BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

IN THE MATTER OF: **TERESA BORCHERS, D.O.** Holder of License No. **3681** For the practice of osteopathic medicine in the State of Arizona	**Case No.: DO-15-0213A** **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR SUSPENSION AND PRACTICE ASSESSMENT**

On October 1, 2015, the Arizona Board of Osteopathic Examiners (hereafter "Board") received a complaint against Teresa Borchers, D.O. (hereafter "Respondent"). On October 5, 2015, the Board notified Respondent of an investigation into that complaint. A response to the complaint was submitted on October 28, 2015.

On October 28, 2016, the Board invited Respondent to attend an Investigative Hearing on this matter. The Investigative Hearing was held on January 21, 2017. Respondent was present, participated in the Investigative Hearing and appeared with counsel, Kenneth Gregory.

After hearing testimony from Respondent and considering the documents and evidence submitted, the Board voted to enter the following Findings of Fact, Conclusions of Law, and Order for Suspension and a Practice Assessment.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 3681 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

3. On October 1, 2015, the Board received a complaint alleging concerns with Respondent's prescribing of controlled substances, her record keeping practices, and erratic and impaired behavior.

4. As part of the Board's investigation of the complaint, the Board's Medical Consultant ("MC") performed a pharmacy audit of prescriptions written by Respondent for the period January 1, 2014 – October 13, 2015. Based on the pharmacy audit, the Board subpoenaed the medical records for several of Respondent's patients. The MC performed A review of the patients' medical records and determined deficiencies with respect to Respondent's treatment of several patients.

5. Respondent prescribed controlled substances on an on-going basis to several patients. The standard of care requires a physician who prescribes controlled substances to a patient on an on-going basis to have the patient sign a treatment agreement that identifies the patient's responsibilities including, but not limited to, safe medication use, obtaining the controlled substances from only one physician or practice, and to undergo periodic drug testing. Respondent deviated from the standard of care by failing to obtain controlled substances treatment agreements from patients B.P., L.R., P.S., G.G., C.B., M.B., A.S., D.T. and F.L.

6. The standard of care requires a physician who prescribes controlled substances to a patient on an on-going basis to obtain periodic urine drug screens from the patient to monitor the patient's compliance. Respondent deviated from the standard of care by failing to obtain periodic urine drug screens from patients, B.P., L.R., P.S., M.B., A.S., C.B., and G.G., D.T.

7. Respondent fell below the standard of care by failing to appropriately prescribe controlled substances to several patients. Respondent prescribed two benzodiazapines at the same time to patients M.B., S.S. and S.H. Respondent prescribed a benzodiazepine and an

opioid at the same time to patients D.W., L.R., P.S., and M.B. Respondent prescribed controlled substances to patients L.R., S.S., P.S., S.H. J.D. and M.B. when they were being prescribed similar or other controlled substances by other physicians; Respondent admitted that she did not query the Controlled Substances Prescription Monitoring Program database ("CSPMP'), which would have revealed patients obtaining prescriptions from other providers. With respect to patient M.B. Respondent continued to prescribe controlled substances to the patient despite being notified twice by M.B.'s insurance company that M.B. was receiving controlled substances from multiple providers.

8. The standard of care requires a physician to understand the pharmacology of medications prescribed and the possible interactions between medications. Respondent deviated from the standard of care by prescribing Contrave along with Norco (an opioid pain reliever) and Xanax (a benzodiazepine) to patient M.B. Contrave may cause a patient to experience withdrawal symptoms. This indicates that Respondent did not have an understanding of the pharmacology of the medications prescribed to M.B.

9. Respondent wrote prescriptions for Xanax, Norco, Ativan, Hydrocodone and Lorazepam and noted them as "Office Supply." These medications were delivered to Respondent's office and were taken home by other office staff. Respondent admitted to taking some of the medications herself. Respondent does not hold a dispensing registration issued by the Board.

10. For the following patients, Respondent failed to perform adequate examinations and document her findings in the medical records:

* J.D.: Respondent failed to perform a neurological exam on any visit despite the patient's complaints of bladder incontinence and lower extremity weakness;

* S.S.: Respondent failed to perform a physical exam or diagnostic studies to support the diagnosis of back pain prior to prescribing controlled substances to the patient for back pain;

* F.L.: Respondent documented a normal physical exam despite the patient's physical problems, i.e. axillary abscess and a lesion on his penis;

* R.B.: Respondent failed to perform a genitourinary examination prior to prescribing the patient testosterone;

* J.H.: Respondent failed to perform an examination of the patient's knees despite the patient reporting an injury to both knees several years previously;

* V.G.: Respondent failed to perform an adequate back exam prior to diagnosing back pain and prescribing controlled substances to the patient;

* For male patients, Respondent documented physical exams using a template for a normal female exam and the recommendations made were for a well woman exam.

