

**EFFECTIVE AS A FINAL ORDER**

FILED

DATE: 7/3/2024

JUN 14 2024

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

KS State Board of Healing Arts

In the Matter of	)	
	)	KSBHA Docket No. 24-HA <u>00047</u>
Daniel A. Mackay, M.D.	)	
Kansas License No. 04-39720	)	

**SUMMARY ORDER**

NOW ON THIS 14<sup>th</sup> day of June, 2024, this matter comes before Susan Gile, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings under K.S.A. 77-537.

Under K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 15 days of service. Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

**Findings of Fact**

1. Daniel A. Mackay, M.D. ("Licensee") is or has been entitled to be engaged in the practice of medicine and surgery in Kansas, having been granted an Active license February 22, 2017. Licensee's current license designation is Inactive, having requested and having been granted such designation on or about July 14, 2023.

2. Licensee's last mailing address known to the Board is: **CONFIDENTIAL**  
**CONFIDENTIAL** Licensee's last email address known to the board is **CONFIDENTIAL**

3. Licensee last renewed his license on or about July 14, 2023.

Daniel A. Mackay, M.D.  
License No. 04-39720  
Summary Order

4. On or about June 9, 2023, Licensee entered into a Mediated Agreed Order with the Texas Medical Board (“Texas Order”). (Bd. Ex. 1 – Texas Order).

5. Per the terms of the Texas Order, the Texas Medical Board found the following findings of fact regarding Licensee’s practice in that state:

“b. For two midlevel providers, [Licensee] failed to adequately supervise the care and treatment provided to three patients who were receiving controlled substances issued under [Licensee’s] prescriptive authority.

c. For two patients, [Licensee] failed to ensure that a thorough evaluation and history was documented before prescribing Adderall for the treatment of ADHD. [Licensee’s] prescriptions for these patients also amounted to the non-therapeutic prescription of controlled substances.

d. [Licensee] failed to keep adequate medical records for these three patients.

e. [Licensee’s] prescriptive authority agreements with two midlevel practitioners lacked certain specific requirements.” (*Id.*)

6. Per the terms of the Texas Order, the Texas Medical Board found that the above conduct violated several statutes and rules of the Texas Board. (*Id.*)

7. Per the terms of the Texas Order, the Texas Medical Board imposed disciplinary sanctions on Licensee as a result of his violations. These sanctions included, but were not limited to:

- a. Licensee was publicly reprimanded;
- b. Licensee was required to enroll in and successfully complete a prescribing course;
- c. Licensee was required to take and pass the Medical Jurisprudence Exam given by the Texas Medical Board;

- d. Licensee was required to complete 20 hours of continuing medical education on the topics of supervision and delegation, medical record keeping, and risk management; and
  - e. Licensee was assessed an administrative penalty of \$3,000. (*Id.*)
8. Based on the Texas Order, Licensee was subsequently disciplined in at least six other jurisdictions. Specifically:
- a. On or about October 20, 2023, Licensee entered into a Consent Order with the State of Illinois Department of Financial and Professional Regulation, in which Licensee was publicly reprimanded. **Public reprimand.** (Bd. Ex. 2 – Illinois Order)
  - b. On or about October 23, 2023, the Colorado Medical Board issued Licensee a public Letter of Admonition. (Bd. Ex. 3 – Colorado Letter)
  - c. On or about November 9, 2023, Licensee entered into a Consent Order with the North Carolina Medical Board, in which Licensee was publicly reprimanded. (Bd. Ex. 4 – North Carolina Order)
  - d. On or about December 11, 2023, the Arizona Medical Board issued an Order for Letter of Reprimand and Consent to Same. (Bd. Ex. 5 – Arizona Order)
  - e. On or about January 24, 2024, Licensee entered into an Agreed Order Imposing Stipulations on License with the New Mexico Medical Board, which publicly reprimanded Licensee and fined him \$2,000. (Bd. Ex. 6 – New Mexico Order)
  - f. On or about February 21, 2024, the Wisconsin Medical Examining Board issued a Final Decision and Order publicly reprimanding Licensee and ordering him to pay the costs of that Board’s investigation. (Bd. Ex. 7 – Wisconsin Order)

9. On February 13, 2024, Licensee submitted to the Board an Application for Change in Designation/Type, requesting his license designation be changed from Inactive to Active. (Bd. Ex. 8 – Application for Change in Designation/Type p. 1)

10. On his Application for Change in Designation/Type, Licensee was asked “Since the last renewal date of your Kansas license, have you . . . had a disciplinary action taken or initiated against you by a state licensing agency or surrendered or consented to limitation of your license to practice in any state?” Licensee accurately answered “Yes” to this question. (*Id.*)

11. On his Application for Change in Designation/Type, Licensee was further instructed to “**Attach documentation and an explanation if your answer is “yes” to any of the above questions.**” [emphasis in original] (*Id.*)

12. On his Application for Change in Designation/Type, Licensee attached documentation of and an explanation regarding the disciplinary action taken against him by the Texas Medical Board. However, Licensee did not disclose the disciplinary actions against him in Illinois, Colorado, North Carolina, Arizona, or New Mexico, all of which had been taken since his last license renewal date.

#### Applicable Law

13. Under K.S.A. 65-2836(j) of the Kansas Healing Arts Act, a licensee's license may be revoked, suspended, or limited, or the licensee may be publicly censured or placed under probationary conditions, where “[t]he licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.”

14. Under K.S.A. 65-2836(t) of the Kansas Healing Arts Act, a licensee's license may be revoked, suspended, or limited, or the licensee may be publicly censured or placed under probationary conditions, where “[t]he licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a healthcare facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under” the Kansas Healing Arts Act.

#### Conclusions of Law

15. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

16. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions of K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to non-parties.

