BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

WILLIAM B. DABNEY, M.D.

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

Case No. MD-17-0627A

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

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

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 5796 for the practice of allopathic medicine in the State of Arizona.

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

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

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

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

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

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

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

10. During a Formal Interview on this matter, Respondent testified that participation in the PACE boundaries course and subsequent psychologist sessions
allowed him the opportunity to examine his past practices, and that he has incorporated
the recommendations from this education into his plans to practice. Respondent further
assured the Board that he intended to utilize a chaperone for examinations on a forward-
going basis.

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

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)(aa)(ii) ("E]ngaging in sexual conduct with a
current patient or with a former patient within six months after the last medical consultation
unless the patient was the licensee's spouse at the time of the contact or, immediately
preceding the physician-patient relationship, was in a dating or engagement relationship
with the licensee. For the purposes of this subdivision, "sexual conduct" includes: . . . (ii)
Making sexual advances, requesting sexual favors or engaging in any other verbal
conduct or physical contact of a sexual nature.").
ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

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

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Executive Director

RIGHT TO PETITION FOR REHEARING OR REVIEW

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

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

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

Stephen W. Myers
Mitchel Stein Carey, PC
One Renaissance Square
2 North Central Avenue, Suite 1450
Phoenix, AZ 85004
Attorney for Respondent
ORIGINAL of the foregoing filed
this 14th day of June, 2018 with:

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

[Signature]
Board staff