

1 **ARIZONA STATE BOARD OF NURSING**

2 **4747 North 7th Street, Suite 200**

3 **Phoenix, Arizona 85014-3655**

4 **602-771-7800**

5
6 IN THE MATTER OF REGISTERED
7 NURSE LICENSE NO. RN091127 AND
8 ADVANCD PRACTICE CERTIFICATE NO.
9 AP2197
10 ISSUED TO:

11
12 CRESFIELD WINSLOW MOODY
13 RESPONDENT

**CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER
ORDER NO.
1408045**

14
15 A complaint charging Cresfield Winslow Moody (“Respondent”) with violation of the Nurse
16 Practice Act has been received by the Arizona State Board of Nursing (“Board”). In the interest of a
17 prompt and speedy settlement of the above-captioned matter, consistent with the public interest,
18 statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-1605.01(D),
19 Respondent voluntarily surrenders his license for a minimum of three (3) years.

20 Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions
21 of Law:

22 **FINDINGS OF FACT**

- 23 1. Respondent holds Board issued registered nurse license no. RN091127 and Advanced
24 Practice Certificate no. AP2197.
- 25 2. From on or about August of 2005 through September 2013 Respondent owned and
26 operated “Care for You Family Health” in Page, Arizona where he worked as a family nurse
27 practitioner.
- 28 3. From on or about September 30, 2013 through August 25, 2014, Respondent began work
29 as a family nurse practitioner for Encompass Health Services, in Page Arizona.

1 4. On or about July 24, 2014, the Board issued a Letter of Concern to Respondent for failing
2 to have a chaperone present in the room for a genital examination with a female patient, boundary
3 issues and incomplete patient documentation. [Consultant note: female patient is a different female
4 from Patient A, B or C.]

5 5. On or about August 25, 2014 the Board received a complaint alleging Respondent
6 engaged in unwanted sexual contact involving "Patient A" while employed as a Family Nurse
7 Practitioner ("FNP") at Encompass Health Services in Page, Arizona. The allegations included the
8 following: exchanging controlled substances for sexual favors, touching her genitals and breasts after
9 administering Demerol (Schedule II Opioid analgesic used for severe pain) injection; forcing her to
10 perform oral sex on him; requiring her to send sexually explicit photos of her genitals before
11 prescriptions would be called into the pharmacy; and sending pictures of his penis, testicles, and texting
12 her while masturbating himself. Based on the information contained in the complaint, the Board began
13 an investigation.

14 6. Respondent asserts that the nature of his sexual relationship with Patient A, as described or
15 reported by Patient A, and as summarized above is not accurate.

16 7. In an interview with Board staff J. Dahn and V. Smith on September 3, 2014,
17 Respondent admitted:

- 18 a. He engaged in sexual relations with "Patient A" starting approximately two years ago
19 and with approximately 12 occurrences over 12 months with the last occurrence in
20 November 2013. *[According to the medical record, Respondent made*
21 *approximately ten (10) home visits in eight (8) months (between November 20, 2013*
22 *and July 14, 2014) and ten (10) office visits in eleven (11) months (between*
23 *September 30, 2013 and August 11, 2014).]*
- 24 b. These sexual encounters occurred mostly in the office setting and once in "Patient
25 A's" home.
- 26 c. He viewed a pornography video clip on his phone with "Patient A" in her home on
27 one occasion.
- 28 d. He injected "Patient A" with Demerol (opioid, schedule II controlled substance for
29 the treatment of severe pain) and Phenergan (antiemetic commonly used in

1 conjunction with Demerol for nausea) for the treatment of Migraines in “Patient A’s”
2 home on one occasion, in or around November of 2013, after having a sexual
3 encounter with “Patient A”.