17. The Board finds Licensee violated K.S.A. 65-2836(j), in that Licensee was censured, fined, and/or otherwise subject to disciplinary action by the proper licensing authority of at least seven other states, including but not limited to the Texas Medical Board. The Board therefore has authority to revoke, suspend, or limit Licensee’s license, or to publicly censure or place Licensee under probationary conditions.

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**Daniel A. Mackay, M.D.**  
**License No. 04-39720**  
**Summary Order**

18. The Board finds Licensee violated K.S.A. 65-2836(t), in that Licensee failed to report to the board any adverse action taken against him by at five other states and/or licensing jurisdiction for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under the Kansas Healing Arts Act.

**IT IS HEREBY ORDERED** that Licensee is **PUBLICLY CENSURED** for his violation of K.S.A. 65-2836(j) and K.S.A. 65-2836(t).

**PLEASE TAKE NOTICE** that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 14<sup>th</sup> day of June, 2024.

**KANSAS STATE BOARD  
OF HEALING ARTS**

*Susan Gile*

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Susan Gile  
Executive Director

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Daniel A. Mackay, M.D.  
License No. 04-39720  
Summary Order

**FINAL ORDER NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **FINAL ORDER** by depositing the same in the United States Mail, postage prepaid, on this 3<sup>rd</sup> day of July 2024, addressed and emailed to:

Daniel A. Mackay, M.D.

**CONFIDENTIAL**

*Licensee*

And a copy was hand-delivered to:

Matthew Gaus, Deputy Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612  
matthew.gaus@ks.gov

Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Office of the General Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.

  
\_\_\_\_\_  
Staff Signature



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**EXHIBIT 1**

Texas Order

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SOAH DOCKET NO. 503-22-09449.MD  
TEXAS MEDICAL LICENSE NO. J-7562

TEXAS MEDICAL BOARD,  
*Petitioner,*

BEFORE THE STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

v.

DANIEL A. MACKAY, M.D.,  
*Respondent.*

MEDIATED AGREED ORDER

On the 9 day of June, 2023, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Daniel A. Mackay, M.D. (Respondent).

On September 17, 2021, Respondent appeared via videoconference with counsel, Katherine Campbell, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were James S. Distefano, D.O., a member of the Board, and Ruth Villarreal, a member of a District Review Committee (Panel). Nikki Karr represented Board Staff.

Board Staff was not able to negotiate a resolution to this matter with Respondent and on August 30 2022, Board Staff filed a Complaint with the State Office of Administrative Hearings (SOAH), Docket No. 503-22-09449.MD, alleging violations of the Act and Board Rules. Respondent filed an *Answer* on September 19, 2022, denying all allegations. On March 23, 2023, this matter was referred to mediation and on April 28, 2023 a mediation was held. ALJ Holly Vandrovec presided over the mediation, Stacey Simmons represented Respondent, and Board Staff was represented by Shane Neldner. The Board's representative was Dr. James S. Distefano, D.O., a member of the Board. No agreement was reached on the date of the mediation, however shortly thereafter, the parties reached an agreement to resolve this contested case, the terms of which are set forth below.

BOARD CHARGES

Board Staff charged that Respondent failed to adequately supervise two mid-levels regarding prescribing controlled substances and dangerous drugs to three patients.

Respondent also directly non-therapeutically prescribed Adderall, a Schedule II controlled substance, to Patient 1 and Patient 3, in violation of the standard of care, and without proper medical documentation.

Respondent failed to execute prescriptive authority agreements with two midlevel practitioners that meet the requirements of §157.0512(e) of the Act.

### BOARD HISTORY

Respondent has not previously received a disciplinary order or remedial plan from the Board. Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

### FINDINGS

The Board finds the following:

1. General Findings:
  - a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
  - b. Respondent currently holds Texas Medical License No. J-7562. Respondent was originally issued this license to practice medicine in Texas on March 4, 1995.
  - c. Respondent is primarily engaged in the practice of internal medicine. Respondent's board certified by the American Board of Internal Medicine.
2. Specific Panel Findings:
  - b. For two midlevel providers, Respondent failed to adequately supervise the care and treatment provided to three patients who were receiving controlled substances issued under Respondent's prescriptive authority.
  - c. For two patients, Respondent failed to ensure that a thorough evaluation and history was documented before prescribing Adderall for the treatment of ADHD. Respondent's prescriptions for these patients also amounted to the non-therapeutic prescription of controlled substances.

- d. Respondent failed to keep adequate medical records for these three patients.
- e. Respondent's prescriptive authority agreements with two midlevel practitioners lacked certain specific requirements.

Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
  - i. Respondent has no prior board history.
  - ii. On May 1, 2023, Respondent began a three-month wind-down period and after the completion of the wind-down period will no longer be working with or treating patients at or supervising medical providers who work or provide care through Total Mens Health, now dba as Total Mens Primary Care. Respondent is also no longer practicing in the specialty of primary care.
  - iii. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order on Formal Filing and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

- 1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
- 2. Section 157.001(b) of the Act states that a delegating physician remains responsible for the medical acts of the person performing the delegated medical acts.
- 3. Section 157.0152(e) of the Act authorizes the Board to take disciplinary action against Respondent for entering into a prescriptive authority agreement that lacks the minimum requirements.
- 4. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically Board Rules: 165.1,

which requires the maintenance of adequate medical records, 193.7, requiring physicians to execute written prescriptive authority agreements.

5. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is non-therapeutic in nature or non-therapeutic in the manner the drug or treatment is administered or prescribed.

6. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failing to supervise adequately the activities of those acting under the supervision of the physician.

7. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

8. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

9. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Within one year from date of the entry of this Order, Respondent shall enroll in and successfully complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent course approved in advance by the Executive Director or a designee. To obtain approval for a course other than the PACE course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course.

