BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
JAMES J. CHIEN, M.D.
Holder of License No. 40347
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-15-1416A
ORDER FOR PROBATION;
AND CONSENT TO THE SAME

James J. Chien, M.D. ("Respondent") elects to permanently waive any right to a
hearing and appeal with respect to this Order for 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 No. 40347 for the practice of allopathic
medicine in the State of Arizona.

3. The Board initiated case number MD-15-1416A after receiving a self-report
from Respondent stating that on the morning of November 27, 2015, following the
completion of his clinical duties at the end of a 24 hour hospital shift, he self-administered
Fentanyl, Demerol and Propofol, which led to a loss of consciousness. Respondent was
taken to the Emergency Department. Upon regaining consciousness, Respondent
admitted to self-administering the medications.

4. Respondent presented to the Board’s Physician Health Program ("PHP")
Contractor on December 2, 2015 and was deemed unsafe to practice. The PHP
Contractor recommended that Respondent undergo residential treatment.
5. Respondent entered into treatment with a Board-approved Inpatient Treatment Facility on December 5, 2015 and entered into an Interim Consent Agreement for Practice Restriction on December 7, 2015.

6. Respondent was discharged with staff approval on February 18, 2016 with recommendations for further monitoring.

7. Respondent met with the PHP Contractor on February 23, 2016 for a post-treatment assessment. The PHP Contractor opined that Respondent was safe to practice medicine, provided that Respondent enter into a five (5) year Interim Consent Agreement for PHP Participation ("Interim Consent Agreement") with the additional requirement that he take Naltrexone upon returning to the practice of anesthesiology.

8. Respondent entered into the interim Consent Agreement with the Board on March 15, 2016, and remains compliant with the terms and conditions of the agreement.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(g) ("Using controlled substances except if prescribed by another physician for use during a prescribed course of treatment.").

ORDER

IT IS HEREBY ORDERED THAT:

1. This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent and is the final resolution of this matter.
2. Respondent's license is placed on Probation for five years\(^1\) and is subject to
his continued participation in the Board's Physician Health Program ("PHP") and
compliance with the following terms and conditions:

3. Respondent shall not consume alcohol or any food or other substance
containing poppy seeds or alcohol. Respondent shall not take any illegal drugs or mood
altering medications.

4. If and when Respondent returns to the practice of anesthesiology,
Respondent shall take the medication Naltrexone for the duration of this Order or until the
PHP Contractor deems that Naltrexone is no longer necessary.

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

6. If requested by the PHP Contractor, Respondent shall attend ninety 12-step
meetings or other self-help group meetings appropriate for substance abuse and approved
by the PHP Contractor, 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

\(^{1}\) Respondent's PHP participation shall be retroactive to March 15, 2016.
per week. Two meetings per month must be Caduceus meetings. Respondent must
maintain a log of all self-help meetings.

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

8. All prescriptions for controlled substances shall be approved by the PHP
prior to being filled except in an Emergency. Controlled substances prescribed and filled
in an emergency shall be reported to the PHP Contractor 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. Respondent shall submit to random biological
fluid, hair and nail testing for five years from the date of this Order (as specifically directed
below) to ensure compliance with the PHP.

9. 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 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 nail collection. Respondent shall pay for all
costs for the testing.
10. Respondent shall provide the PHP Contractor with written notice of any
plans to travel out of state.
11. Respondent shall immediately notify the Board and the PHP Contractor in
writing of any change in office or home addresses and telephone numbers.
12. 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.
13. 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.
14. 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 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 further
Board action.
15. 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 employment or privileges. Within 30 days of the date of this Order,
Respondent shall provide the PHP Contractor 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 employment or privileges, of a chemical dependency relapse or a violation of this Order.

16. 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.

17. The PHP Contractor shall immediately notify the Board if Respondent is non-compliant with any aspect of the monitoring requirements or this Order.

18. In the event of chemical dependency relapse by Respondent or Respondent's use of controlled substances or alcohol in violation of this Order, Respondent shall promptly enter into an Interim Consent Agreement for Practice Restriction that requires, among other things, that Respondent not practice medicine until such time as Respondent successfully completes long-term inpatient treatment for chemical dependency designated by the PHP Contractor and obtains affirmative approval from the executive director, in consultation with the lead Board member and chief medical consultant, to return to the practice of medicine. Prior to approving Respondent's request to return to the practice of medicine, Respondent may be required to undergo any combination of physical examination, psychiatric or psychological evaluation. In no respect
shall the terms of this paragraph restrict the Board's authority to initiate and take
disciplinary action for violation of this Order.

19. Respondent shall obey all federal, state and local laws, and all rules
governing the practice of medicine in the State of Arizona.

20. Respondent shall appear in person before the Board and/or its staff and PHP
Contractor for interviews upon request, with reasonable notice.

21. Prior to the termination of Probation, Respondent must submit a written
request to the Board for release from the terms of this Order. Respondent's request for
release will be placed on an upcoming Board agenda, provided a complete submission is
received by Board staff no less than 14 days prior to the scheduled 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. 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.

DATED AND EFFECTIVE this 6th day of April, 2017.

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, 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,
prejudgment 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)(r) ("violating a formal order, probation,
consent agreement or stipulation issued or entered into by the board or its executive
director under this chapter.") and 32-1451.

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

[Signature]

JAMES J. CHIEN, M.D.

DATED: March 27, 2017

EXECUTED COPY of the foregoing mailed
this day of April, 2017 to:

Robert Milligan, Esq.
Milligan Lawless, PC
5050 N 40th St, Suite 200
Phoenix, AZ 85018
Attorney for Respondent

ORIGINAL of the foregoing filed
this day of April, 2017 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

[Signature]
Board staff