- 4 e. He sent “Patient A” 2-3 pictures of his sexual organs through text messages on his
5 phone.
- 6 f. He received, on his cell phone, several (12 or more) sexually oriented pictures of
7 “Patient A’s” sexual organs on several occasions.
- 8 g. He engaged in “sexting” (sexual conversation over text messages) with “Patient A”
9 on more than one occasion with the last incident occurring in or around November
10 2013.
- 11 h. He made an entry into “Patient A’s” medical record stating that “Patient A” accused
12 him of being sexually inappropriate, and denying it in the medical record.
13 Additionally, Respondent stated he continued to treat “Patient A” because he felt
14 trapped and “didn’t know what else to do.” Respondent stated that he continued to
15 treat “Patient A” and prescribed controlled substances to her because he was fearful
16 that if he did not, she would disclose their sexual relationship.
- 17 i. He was aware “Patient A” used marijuana (an illegal substance) and tested positive
18 for marijuana and methamphetamines on July 15, 2014, but continued to prescribe
19 controlled substances to “Patient A.” Respondent stated “Patient A” held their sexual
20 relationship “over his head” and therefore he continued to prescribe controlled
21 substances for her.

22 8. In an interview with Board staff J. Dahn and V. Smith on September 3, 2014,
23 Respondent admitted there were several occasions with other female patients where he “may have
24 verbally crossed boundaries and it all happened around the same period.” Respondent admitted, “I
25 recognize I have a problem.” Respondent stated he has started counseling and an intensive addiction
26 program and a 12-step program.

27 9. In an interview with Board staff J. Dahn and V. Smith on September 3, 2014,
28 Respondent admitted while he was performing a breast examination on “Patient B” “It was obvious that
29

1 she was becoming aroused.” Respondent stated he ended the examination and denies any further sexual
2 encounters with “Patient B.”

3 10. In an interview with Board staff J. Dahn and V. Smith on September 3, 2014,
4 Respondent admitted there were 2-3 other patients that he may have “verbally crossed the line with”
5 when he engaged in conversations of a sexual nature but Respondent denies he engaged in any physical
6 contact with these patients. Respondent admitted one conversations included discussions about his
7 personal relationships and the sexual activities that could happen between Respondent and the patients.

8 11. In an interview with Board staff J. Dahn and V. Smith on September 3, 2014,
9 Respondent admitted to “verbally crossing the line” with “Patient C” who accused Respondent of
10 engaging in frottage and having inappropriate conversations about her sexual life while she was alone at
11 work at Respondent’s practice, Care for You Family Health, in June or July of 2009, but denies any
12 sexual contact.

13 12. In an interview with Board staff J. Dahn and V. Smith on September 3, 2014,
14 Respondent denied knowing that some patients refer to him as “the Candyman” implying that
15 Respondent prescribes controlled substances in exchange for sexual favors.

16 13. On or about September 4, 2014, Respondent requested to voluntarily surrender his license.

17 CONCLUSIONS OF LAW

18 Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and
19 personal jurisdiction in this matter.

20 The conduct and circumstances described in the Findings of Fact constitute a violation of
21 A.R.S. § 32-1601 (22), "Unprofessional conduct" includes the following whether occurring in this
22 state or elsewhere: (d) Any conduct or practice that is or might be harmful or dangerous to the health
23 of a patient or the public, (g) Willfully or repeatedly violating a provision of this chapter or a rule
24 adopted pursuant to this chapter, (h) Committing an act that deceives, defrauds or harms the public,
25 and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter, (effective
26 August 2, 2012) and A.A.C. R4-19-403 1) A pattern of failure to maintain minimum standards of
27 acceptable and prevailing nursing practice; 2) Intentionally or negligently causing physical or
28 emotional injury; 3) Failing to maintain professional boundaries or engaging in a dual relationship
29 with a patient, resident, or any family member of a patient or resident; 4) Engaging in sexual conduct

