was no medical record produced with regard to the prescription.

18. It is the standard of care to keep adequate medical records on a patient for
whom a prescription (with refills) of Phentermine is provided. This would include an
adequate history and examination with documentation of prior and current diet and
exercise, indication for the treatment including weight/BMI, a discussion of possible risks and side effects with notation of patient understanding, and a plan for close follow up and monitoring. Additionally, close follow up should be provided to monitor weight loss, blood pressure, and heart rate, and to evaluate for side effects. Respondent deviated from the standard of care by providing a prescription (with refills) of Phentermine to PA-K without performing or documenting any medical assessment or monitoring of PA-K.

19. There was potential for patient harm in that PA-K may have had contraindications or suffered complications/side effects from the Phentermine prescribed by Respondent without the performance of an appropriate evaluation.

CONCLUSIONS OF LAW

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

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings require the Board to either refer the matter for formal hearing to revoke Respondent's license or reactivate Respondent's license and place Respondent on probation for five years with restrictions necessary to assure public safety. A.R.S. § 32-1452(F).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) ("Failing or refusing to maintain adequate records on a patient.").

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) ("A pattern of using or being under the influence of alcohol or drugs or a similar substance while practicing medicine or to the extent that judgment may be impaired and the practice of medicine detrimentally affected.").
5. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

6. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(jj) ("Exhibiting a lack of or inappropriate direction, collaboration or direct supervision of a medical assistant or a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician.").

7. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(tt) ("Prescribing, dispensing or furnishing a prescription medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical or mental health status examination of that person or has previously established a doctor-patient relationship. The physical or mental health status examination may be conducted during a real-time telemedicine encounter with audio and video capability, unless the examination is for the purpose of obtaining a written certification from the physician for the purposes of title 36, chapter 28.1.").

ORDER

IT IS HEREBY ORDERED that:

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

1. Respondent’s license is issued a Letter of Reprimand.

2. Practice Restriction- Respondent’s practice is restricted in that he shall not act as the supervising physician for physician assistants as defined in A.R.S. § 32-2501(16) for the duration of this probation. Board staff or its agents may conduct periodic
chart reviews or require Respondent to provide periodic declarations in order to monitor
Respondent's compliance with this Board Order.

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

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

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

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

7. Respondent shall return to the Facility for follow up visits as recommended
by the Facility, including but not limited to, the currently scheduled follow up visit in
November 2018. Respondent shall be responsible for all costs associated with the follow-
up care.

8. Respondent shall enter treatment with a PHP Contractor approved
psychiatrist and shall comply with any and all treatment recommendations, including taking
any and all prescribed medications. Respondent shall instruct the treating psychiatrist to
submit quarterly written reports to the PHP regarding diagnosis, prognosis, current
medications, recommendation for continuing care and treatment, and ability to safely
practice medicine. The reports shall be submitted quarterly to the PHP, the
commencement of which to be determined by the PHP Contractor. Respondent shall
provide the psychiatrist with a copy of this Order. Respondent shall pay the expenses for
treatment and be responsible for paying for the preparation of the quarterly reports. At the
expiration of one year or anytime thereafter, Respondent may submit a written request to
the PHP Contractor requesting termination of the requirement that Respondent remain in
treatment with a psychiatrist. The decision to terminate will be based in part upon the
treating psychiatrist’s recommendation for continued care and treatment.

9. Respondent shall enter treatment with a PHP Contractor approved therapist
and shall comply with any and all treatment recommendations. Respondent shall instruct
the treating therapist to submit quarterly written reports to the PHP regarding diagnosis,
prognosis, current medications, recommendation for continuing care and treatment, and
ability to safely practice medicine. The reports shall be submitted quarterly to the PHP, the
commencement of which to be determined by the PHP Contractor. Respondent shall
provide the therapist with a copy of this Order. Respondent shall pay the expenses for
treatment and be responsible for paying for the preparation of the quarterly reports. At the
expiration of one year or anytime thereafter, Respondent may submit a written request to
the PHP Contractor requesting termination of the requirement that Respondent remain in
treatment with a therapist. The decision to terminate will be based in part upon the treating
therapist’s recommendation for continued care and treatment.