3. Within one year following the date of the entry of this Order, Respondent shall take

and pass with a score of 75 or above the Medical Jurisprudence Examination (JP Exam) given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination. Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

4. Within one year from the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least **20 hours** of continuing medical education (CME) approved for Category I credits by the American Medical Association or the American Osteopathic Association, divided as follows: twelve (12) hours on the topic of supervision and delegation; four (4) hours on the topic of medical record keeping; and four (4) hours on the topic of risk management, each approved in writing in advance by the Executive Director or a designee. To obtain approval for

the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

5. Respondent shall pay an administrative penalty in the amount of \$3,000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

6. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

7. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

8. Respondent shall inform the Board in writing of any change of Respondent's practice or mailing address within 10 days of the address change. This information shall be submitted to the Registrations Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance with this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent agrees that any proceeding related to this Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

9. Pursuant to Board Rule 189.15, the time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) this Order is stayed or enjoined by Court Order; or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. Tolling shall be in accordance with Board Rule 189.15.

10. Respondent shall be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

11. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

12. This Mediated Agreed Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the terms required in Ordering Paragraph Nos. 2, 3, 4, 5, and 6.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER.  
RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**



I, DANIEL A. MACKAY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


DATED: May 8, 2023.

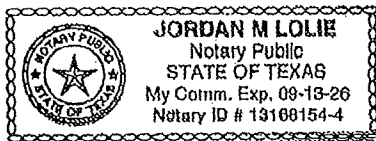
  
\_\_\_\_\_  
DANIEL A. MACKAY, M.D.  
Respondent

STATE OF TEXAS  
COUNTY OF TRAVIS

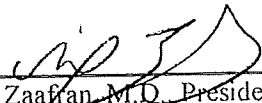
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 5<sup>th</sup> day of May, 2023.

  
\_\_\_\_\_  
Signature of Notary Public  
(Notary Seal)



9 SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
day of June, 2023.

  
\_\_\_\_\_  
Sherif Z. Zaafan, M.D. President  
Texas Medical Board

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**EXHIBIT 2**  
Illinois Order

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**STATE OF ILLINOIS  
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL ) REGULATION of the State of Illinois, Complainant )	)	
v.	)	No. 2023-07436
Daniel A. Mackay, M.D.	)	
License No. 036-153192,	Respondent )	

**CONSENT ORDER**

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter the "Department") and Daniel A. Mackay, M.D., (hereinafter "Respondent"), hereby agree to the following:

**STIPULATIONS**

Daniel A. Mackay, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 036-153192, which is currently in active status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the Department's attention that in June 2023, Texas Medical Board disciplined Respondent's medical license (see Dept Exhibit A, attached hereto and made a part of this Consent Order). The allegation(s) as set forth herein, if proven to be true, would constitute grounds for suspending, revoking or other discipline of Respondent's license as a Physician and Surgeon, on the authority 225 Illinois Compiled Statutes, Paragraph 60/22(A)(12).

In July 2023, the Department and Respondent engaged in negotiations for an amicable resolution of this matter. In September 2023, Respondent provided information that he has

completed all the conditions of the aforementioned June 2023 Texas Medical Board Order Respondent has been advised of the right to a hearing and the right to Administrative Review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Secretary or the Secretary's designee ("Secretary") or the Illinois State Medical Board. Respondent acknowledges that she has freely and willfully entered into this Consent Order without any threat or coercion by any person. Respondent has not relied upon any representation by or on behalf of the Department other than those set forth herein.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent be allowed to enter into a Consent Order with the Department, providing for the following:

**CONDITIONS**

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Daniel A. Mackay, M.D., Respondent, agree to the following:

- A. Upon effective date of this Consent Order, Illinois Physician and Surgeon License of Daniel A. Mackay, M.D., License No. 036-153192 is hereby reprimanded;
- B. This Consent Order is a final administrative order. Consent Order shall become effective immediately after it is approved by the Secretary of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

9/25/2023  
DATE

Vladimir Lozovskiy  
Vladimir Lozovskiy, Attorney for Department

9/21/2023  
DATE

Daniel Mackay MD  
Daniel A. Mackay, M.D. Respondent

4 Oct 2023  
DATE

Mario Treto Jr  
Member, Illinois State Medical Board

The foregoing Consent Order is approved in full.

DATED THIS 20th day of October, 2023.

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL  
REGULATION of the State of Illinois,  
Mario Treto, Jr., Secretary  
DIVISION OF PROFESSIONAL REGULATION**

Mario Treto Jr.  
Mario Treto, Jr., Secretary

Case No. 2023-07436/ License No. 036-153192

SOAH DOCKET NO 503-22-09449 MD  
TEXAS MEDICAL LICENSE NO J-7562

TEXAS MEDICAL BOARD,  
*Petitioner,*

BEFORE THE STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

v

DANIEL A. MACKAY, M.D.,  
*Respondent.*

MEDIATED AGREED ORDER

On the 9 day of June, 2023, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Daniel A Mackay, M.D. (Respondent)

On September 17, 2021, Respondent appeared via videoconference with counsel, Katherine Campbell, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were James S. Distefano, D O , a member of the Board, and Ruth Villarreal, a member of a District Review Committee (Panel) Nikki Karr represented Board Staff.

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BOARD CHARGES

Board Staff charged that Respondent failed to adequately supervise two mid-levels regarding prescribing controlled substances and dangerous drugs to three patients.

Respondent also directly non-therapeutically prescribed Adderall, a Schedule II controlled substance, to Patient 1 and Patient 3, in violation of the standard of care, and without proper medical documentation

Respondent failed to execute prescriptive authority agreements with two midlevel practitioners that meet the requirements of §157.0512(e) of the Act

### BOARD HISTORY

Respondent has not previously received a disciplinary order or remedial plan from the Board. Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order

### FINDINGS

The Board finds the following:

1. General Findings:
  - a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
  - b. Respondent currently holds Texas Medical License No. J-7562. Respondent was originally issued this license to practice medicine in Texas on March 4, 1995.
  - c. Respondent is primarily engaged in the practice of internal medicine. Respondent is board certified by the American Board of Internal Medicine.
2. Specific Panel Findings:
  - b. For two midlevel providers, Respondent failed to adequately supervise the care and treatment provided to three patients who were receiving controlled substances issued under Respondent's prescriptive authority.
  - c. For two patients, Respondent failed to ensure that a thorough evaluation and history was documented before prescribing Adderall for the treatment of ADHD. Respondent's prescriptions for these patients also amounted to the non-therapeutic prescription of controlled substances.



