

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DONNA D. DEFELICE, M.D.**

4 Holder of License No. 24433
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-22-0361A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Donna D. Defelice, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction
10 and consents to the entry of this Order by the Arizona Medical Board ("Board").

11 **INTERIM FINDINGS OF FACT**

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

14 2. Respondent is the holder of License No. 24433 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-22-0361A after receiving a report from
17 Respondent on her 2022 Renewal Application that she had been charged with a DUI on
18 August 2, 2019.

19 4. Respondent presented for a Physician Health Program ("PHP") Assessment
20 with a Board-approved Assessor. Based on the Assessment findings and results, the
21 Assessor opined that Respondent was not currently safe to practice medicine and
22 recommended that Respondent present for inpatient residential treatment.

23 5. The aforementioned information was presented to the investigative staff, the
24 medical consultant and the lead Board member. All reviewed the information and concur
25 that the interim consent agreement to restrict Respondent's practice is appropriate.

1 violation of this Interim Consent Agreement, including, but not limited to, summarily
2 suspending Respondent's license.

3 4. Because this is an Interim Consent Agreement and not a final decision by
4 the Board regarding the pending investigation, it is subject to further consideration by the
5 Board. Once the investigation is complete, it will be promptly provided to the Board for its
6 review and appropriate action.

7 5. This Interim Consent Agreement shall be effective on the date signed by the
8 Board's Executive Director.

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10 DATED this 29th day of December, 2022.

11 ARIZONA MEDICAL BOARD

12 By Kristina Jensen for
13 Patricia E. McSorley
14 Executive Director

15 **RECITALS**

16 Respondent understands and agrees that:

17 1. The Board, through its Executive Director, may adopt this Interim Consent
18 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
19 504.

20 2. Respondent has read and understands this Interim Consent Agreement as
21 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
22 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
23 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
24 by doing so agrees to abide by all of its terms and conditions.
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1 3. By entering into this Interim Consent Agreement, Respondent freely and
2 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
3 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
4 any other administrative and/or judicial action, concerning the matters related to the
5 Interim Consent Agreement.

6 4. Respondent understands that this Interim Consent Agreement does not
7 constitute a dismissal or resolution of this matter or any matters that may be currently
8 pending before the Board and does not constitute any waiver, express or implied, of the
9 Board's statutory authority or jurisdiction regarding this or any other pending or future
10 investigations, actions, or proceedings. Respondent also understands that acceptance of
11 this Interim Consent Agreement does not preclude any other agency, subdivision, or
12 officer of this State from instituting civil or criminal proceedings with respect to the conduct
13 that is the subject of this Interim Consent Agreement. Respondent further does not
14 relinquish Respondent's rights to an administrative hearing, rehearing, review,
15 reconsideration, judicial review or any other administrative and/or judicial action,
16 concerning the matters related to a final disposition of this matter, unless Respondent
17 affirmatively does so as part of the final resolution of this matter.

18 5. Respondent acknowledges and agrees that upon signing this Interim
19 Consent Agreement and returning it to the Board's Executive Director, Respondent may
20 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
21 modifications to it. Any modification of this original document is ineffective and void unless
22 mutually approved by the parties in writing.
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1 6. Respondent understands that this Interim Consent Agreement shall not
2 become effective unless and until it is signed by the Board's Executive Director.

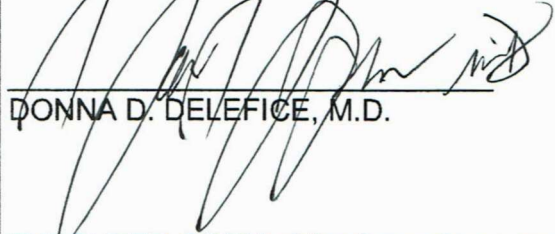
3 7. Respondent understands and agrees that if the Board's Executive Director
4 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
5 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
6 bias, prejudice, prejudgment, or other similar defense.

7 8. Respondent understands that this Interim Consent Agreement is a public
8 record that may be publicly disseminated as a formal action of the Board, and that it shall
9 be reported as required by law to the National Practitioner Data Bank.

10 9. Respondent understands that this Interim Consent Agreement does not
11 alleviate Respondent's responsibility to comply with the applicable license-renewal
12 statutes and rules. If this Interim Consent Agreement remains in effect at the time
13 Respondent's allopathic medical license comes up for renewal, Respondent must renew
14 the license if Respondent wishes to retain the license. If Respondent elects not to renew
15 the license as prescribed by statute and rule, Respondent's license will not expire but
16 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
17 final action in this matter. Once the Board takes final action, in order for Respondent to be
18 licensed in the future, Respondent must submit a new application for licensure and meet
19 all of the requirements set forth in the statutes and rules at that time.
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10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) (“[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.”).



DONNA D. DELEFICE, M.D.

DATED: 12/27/22

EXECUTED COPY of the foregoing e-mailed this 30th day of December, 2022 to:

Donna D. Delefice, M.D.
Address of Record

ORIGINAL of the foregoing filed this 30th day of December, 2022 with:

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



Board staff