11. Respondent failed to make appropriate referrals to specialists for patients K.S., J.D., A.S., and J.B. Her failure to refer patients to specialists, when warranted, was below the standard of care.

CONCLUSIONS OF LAW

12. The conduct described above constitutes unprofessional conduct and is a violation of A.R.S. § 32-1854 (6), which states "Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard."

13. The conduct described above constitutes unprofessional conduct and is a violation of A.R.S. §32-1854 (36), which states "Prescribing or dispensing controlled substances or prescription-only medications without establishing and maintaining adequate patient records."

14. The conduct described above constitutes unprofessional conduct and is a violation of A.R.S. §32-1854 (37), which states "Failing to dispense drugs and devices in compliance with article 4 of this chapter. "

15. The conduct described above is also a violation of unprofessional conduct pursuant to A.R.S. § 32-1854 (38), which states "Any conduct or practice that endangers the public's health or may reasonably be expected to do so."

ORDER

Pursuant to the authority vested in the Board,

IT IS HEREBY ORDERED that Teresa Borchers, D.O, holder of osteopathic medical License number 3681 is placed on SUSPENSION for a period of nine (9) months from the effective date of the Order.

IT IS HEREBY FURTHER ORDERED that during the period of suspension, Teresa Borchers, D.O., holder of osteopathic medical License number 3681 shall comply with the following terms:

1. Within six months of the effective date of this Order, Respondent shall undergo the Phase I and II evaluations by the Physician Assessment and Clinical Education Program ("PACE"), at the University of San Diego (619-543-6770 / www.paceprogram.ucsd.edu) or a practice assessment through The Center for Personalized Education for Physicians ("CPEP") in Denver, Colorado (303-577-3232 or www.cpepdoc.org), or an equivalent program that has been pre-approved by the Board's Executive Director. The evaluation(s)/assessment shall be conducted with an emphasis on general family practice including opioid prescribing.
2. Respondent shall notify the Board's Executive Director of the date(s) of the appointment for the evaluation(s)/assessment and who will be conducting the

evaluation/assessment within ten (10) days after scheduling the evaluation(s)/assessments. The notification shall be in writing, by facsimile (480-657-7715) or email (jenna.jones@azdo.gov).

3. Respondent shall cause all reports resulting from the evaluation(s)/assessment to be delivered directly from the evaluator to the Executive Director of the Board. Once the report(s) is submitted to the Board, Respondent shall appear before the Board at a regularly scheduled meeting to discuss the findings and recommendations, if any, as a result of the evaluation(s)/assessment and the Board may issue further orders and/or take additional action consistent with the recommendations.

4. **Costs:** Respondent shall bear all costs incurred regarding compliance with this Order.

5. **Obey All Laws:** Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Arizona.

6. **Ceasing Practice in the State of Arizona:** In the event that Respondent ceases to practice medicine in the State of Arizona, by moving out of state, failing to renew her license, or maintaining an Arizona license but ceasing to practice clinical medicine or administrative medicine requiring licensure, Respondent shall notify the Board that he has ceased practicing in Arizona, in writing, within 10 days of ceasing to practice. In its sole discretion, the Board may stay the terms of this Order until such time as the Respondent resumes the practice of medicine in Arizona, or may take other action to resolve the findings of fact and conclusions of law contained in this Consent Agreement and Order for Probation.

7. **Failure to Comply / Violation**: Respondent's failure to comply with the requirements of this Order shall constitute an allegation of unprofessional conduct as defined at A.R.S. § 32-1854(25) and proven violations may be grounds for further disciplinary action which may include license suspension or revocation.

ISSUED THIS 9th DAY OF FEBRUARY, 2017.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: _____
Jenna Jones, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

Any party may request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The motion for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing, that motion must be based on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Original "Findings of Fact, Conclusions of Law and Order for Suspension"
filed this 9th day of February, 2017 with:

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

Copy of the "Finding of Fact, Conclusions of Law and Order for Suspension" sent by certified mail, return receipt requested, this 9th day of February, 2017 to:

Kenneth Gregory, Esq.
Gregory and Elias, P.C.
3640 Highway 95, Ste. 140
Bullhead City, AZ 86442

Copies of this "Findings of Fact, Conclusions of Law and Order for Suspen sion" filed/sent this 9th day of February, 2017 to:

Teresa Borchers, D.O.
Address of record

AND

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