- d. Respondent failed to keep adequate medical records for these three patients
- e. Respondent's prescriptive authority agreements with two midlevel practitioners lacked certain specific requirements

Mitigating Factors

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors
  - i. Respondent has no prior board history
  - ii. On May 1, 2023, Respondent began a three-month wind-down period and after the completion of the wind-down period will no longer be working with or treating patients at or supervising medical providers who work or provide care through Total Mens Health, now dba as Total Mens Primary Care. Respondent is also no longer practicing in the specialty of primary care.
  - iii. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order on Formal Filing and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

- 1 The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
- 2 Section 157.001(b) of the Act states that a delegating physician remains responsible for the medical acts of the person performing the delegated medical acts
- 3 Section 157.0152(e) of the Act authorizes the Board to take disciplinary action against Respondent for entering into a prescriptive authority agreement that lacks the minimum requirements.
- 4 Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically Board Rules 165.1,

which requires the maintenance of adequate medical records, 193.7, requiring physicians to execute written prescriptive authority agreements.

5. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is non-therapeutic in nature or non-therapeutic in the manner the drug or treatment is administered or prescribed.

6. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failing to supervise adequately the activities of those acting under the supervision of the physician

7. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule

8. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

9. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded

2. Within one year from date of the entry of this Order, Respondent shall enroll in and successfully complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent course approved in advance by the Executive Director or a designee. To obtain approval for a course other than the PACE course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course.

3. Within one year following the date of the entry of this Order, Respondent shall take

and pass with a score of 75 or above the Medical Jurisprudence Examination (JP Exam) given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination. Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

4 Within one year from the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least **20 hours** of continuing medical education (CME) approved for Category I credits by the American Medical Association or the American Osteopathic Association, divided as follows: twelve (12) hours on the topic of supervision and delegation; four (4) hours on the topic of medical record keeping; and four (4) hours on the topic of risk management, each approved in writing in advance by the Executive Director or a designee. To obtain approval for

the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

5. Respondent shall pay an administrative penalty in the amount of \$3,000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing, so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

6. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

7. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

8. Respondent shall inform the Board in writing of any change of Respondent's practice or mailing address within 10 days of the address change. This information shall be submitted to the Registrations Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance with this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent agrees that any proceeding related to this Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

9 Pursuant to Board Rule 189.15, the time period of this Order shall be extended for any period of time that (a) Respondent subsequently practices exclusively outside the State of Texas, (b) this Order is stayed or enjoined by Court Order, or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. Tolling shall be in accordance with Board Rule 189.15.

10 Respondent shall be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

11 Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

12 This Mediated Agreed Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the terms required in Ordering Paragraph Nos. 2, 3, 4, 5, and 6.


RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER  
RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**

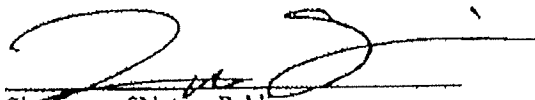
I, DANIEL A. MACKAY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

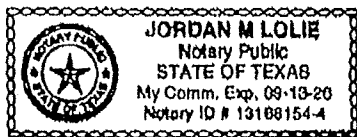
DATED: May 8, 2023.

  
DANIEL A. MACKAY, M.D.  
Respondent

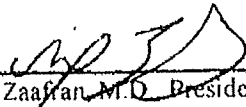
STATE OF TEXAS §  
COUNTY OF TRAVIS §  
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 5th day of May, 2023.

  
Signature of Notary Public  
(Notary Seal)



9 SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
day of June, 2023

  
\_\_\_\_\_  
Sherif Z. Zaafan, M.D. President  
Texas Medical Board

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**EXHIBIT 3**  
Colorado Letter

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COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

October 23, 2023

Daniel Alexander Mackay, M.D.

RE: License Number: DR.0060313  
Case Number: 2023-5506-A

Dear Dr. Mackay,

The Colorado Medical Board has concluded its inquiry into the aforementioned matter. It was the Panel's decision not to commence with formal proceedings against your professional license. However, the Panel did determine disciplinary action in the form of this letter of admonition is warranted.

As you recall, on June 9, 2023, pursuant to Mediated Agreed Order, SOAH Docket No. 503-22-09449.MD, the Texas Medical Board entered discipline against your license to practice medicine for your failure to adequately supervise two mid-level providers concerning the care and treatment provided to three patients who were receiving controlled substances under your prescriptive authority. Additionally, for two patients, you failed to ensure that a thorough evaluation and history was documented before prescribing Adderall for the treatment of ADHD.

After a review of the information in this matter, the Panel found that you committed unprofessional conduct in violation of section 12-240-121(4) of the Colorado Revised Statutes. Specifically, the discipline of your license to practice medicine in other states, to wit: Texas, constitutes unprofessional conduct in Colorado, as the other state discipline is based upon an act or omission in that state that is defined substantially the same as unprofessional conduct pursuant to section 12-240-121(1), C.R.S."

By this letter, the Board takes the formal disciplinary action of admonishing you for the conduct specified above and warns you that repetition of such practice may lead to imposition of more severe disciplinary action. This letter is an open public record and a reportable action to individuals or entities requesting disciplinary information. The Board strongly encourages you to review and understand the Medical Practice Act requirements and obligations for the practice of medicine in Colorado.