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

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

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

13. If requested by the PHP and not already completed, Respondent shall attend
ninety 12-step meetings or other self-help group meetings appropriate for substance
abuse and approved by the PHP, for a period of ninety days. Upon completion of the
ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
program or other self-help program appropriate for substance abuse as recommended by
the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
meetings per week. Two meetings per month must be Caduceus meetings. Respondent
must maintain a log of all self-help meetings.
14. Respondent shall submit to random biological fluid, hair and/or nail testing for the remainder of this Order (as specifically directed below) to ensure compliance with the PHP.

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

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

17. Respondent shall successfully complete a PHP approved 36 hour alcohol/drug awareness education class.

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

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

20. The relationship between the Respondent and the PHP Contractor is a direct relationship. Respondent shall not use an attorney or other intermediary to communicate with the PHP Contractor on participation and compliance issues. All inquiries must be directed to Board staff.
21. Respondent shall be responsible for all costs, including costs associated with participating in the PHP, at the time service is rendered or within 30 days of each invoice sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days after invoicing will be reported to the Board by the PHP Contractor and may result in disciplinary action.

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

23. Respondent shall immediately provide a copy of this Order to all employers, hospitals and free standing surgery centers where Respondent currently has or in the future gains or applies for employment or privileges. Within 30 days of the date of this Order, Respondent shall provide the PHP with a signed statement of compliance with this notification requirement. Respondent is further required to notify, in writing, all employers, hospitals and free standing surgery centers where Respondent currently has or in the future gains or applies for employment or privileges of a violation of this Order.

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

25. The PHP Contractor shall immediately notify the Board if Respondent is non-compliant with any aspect of this Order or is required to undergo any additional treatment.
26. In the event of a violation of A.R.S. § 32-1401(27)(f) by Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall be **summarily suspended pending a hearing for revocation**. In the alternative, Respondent may **SURRENDER THE LICENSE** if Respondent agrees in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

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

28. No sooner than five years from the effective date of this Order, Respondent may submit a written request to the Board for release from the terms of this Order. Respondent's request for release will be placed on the next pending Board agenda, provided a complete submission is received by Board staff no less than 30 days prior to the Board meeting. Respondent's request for release must provide the Board with evidence establishing that he has successfully satisfied all of the terms and conditions of this Order, and must be accompanied by a recommendation from the Facility or other Board-approved evaluator, as well as the Board's PHP Contractor, that monitoring is no longer warranted. The Board may order any combination of examinations and/or evaluations that the Board in its sole discretion determines is necessary to assist the Board in assessing Respondent's request for termination. The Board has the sole discretion to determine whether all of the terms and conditions of this Order have been met or whether to take any other action that is consistent with its statutory and regulatory authority, including **continuing the probation** until it is determined as stated herein that monitoring is no longer necessary.

29. This Order supersedes any and all Consent Agreements previously entered into by Respondent and the Board regarding this matter.
30. The Board retains jurisdiction and may initiate new action against
Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s).
DATED AND EFFECTIVE this 23rd day of October, 2018.

ARIZONA MEDICAL BOARD
By Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

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

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

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

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

5. All admissions made by Respondent are solely for final disposition of this
matter and any subsequent related administrative proceedings or civil litigation involving
the Board and Respondent. Therefore, said admissions by Respondent are not intended
or made for any other use, such as in the context of another state or federal government
regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
any other state or federal court.
6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

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

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

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

10. Any violation of this Order constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1401(27)(s) ("Violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and §2-1451.

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

[Signature]
WILLIAM F. REES, M.D.

DATED: 10/16/2018

EXECUTED COPY of the foregoing mailed this 31st day of October, 2018 to:

William F. Rees, M.D.
Address of Record

PHP Contractor
Address of Record
ORIGINAl of the foregoing filed
this 23rd day of October, 2018 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

[Signature]
Board staff