BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
Case No. MD-18-0025A

STEPHEN A. BASS, M.D.
ORDER FOR LICENSE
REACTIVATION WITH LETTER OF
REPRIMAND AND PROBATION; AND
CONSENT TO THE SAME

Holder of License No. 41904
For the Practice of Allopathic Medicine
In the State of Arizona.

Stephen A. Bass, M.D. ("Respondent") elects to permanently waive any right to a
hearing and appeal with respect to this Order for License Reactivation with Letter of
Reprimand 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 41904 for the practice of
allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-18-0025A after receiving a self-report
from Respondent stating that he relapsed and had been accused of being impaired while
at work on September 22, 2017.

4. Respondent previously participated in the Board’s Physician Health Program
("PHP") from May 19, 2009 to December 11, 2013.

5. On September 22, 2017, the Chief Medical Officer at a Hospital where
Respondent held privileges requested that he complete a urine drug screen due to
concerns that he had been impaired while on duty. Respondent was subsequently tested
at Employee Health, which revealed a positive urine drug screen for hydromorphone.

6. On September 28, 2017, Respondent entered into a Request for License
Inactivation with Cause and Order Inactivating License with Cause.
7. Respondent subsequently underwent inpatient treatment at a Board approved facility, and was discharged with staff approval on January 5, 2018. On January 9, 2018, Respondent met with the Board’s PHP Contractor for a post-treatment assessment. During the course of treatment, Respondent admitted to using meperidine obtained from narcotic wastage, as well as other opioids. After a review of treatment records and recommendations, the PHP Contractor opined that Respondent is safe to return to the practice of medicine provided that he participate in the Board’s PHP for a period of five years.

8. Respondent’s Hospital records indicate that in April/May of 2017, Respondent was audited due to concerns regarding his high meperidine use. Respondent had previously been audited for failing to properly document narcotic wastage.

CONCLUSIONS OF LAW

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

b. 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.”).

c. 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.”).

d. 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.”).
e. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(j)("Prescribing, dispensing or administering any controlled substance or prescription-only drug for other than accepted therapeutic purposes.").

f. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r)("Any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

g. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(u)("Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

2. Respondent’s license is Reactivated and is placed on Probation for a period of 5 years with the following terms and conditions:

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

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

5. Respondent shall continue to participate in any personalized aftercare programs or activities. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10.  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.

11.  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.

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

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

14.  Respondent shall immediately notify the Board and the PHP Contractor in
writing of any change in office or home addresses and telephone numbers.
15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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.

21. 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.

22. In the event of chemical dependency relapse by Respondent or Respondent's use of drugs or alcohol in violation of this Order, Respondent's license shall be summarily suspended pending a formal hearing for license revocation. In the alternative, Respondent may SURRENDER HIS LICENSE if he agrees in writing to be impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

23. 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.

24. 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 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 she 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.
25. This Order supersedes any and all Consent Agreements previously entered into by Respondent and the Board regarding this matter.

26. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

DATED AND EFFECTIVE this 14th day of June, 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,
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)(l) ("[V]iolating 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 acknowledges that, pursuant to A.R.S. § 32-2501(16),
Respondent cannot act as a supervising physician for a physician assistant while
Respondent’s license is on probation.

12. **Respondent has read and understands the conditions of Probation.**
EXECUTED COPY of the foregoing mailed this 14th day of June, 2018 to:

Stephen A. Bass, M.D.
Address of Record

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

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

Mary Bailey
Board staff