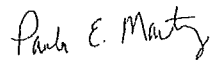
In accordance with 12-20-404(4)(b), the Board advises you that you have the right to make a written request that the Board initiate formal disciplinary proceedings in order to adjudicate the conduct or acts upon which this letter is based. You must make your written request within twenty (20) days after receipt of this letter and address your request to Paula E. Martinez, Program Director at [paula.martinez@state.co.us](mailto:paula.martinez@state.co.us). If you make a timely request, the Board will deem this letter of admonition vacated and may proceed with disciplinary and/or injunctive proceedings in accordance with 12-20-404(4)(b)(II), C.R.S., and applicable rules.

A Letter of Admonition, when accepted, becomes a permanent, public portion of your record. It is not, however, a restriction on your practice as a professional physician.

If you have further questions or concerns, please visit our website at <https://www.colorado.gov/dora/dpo> or you can contact our office at [dora\\_medicalboard@state.co.us](mailto:dora_medicalboard@state.co.us) or by calling (303) 894-7716.

Sincerely,

FOR THE COLORADO MEDICAL BOARD  
WITH DELEGATED AUTHORITY FROM INQUIRY PANEL A



Paula E. Martinez  
Program Director

Notice

Your Healthcare Professions Profile will be updated to reflect this Colorado public action. Pursuant to section 12-30-102, C.R.S., your profile must be updated within 30 days of any reportable event. To ensure compliance, you must regularly review and update your profile. To access your profile, go to [www.colorado.gov/dora/hppp](http://www.colorado.gov/dora/hppp) and click the "Create/Update a Profile" link. For any questions, please contact [dora\\_dpo\\_hppp@state.co.us](mailto:dora_dpo_hppp@state.co.us).

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**EXHIBIT 4**  
North Carolina Order

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BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
Daniel Alexander Mackay, M.D., ) CONSENT ORDER  
 )  
Respondent. )

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Daniel Alexander Mackay, M.D. ("Dr. Mackay"). Dr. Mackay makes the following admissions, and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Mackay was first issued a license to practice medicine by the Board on or about July 20, 2022, license number 2022-02084.

At all times relevant hereto, Dr. Mackay practiced internal medicine in Dallas, Texas.

On July 17, 2023, Dr. Mackay self-reported that he received a reprimand in Texas.

Specifically, Dr. Mackay entered into a Mediated Agreed Order with the Texas Medical Board ("Texas Board") on June 9, 2023. Dr. Mackay was reprimanded and ordered to: 1) enroll in and successfully complete a Physician Assessment and Clinical Education ("PACE") prescribing course; 2) take and pass with a score of 75 or above the Medical Jurisprudence Examination given by the Texas Board; 3) enroll in and successfully complete twenty (20) hours of continuing medical education ("CME") approved for Category 1 credits on the topics of supervision and delegation, medical record keeping, and risk management; 4) pay an administrative penalty in the amount of \$3,000.00; and 5) give a copy of the Mediated Agreed Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Dr. Mackay has privileges or otherwise practices.

The bases for the Texas action were improper supervision of two advanced practice providers, substandard care and non-therapeutic prescribing, and improper withholding of medical records.

Dr. Mackay has complied with the terms and conditions of the Mediated Agreed Order. The Order was terminated on September 19, 2023.

#### CONCLUSIONS OF LAW

Dr. Mackay's conduct, as described above, constitutes Dr. Mackay's license to practice medicine being restricted or acted

against by the licensing authority of any jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Mackay's license to practice medicine or to deny any application he may make in the future.

#### PROCEDURAL STIPULATIONS

Dr. Mackay acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Mackay knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Mackay acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Mackay desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

#### ORDER

NOW, THEREFORE, with Dr. Mackay's consent, it is ORDERED that:

1. Dr. Mackay is hereby REPRIMANDED.
2. Dr. Mackay shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

3. Dr. Mackay shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

4. Upon request, Dr. Mackay shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

5. If Dr. Mackay fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license to practice medicine and to deny any application he might make in the future or then have pending for a license to practice medicine.

6. This Consent Order shall take effect immediately upon its execution by both Dr. Mackay and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

7. Dr. Mackay hereby waives any requirement under any law or rule that this Consent Order be served on him.

8. Upon execution by Dr. Mackay and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities,

agencies, and clearinghouses as required and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 9<sup>th</sup> day of November, 2023.

NORTH CAROLINA MEDICAL BOARD

By: Christine Khandelwal, D.O.  
Christine M. Khandelwal, D.O., MHPE  
President



Consented to this the 8 day of November, 2023.

Daniel Alexander Mackay  
Daniel Alexander Mackay, M.D.

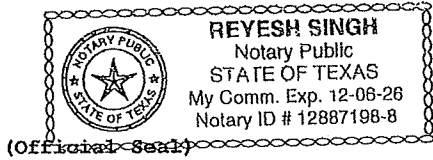
State of Texas

County of Tarrant

I, REYESH SINGH, do hereby certify that Daniel Alexander Mackay, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 08 day of November, 2023.

[Signature]  
Notary Public



My Commission Expires: 12/06/2026

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**EXHIBIT 5**  
Arizona Order

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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of  
**DANIEL A. MACKAY, M.D.**  
Holder of License No. 54315  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-23-0684A  
**ORDER FOR LETTER OF  
REPRIMAND; AND CONSENT TO THE  
SAME**

Daniel A. Mackay, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand; 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 54315 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-23-0684A after receiving a self-report that the Texas Medical Board ("Texas Board") took disciplinary action against Respondent's Texas medical license.
4. Effective June 9, 2023, Respondent entered into a Mediated Agreed Order with the Texas Board issuing Respondent's Texas medical license a Public Reprimand and requiring Respondent to comply with terms of probation including completion of continuing medical education ("CME") courses in controlled substance prescribing, supervision and delegation, medical recordkeeping, and risk management. Additionally, Respondent was required to take and pass the Medical Jurisprudence Examination offered by the Texas Board. The Mediated Agreed Order included findings that Respondent failed

1 to adequately supervise controlled substance prescribing provided to three patients by two  
2 midlevel providers under his supervision and failed to maintain adequate medical records.

