

1 .BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

Case No. MD-17-0627A

3 **WILLIAM B. DABNEY, M.D.**

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR LETTER
OF REPRIMAND**

4 Holder of License No. 5796
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 The Arizona Medical Board ("Board") considered this matter at its public meeting on
8 April 16, 2018. William B. Dabney, M.D. ("Respondent"), appeared with legal counsel,
9 Steve Myers, Esq., before the Board for a Formal Interview pursuant to the authority
10 vested in the Board by A.R.S. § 32-1451(H). The Board voted to issue Findings of Fact,
11 Conclusions of Law and Order after due consideration of the facts and law applicable to
12 this matter.

13 **FINDINGS OF FACT**

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

16 2. Respondent is the holder of license number 5796 for the practice of
17 allopathic medicine in the State of Arizona.

18 3. The Board initiated case number MD-17-0627A after receiving a complaint
19 from Respondent's employer alleging that Respondent inappropriately touched a 30 year-
20 old male patient during an examination.

21 4. During an investigational interview with Board staff, Respondent disclosed
22 that in 2016, a female patient filed a police report alleging that Respondent had made an
23 inappropriate comment and touched her inappropriately during an examination.
24 Respondent admitted that he patted the patient's backside at the end of an appointment.
25 Additionally, Respondent's prior employment records contain an additional complaint filed

1 by two male patients alleging that Respondent made an inappropriate comment to them
2 during an examination.

3 5. On October 9-10, 2017, Respondent completed a neuropsychological
4 evaluation with a Board-approved evaluator. The evaluator opined that Respondent was
5 safe to practice medicine after completion of a professional boundaries course. The
6 evaluator also opined that Respondent should complete individual counseling to acquire
7 adaptive coping strategies for stress and anxiety.

8 6. Based on this information, Respondent entered into an Interim Consent
9 Agreement for Practice Restriction, which he signed and became effective November 2,
10 2017.

11 7. Between November 30 and December 2, 2017, Respondent completed the
12 boundaries program offered by the University of California, San Diego, Physician
13 Assessment and Clinical Education Program ("PACE") and received 39.5 Category I CME
14 credits.

15 8. On November 20, 2017, Respondent began treatment with a psychologist as
16 recommended by the evaluator. Respondent was discharged with the approval of the
17 treating psychologist on January 22, 2018. At the time of discharge, the psychologist
18 concurred that Respondent was safe to resume the practice and recommended that
19 Respondent incorporate the recommendations made by PACE including having a nurse
20 present during all physical examinations.

21 9. On January 30, 2018, the Executive Director issued an Order Vacating
22 Respondent's Interim Consent Agreement for Practice Restriction dated November 2,
23 2017.

24 10. During a Formal Interview on this matter, Respondent testified that
25 participation in the PACE boundaries course and subsequent psychologist sessions

1 allowed him the opportunity to examine his past practices, and that he has incorporated
2 the recommendations from this education into his plans to practice. Respondent further
3 assured the Board that he intended to utilize a chaperone for examinations on a forward-
4 going basis.

5 11. During that same Formal Interview, Board members commented that, based
6 on Respondent's testimony regarding his intent to change his medical practice to conform
7 with the recommendations from the PACE boundary course and subsequent therapy, it
8 appeared that Respondent plans to remediate the conduct. Board members also found it
9 mitigating that Respondent's conduct did not appear to be sexually motivated, but rather a
10 failure to recognize appropriate patient boundaries. Board members strongly
11 recommended that Respondent utilize a chaperone for all physical examinations, and
12 noted that Respondent's failure to do so may be an aggravating factor in any future
13 disciplinary actions regarding similar conduct.

14 **CONCLUSIONS OF LAW**

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

17 2. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § 32-1401(27)(aa)(ii) ("Engaging in sexual conduct with a
19 current patient or with a former patient within six months after the last medical consultation
20 unless the patient was the licensee's spouse at the time of the contact or, immediately
21 preceding the physician-patient relationship, was in a dating or engagement relationship
22 with the licensee. For the purposes of this subdivision, "sexual conduct" includes: . . . (ii)
23 Making sexual advances, requesting sexual favors or engaging in any other verbal
24 conduct or physical contact of a sexual nature.").

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent is issued a Letter of Reprimand. *ROA*

4 DATED AND EFFECTIVE this 14th day of June, 2018.

5 ARIZONA MEDICAL BOARD

6
7 By Patricia E. McSorley
8 Patricia E. McSorley
9 Executive Director

10 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

11 Respondent is hereby notified that he has the right to petition for a rehearing or
12 review. The petition for rehearing or review must be filed with the Board's Executive
13 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
14 petition for rehearing or review must set forth legally sufficient reasons for granting a
15 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after
16 date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed,
17 the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

18 Respondent is further notified that the filing of a motion for rehearing or review is
19 required to preserve any rights of appeal to the Superior Court.

20 EXECUTED COPY of the foregoing mailed
21 this 14th day of June, 2018 to:

22 Stephen W. Myers
23 Mitchel Stein Carey, PC
24 One Renaissance Square
25 2 North Central Avenue, Suite 1450
Phoenix, AZ 85004
Attorney for Respondent

1 ORIGINAL of the foregoing filed
2 this 14th day of June, 2018 with:

3 Arizona Medical Board
4 1740 West Adams, Suite 4000
5 Phoenix, Arizona 85007

6 MawBobey
Board staff

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