BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

IN THE MATTER OF: **LINDA ANN DAVIS, D.O.** Applicant for a license to Practice osteopathic medicine in the State of Arizona. For the practice of osteopathic medicine in the State of Arizona	**Case No.: N/A** **STIPULATION FOR ISSUANCE OF LICENSE AND PROBATIONARY ORDER**

On May 22, 2006, Linda A. Davis, D.O. (hereinafter "Applicant") filed an application for licensure with the AZ Board of Osteopathic Examiners (hereinafter "Board").

On October 21, 2006, the Applicant appeared before the Board with her legal representative, Calvin L. Raup, Esquire.

The Board reviewed Applicant's application for license, including the Applicant's licensure history, and all other relevant issues concerning her qualifications to obtain a Board license, and took testimony from the Applicant. The Board authorized preparation of an order granting Applicant a license to practice as an osteopathic physician in the State of Arizona with the following the following terms of Probation.

STIPULATION

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Linda A. Davis, D.O. (hereinafter "Applicant"), the parties hereto agree to the following disposition to this matter.

1. Applicant acknowledges that she has read this Stipulation for Issuance of a License and Order of Probation, and she is aware of and understands the contents of this document.

2. Applicant understands that by entering into this Stipulation for Issuance of a License and Order of Probation, she voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.

3. Applicant understands that this Stipulation for Issuance of a License and Order of Probation will not become effective unless approved by the Board and signed by its Executive Director.

4. Applicant further understands that this Stipulation for Issuance of a License and Order of Probation, once approved and signed, shall constitute a public record.

5. Applicant acknowledges and accepts the statement of facts and conclusions of law contained in the Stipulation for Issuance of a License and Order of Probation.

6. All admissions made by Applicant are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Applicant and the State of Arizona; and, therefore, said admissions by Applicant are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Applicant acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, she may not later revoke or amend this Stipulation for Issuance of a License and Order of Probation, without first obtaining Board approval.

8. Applicant further acknowledges and agrees that this Stipulation for Issuance of a License and Order of Probation is an action that will be reported to the appropriate and mandated entities.

REVIEWED AND ACCEPTED this 1 day of DECEMBER 2006.

RECEIVED
DEC 04 2006
AZ OSTEOPATHIC BOARD

Linda A. Davis, D.O.

FINDINGS OF FACT

1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.

2. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Board possesses jurisdiction over the subject matter hereof and over the application for license submitted by Applicant.

3. On her license application, Applicant answered "yes" to question #1, which states, "Have you been diagnosed with or developed initial or worsening symptoms of a physical, mental, or emotional condition which did or may impair or limit your ability to safely practice medicine?

4. Applicant was evaluated for possible substance abuse at Sierra de Tucson. The evaluation established that the Applicant was not a substance abuser but was taking large amounts of pharmaceuticals, in quantities prescribed by her former physicians for a diagnosis of chronic depression.

5. Applicant has now changed physicians and is on a low dosage of one medication only.

6. Applicant does not consume alcohol or take illicit drugs but is willing to be monitored as a precaution.

7. After review and consideration of the application, the Board voted to offer the Applicant a license with a three (3) year probationary period.

CONCLUSIONS OF LAW

1. The Board has the authority to enter a final order and to enter into an agreement for the disposition of this license application pursuant to A.R.S. § 32-1822(E).

ORDER

NOW, THEREFORE, IT IS AGREED AND ORDERED AS FOLLOWS:

Linda Ann Davis, D.O. shall be issued license No. to practice osteopathic medicine which shall be placed on **PROBATION** for a period of **THREE YEARS** with the following terms:

A. That the effective date of the probationary period shall be the first business day after Applicant's license is issued by the Board.

B. Applicant shall not engage in the practice of medicine for more than twenty (20) hours per week for the first six (6) months. Applicant may come before the Board to request a modification of this term during her probationary period.

C. That the Applicant shall send to the Board a quarterly progress report while she is on probation, detailing her status of employment, status of practice, continuing medical education programs completed, and any and all address changes within 10 days.

D. That the Applicant will develop/continue a treatment plan in conjunction with her treating physician, that she will submit to random body fluid testing, release of her treatment records and reports to the Board and take only those drugs or medications prescribed by her treating or primary car physicians in accordance with their orders, meet regularly with the Board and submit her treatment plan to the Board for its approval.

E. From the date of this Order, Applicant shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Applicant and approved by the Board. Applicant shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Applicant shall inform the

Board by letter (mailed within twenty (20) days of the date of this order) of the therapist's name; and, Applicant shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Applicant changes therapists, she shall give the Board written notice within ten (10) days of said action. Applicant shall not discontinue or reduce the frequency of psychotherapy sessions until she has submitted a written request to the Board and obtained Board approval.

F. Applicant's therapist(s) shall receive a copy of this Order and Board staff shall cooperate with and disclose all relevant information in the Board's files concerning Applicant. The treating therapist shall be directed by Applicant to send to the Board a detailed written progress report every month for the remainder of the probation; and Applicant, shall waive any confidentiality concerning her psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Applicant's therapist shall be the sole responsibility of the Applicant.

G. Applicant shall provide a copy of this Order and any subsequent Orders to all facilities where Applicant is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine. Applicant shall provide a copy of this Order to all treating physicians, dentists and or health care professionals. Applicant shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.

H. Applicant shall take drugs or medications only as prescribed by her treating physician or her primary care physician. Applicant shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by her and such log shall include the following information:

(a) the name of the medication;
(b) name of prescribing physician;
(c) reason for the medication.

At the first of each month, Applicant shall report by letter to the Board whether or not she is taking any prescription only medication and, if so, a copy of her log reflecting the above information.

I. Applicant shall also, as part of her probation: (a) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Applicant and conducted by the Board's designated physician and/or psychologist which shall be paid for by Applicant; and (b) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (c) submit to random biological fluid testing and promptly provide (within a reasonable time period specified by the Board) required biological fluids for testing and said testing shall be done at the Applicant's expense.

J. In the event Applicant moves and ceases to practice medicine in Arizona, she shall give written notice to the Board of her new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Applicant returns to practice medicine in Arizona.

K. Applicant shall reimburse the Board for all expenses associated with the continued monitoring of this matter.

L. Applicant shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

M. Applicant's failure to comply with the requirements of this Order may constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Applicant fails to comply with any of the requirements of this Order.

ISSUED THIS 11TH DAY OF DECEMBER, 2006.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

By: _____
Jack Confer, Executive Director

Original "Order for Issuance of License And Probation" filed this 11TH day of DECEMBER, 2006 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Stipulation for Issuance of a License and Order of Probation" sent via certified, return receipt requested this 11TH day of DECEMBER, 2006 to:

Linda Ann Davis, D.O.
c/o Calvin L. Raup, Esq.
Shughart, Thomson & Kilory
3636 North Central Avenue, Suite 1200
Phoenix, AZ 85012
Attorney for Applicant

Copies of the foregoing "Stipulation for Issuance of a License and Order of Probation" sent via regular mail this 11TH day of DECEMBER, 2006 to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

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