3 5. Respondent completed the terms of the Mediated Agreed Order, and it was  
4 terminated effective September 18, 2023.

5 **CONCLUSIONS OF LAW**

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

8 b. The conduct and circumstances described above constitute unprofessional  
9 conduct pursuant to A.R.S. § 32-1401(27)(p) ("Action that is taken against a doctor of  
10 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or  
11 physical inability to engage safely in the practice of medicine, the doctor's medical  
12 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
13 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this  
14 paragraph. The action taken may include refusing, denying, revoking or suspending a  
15 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
16 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on  
17 probation by that jurisdiction.").

18 **ORDER**

19 IT IS HEREBY ORDERED THAT:

20 1. Respondent is issued a Letter of Reprimand.

21 DATED AND EFFECTIVE this 11<sup>th</sup> day of December, 2023.

22 ARIZONA MEDICAL BOARD

23  
24 By Patricia E. McSorley  
25 Patricia E. McSorley  
Executive Director

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**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 in this Order 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. Notwithstanding any language in this Order, this Order does not preclude in any way any other State agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Order makes no representations, implied or otherwise, about the views or intended actions of any other


1 state agency or officer or political subdivisions of the State relating to this matter or other  
2 matters concerning Respondent.

3 7. Upon signing this agreement, and returning this document (or a copy thereof)  
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
5 the Order. Respondent may not make any modifications to the document. Any  
6 modifications to this original document are ineffective and void unless mutually approved  
7 by the parties.

8 8. This Order is a public record that will be publicly disseminated as a formal  
9 disciplinary action of the Board and will be reported to the National Practitioner's Data  
10 Bank and on the Board's web site as a disciplinary action.

11 9. If the Board does not adopt this Order, Respondent will not assert as a  
12 defense that the Board's consideration of the Order constitutes bias, prejudice,  
13 prejudgment or other similar defense.

14 10. ***Respondent has read and understands the terms of this agreement.***

15   
16 DANIEL A. MACKAY, M.D.

DATED: 11/8/2023

17 EXECUTED COPY of the foregoing mailed  
18 this 11<sup>th</sup> day of December, 2023 to:

19 Daniel A. Mackay, M.D.  
Address of Record

20 ORIGINAL of the foregoing filed  
21 this 11<sup>th</sup> day of December, 2023 with:

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

24   
25 Board staff

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**EXHIBIT 6**  
New Mexico Order

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**BEFORE THE NEW MEXICO MEDICAL BOARD**

IN THE MATTER OF )  
Daniel Mackay, M.D. )  
License No. TM2018-0162 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 2023-033  
(Inv Case No NMMB-20230243)

**AGREED ORDER IMPOSING STIPULATIONS ON LICENSE**

The New Mexico Medical Board (“Board”) and Daniel Mackay, M.D. (“Respondent”), together the “Parties”, consent to this Agreed Order.

**Stipulations by the Parties**

1. The Parties stipulate Respondent, as holder of a license to practice in New Mexico, is subject to the Board’s jurisdiction pursuant to the Medical Practice Act (MPA), NMSA 1978, Sections 61-6-1 to -35, the Impaired Health Care Provider Act, NMSA 1978, Section 61-7-1 through -12, and the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 to -34, and rules and regulations of the Board relating to the practice of medicine (“the Board’s Rules” or “the Rules”), Title 16, Chapter 10, NMAC.

2. The Parties stipulate the Board has the authority to enter into this Agreed Order.

3. The Parties stipulate this Agreed Order is in the best interests of Respondent, the Board and the public and is consistent with the purposes and objectives of the MPA.

4. The Parties stipulate they are entering into this Agreed Order to avoid the time, uncertainty, and expense of a formal disciplinary proceeding, which would be initiated by the Board issuing a Notice of Contemplated Action (NCA).

5. The Parties stipulate this Agreed Order was mutually negotiated and determined, contains no unconscionable provision, and will otherwise remain in full force and effect if any portion of it is invalidated by judgement or court order.

6. The Parties stipulate this Agreed Order contains the entire agreement between the Parties with respect to its subject matter and will not be enlarged, modified, or altered, except by written order of the Board after Respondent has been given all due process required by law.

7. The Parties stipulate this Agreed Order will have full force and effect if executed in counterparts and/or via facsimile or other electronic means.



8. The Parties stipulate this Agreed Order will be effective upon entry by the Board.

9. The Parties stipulate this Agreed Order is a public document and the Board will report its entry to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and the American Medical Association (AMA).

10. The Parties stipulate Respondent came under investigation by the Board on or about July 2023, after the Board received notification that Respondent had received adverse action against his license in Texas. Additionally, Respondent failed to report this adverse action to the New Mexico Medical Board.

11. The Texas Medical Board Order, issued a Mediated Agreed Order on June 9, 2023, that found that Respondent had failed to adequately supervise the care and treatment provided to three patients who were receiving controlled substances issued under Respondent's prescriptive authority. For two patients, Respondent failed to ensure that a thorough evaluation and history was documented before prescribing Adderall for the treatment of ADHD. Respondent's prescriptions for these patients also amounted to the non-therapeutic prescription of controlled substances. Respondent failed to keep adequate medical records for these three patients. Respondent's prescriptive authority agreements with two midlevel practitioners lacked certain specific requirements.