1 with a patient, resident, or any family member of a patient or resident who does not have a pre-
2 existing relationship with the nurse, or any conduct in the work place that a reasonable person would
3 interpret as sexual; 7.) Failing to maintain for a patient record that accurately reflects the nursing
4 assessment, care, treatment, and other nursing services provided to the patient; 8) Falsifying or
5 making a materially incorrect, inconsistent, or unintelligible entry in any record: a. Regarding a
6 patient, health care facility, school, institution, or other work place location; 19) Providing or
7 administering any controlled substance or prescription-only drug for other than accepted therapeutic
8 or research purposes; 30. For a registered nurse granted prescribing privileges, any act prohibited
9 under R4-19-511(D) In addition to acts listed under R4-19-403, for a nurse who prescribes or
10 dispenses a drug or device, a practice that is or might be harmful to the health of a patient or the
11 public, includes one or more of the following: 2. Providing any controlled substance or prescription-
12 only drug or device for other than accepted therapeutic purposes; and 31. Practicing in any other
13 manner that gives the Board reasonable cause to believe the health of a patient or the public may be
14 harmed (effective January 31, 2009)

15 The conduct and circumstances described in the Findings of Fact constitute sufficient cause
16 pursuant to A.R.S. §§ 32-1605.01(D) and 32-1664(N) to take disciplinary action against Respondent's
17 license to practice as a registered nurse and Registered Nurse Practitioner in the State of Arizona.

18 Respondent admits the Board's Findings of Fact, Conclusions of Law.

19 In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order
20 and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter.

21 Respondent further waives any and all claims or causes of action, whether known or unknown, that
22 Respondent may have against the State of Arizona, the Board, its members, offices, employees and/or
23 agents arising out of this matter.

24 Respondent understands that all investigative materials prepared or received by the Board
25 concerning these violations and all notices and pleadings relating thereto may be retained in the
26 Board's file concerning this matter.

27 Respondent understands that the admissions in the Findings of Fact are conclusive evidence of
28 a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any
29 future disciplinary matter.

1 Respondent understands the right to consult legal counsel prior to entering into the Consent
2 Agreement and such consultation has either been obtained or is waived.

3 Respondent understands that this voluntary surrender is effective upon its acceptance by the
4 Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto.
5 Respondent's signature obtained via facsimile shall have the same effect as an original signature.
6 Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director or
7 the Board's approval or by stipulation between Respondent and the Executive Director or the Board.
8 The effective date of this Order is the date the Voluntary Surrender is signed by the Executive
9 Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the
10 later date is the effective date.

11 Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent
12 also understands that he may not reapply for re-issuance during the period of Voluntary Surrender.

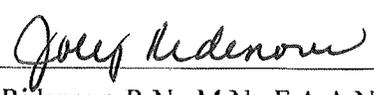
13 Respondent agrees that he may apply for re-issuance after the period of voluntary surrender
14 under the following conditions, and must comply with current law at the time of their application for
15 re-issuance:

16 The application for re-issuance must be in writing and shall contain therein or have attached
17 there to substantial evidence that the basis for the voluntary surrender has been removed and that the
18 re-issuance of the license does not constitute a threat to the public's health, safety and welfare. The
19 Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding
20 Respondent as it deems necessary. These conditions shall be met before the application for re-
21 issuance is considered.

22 
23 Respondent _____
24 Date: 9/9/14

ARIZONA STATE BOARD OF NURSING

25 SEAL

26 
27 Joey Ridenour, R.N., M.N., F.A.A.N.
28 Executive Director

29 Dated: September 9, 2014

DAHN/RN091127;AP2197/MOODY

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ORDER

Pursuant to A.R.S. § 32-1605.01(D) the Board hereby accepts the Voluntary Surrender of registered nurse license number RN091127 and Advanced Practice Certificate no. AP2197, issued to Cresfield Winslow Moody. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a period of three (3) years.

ARIZONA STATE BOARD OF NURSING

SEAL



Joey Ridenour, R.N., M.N., F.A.A.N.

Executive Director

Dated: September 9, 2014

JR/JD:

COPY mailed this _____ day of _____, 2014, by First Class Mail to:

By: _____

Legal Secretary

1 EXECTUED SEALED COPY mailed this 9th day of September, 2014, by First Class Mail to:

2
3 Cresfield Winslow Moody
4 PO Box 2083
5 Page, AZ 86040

6 By: Lynette Drafton
7 Legal Secretary
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