12. Respondent's was issued a public reprimand from the Texas Medical Board. Respondent was required to enroll and successfully complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program or an equivalent course approved in advance by the Executive Director or designee within one year from the June 9, 2023, Mediated Agreed Order. Respondent was also required to take and pass with a score of 75 or above the Medical Jurisprudence Examination given by the Texas Medical Board within one year of the June 9, 2023, Mediated Agreed Order. Respondent was also required to enroll in and successfully complete at least 20 hours of continuing medical education approved for Category I credits by the American Medical Association or the American Osteopathic Association in the following categories: 12 hours on the topic of supervision and delegation, 4 hours on the topic of medical record keeping, and 4 hours on the topic of risk management, each approved in writing in advance by the Executive Director or designee. Finally, Respondent was assessed a fine of \$3,000 to be paid within 60 days of the June 9, 2023, Mediated Agreed Order.

13. This conduct as described in Paragraphs 11 thru 12 above are not consistent with the requirements set forth in the New Mexico Medical Board Regulations, at Subsection (L)(1-6)(a) and

(b) NMAC.

14. Additionally, this conduct is a violation of the New Mexico Medical Practice Act, at NMSA 1978 §61-6-15(D)(14), discipline imposed on a licensee by another state.

14. The Parties stipulate the findings in the investigation, if established by a preponderance of the evidence during a hearing held pursuant to the ULA, the MPA, and the Board's Rules, would subject Respondent to discipline by the Board under the MPA, and Board's Rules in that her conduct was unbecoming.

#### Terms

In exchange for the Board's willingness to enter into this Agreed Order, Respondent agrees to:

- a. accept the issuance of a public reprimand, and
  - b. payment of a \$2,000.00 fine, and
15. Respondent further agrees –
- a. to waive any right he may have to seek judicial review of this Agreed Order,
  - b. not to challenge the validity or admissibility of this Agreed Order and/or the investigative findings it contains in any future proceeding before the Board,
  - c. to comply at all times with all federal, state, and local laws, including all laws and rules governing the practice of medicine,
  - d. to cooperate fully with any person responsible for monitoring and ensuring compliance with this Agreed Order,
  - e. to report entry of this Agreed Order to any jurisdiction where she may be licensed or apply for licensure, and
  - f. for purposes of enforcement, this Agreed Order shall be the equivalent of a decision entered by the Board following an evidentiary hearing.
16. Respondent agrees the conditions identified above will remain binding on Respondent until written release from this Agreed Order is entered by the Board.
17. In exchange for Respondent's agreement, and contingent upon Respondent's compliance with the terms of this Agreed Order, the Board agrees –
- a. to close the investigation addressed by the terms of this Agreed Order,
  - b. to limit the discipline it will impose on Respondent to the conditions identified in this Agreed Order, and
  - c. to waive any requirement for Respondent to reimburse the Board the expenses it

incurred in investigating this case.

18. The Parties agree any violations of this Agreed Order will constitute “conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public” and possibly other violations of the MPA and/or the Board’s Rules, and may give rise to a new Board investigation, and may result in further disciplinary action.

**STATEMENTS AND AFFIRMATIONS BY RESPONDENT**

19. By signing below, I state and affirm –

a. I understand the terms of this Agreed Order, and I knowingly, voluntarily, and intelligently agree to accept and comply with its terms.

b. I knowingly, voluntarily, and intelligently waive my rights under the MPA and the ULA, including my right to a hearing and any right I may have to seek judicial review of this Agreed Order.

c. I knowingly, voluntarily, and intelligently agree not to challenge the investigative findings contained in this Agreed Order or to challenge the validity or admissibility of this Agreed Order in any future proceeding before the Board.

d. I understand any violation of this Agreed Order constitutes a violation of the MPA and the Board’s Rules and may result in disciplinary action.

e. I understand the conditions identified in this Agreed Order will remain binding on me until a formal, written release is entered by the Board.

f. I know and understand I have the right to consult with an attorney of my choice regarding my rights and the effects of this Agreed Order, and I am stating I have either consulted an attorney or am waiving my right to counsel.

g. I am aware this Agreed Order is a public document and will be reported to the NPDB, the FSMB and the AMA.

h. I am of sound mind and not impaired by any medication or drug.

i. I will report this Agreed Order to any jurisdiction where I may be licensed or apply for licensure.

1/27/2024  
Date

Daniel Mackay MD  
Daniel Mackay, M.D.

1-24-2024  
Date

Johanna Cox  
Johanna Cox, JD, PhD  
Administrative Prosecutor

NEW MEXICO MEDICAL BOARD

Karen Carson MD  
Karen Carson, M.D., Chair

Certificate of Service

I certify I transmitted a copy of this Agreed Order, as entered, to Respondent via email to **CONFIDENTIAL** and to the Board's counsel at JoHanna.Cox@nmmb.nm.gov on this  
\_24\_ day of \_\_\_January\_\_\_ 2024.

*Lori Arevalo*

\_\_\_\_\_  
Lori Arevalo  
Compliance Coordinator

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**EXHIBIT 7**  
Wisconsin Order

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
DANIEL A. MACKAY, :  
RESPONDENT. : ORDER0019884

---

Division of Legal Services and Compliance Case No. 23 MED 354

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Daniel A. Mackay  
Austin, TX 78746

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Daniel A. Mackay ( ) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 67779-20, first issued on August 14, 2017, with registration current through October 31, 2025. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Austin, Texas 78746.

2. On June 9, 2023, the Texas Medical Board (TX Board) issued an Order (TX Order) which reprimanded Respondent, required that he complete the Physician Assessment and Clinical Education (PACE) on prescribing, the Medical Jurisprudence Examination, twelve (12) continuing medical education (CME) credits on the topic of supervision and delegation, four (4) CME credits

on the topic of risk management, and four (4) CME credits on the topic of medical record keeping, required payment of a \$3,000 penalty, and imposed other administrative conditions.

3. The TX Order was based on the following:

- a. Respondent's failure to adequately supervise the care and treatment provided to three patients, by two midlevel providers, who were receiving controlled substances issued under Respondent's prescriptive authority agreement.
- b. Respondent's failure to ensure that a thorough evaluation and history was documented before prescribing Adderall for treatment of ADHD, thereby making the prescription of Adderall non-therapeutic, for two of the patients.
- c. Respondent's failure to keep adequate medical records for the three patients.
- d. Respondent's prescriptive authority agreements with the two mid-level practitioners lacked certain specific requirements.

4. On September 18, 2023, the TX Board terminated the TX Order after Respondent demonstrated compliance with its terms.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$297.00. If costs are not paid within ninety (90) days from the date



of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).

4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license number 67779-20), or Respondent's right to renew his license and registration, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:           *Charmelle Chau (M.D.)*            
A Member of the Board

          2/21/24            
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
DANIEL A. MACKAY, : STIPULATION  
RESPONDENT. : ORDER0019884

---

Division of Legal Services and Compliance Case No. 23 MED 354

Respondent Daniel A. Mackay and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

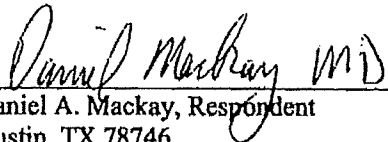
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

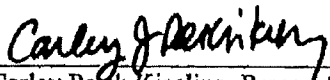
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Data Bank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Daniel A. Mackay, Respondent  
Austin, TX 78746  
License No. 67779-20

1/5/2024  
Date



Carley Pelch Kiesling, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

1/8/24  
Date

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## **EXHIBIT 8**

### Application for Change in Designation/Type

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RECEIVED

By ksbha at 9:41 am, Feb 13, 2024

APPLICATION FOR CHANGE OF DESIGNATION/TYPE

Please enter required information, sign and date on the bottom of page 2. E-mail form with required documentation and credit card form to KSBHA Licensing@ks.gov

License No. 04-39720 [X]Medicine & Surgery [ ]Chiropractic [ ]Osteopathic [ ]Podiatry Current Type: [ ]Active [ ]Federal Active [ ]Military [ ]Exempt [ ]Inactive

Name: Daniel Alexander Mackay

CONFIDENTIAL

Home Telephone

Business Address: 609 Hemphill St Suite 202 Fort Worth Tx 76104

Business Telephone Number: (682) 717-7649 E-Mail Address: solutions4sleepapnea@outlook.com

Preferred Mailing Address: [X]Home [ ]Business

EFFECTIVE March 15, 2024

The effective date CANNOT be a retroactive date and must be a date in the future from the date the Board receives your request. Do not make any changes to current professional liability insurance or KHCSF compliance until a confirmation notice has been issued.

I request a license type change to:(check the license type below)

Please select only ONE type.

[X] Active: A license issued to a person engaged in the practice of medicine and surgery, osteopathic medicine and surgery, chiropractic or podiatry. Individuals must maintain and submit evidence of satisfactory completion of a program of continuing education and are required to have professional liability insurance in compliance with Kansas law. Each active license may be renewed annually.

1. List in chronological order all professional activities since your license was last Active or initially issued if the license was never

Active (use additional pages if necessary):

Table with 3 columns: From:MO/YR To:MO/YR Complete Address Position Held

2. PLEASE BE AWARE, all new policies and policies that renew on and after January 1, 2022, K.S.A. 40-3402 requires MD, DO, DC, DPM and PAs with an active license in Kansas to maintain professional liability insurance of not less than \$500,000 per claim, and not less than \$1,500,000 annual aggregate for all claims made during the policy period.

2. If your continuing education is not current, proof of your continuing education hours must be included with your application. You may verify your continuing education year by reviewing your wallet card or visiting our website www.ksbha.org,

3. Since the last renewal date of your Kansas license, have you:

- [ ] Yes [X] No had an adverse judgment, award, or settlement resulting from a professional liability claim?
[X] Yes [ ] No had a disciplinary action taken or initiated against you by a state licensing agency or surrendered or consented to limitation of your license to practice in any state?
[ ] Yes [X] No had any hospital privileges suspended?
[ ] Yes [X] No been found guilty or pled no contest to a felony or Class A misdemeanor?

Attach documentation and an explanation if your answer is "yes" to any of the above questions.


**From:** Daniel Mackay  
**To:** Michelle Andrews [KSBHA]  
**Subject:** Re: Kansas Board of Healing Arts- Status Change Documentation Needed  
**Date:** Friday, March 8, 2024 2:23:52 PM  
**Attachments:** [Image001.png](#)  
[2024-03-08\\_112902\\_2022\\_CME.pdf](#)  
[Document\\_2024-03-08\\_112628\\_2023CME.pdf](#)  
[Document\\_2024-03-08\\_141258PBT\\_2023.pdf](#)

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*EXTERNAL:* This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

# CONFIDENTIAL

Daniel Mackay MD  
Kansas License # 04-39720

 [Document\\_2024-03-07\\_130113COI.pdf](#)

On Thu, Feb 22, 2024 at 1:12 PM Michelle Andrews [KSBHA] <[michelle.andrews@ks.gov](mailto:michelle.andrews@ks.gov)> wrote:

Hello,

# CONFIDENTIAL

**Federal Active:** A license issued to only a person who meets all the requirements for a license to practice the healing arts in Kansas and who practices that branch of the healing arts solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, in addition to such employment or assignment, provides professional services as a charitable health care provider as defined under K.S.A. 75-6102. Continuing education, expiration, and renewal of a license shall be applicable to a federally active license. A person who practices under a federally active license shall not be deemed to be rendering professional service as a health care provider in this state and is not required to have policy of professional liability coverage in effect.

1. Location of Federal Employment: \_\_\_\_\_  
Name of Employer                      Street                      City                      State                      Zip

2. If your continuing education is not current, proof of your continuing education hours must be included with your application. You may verify your continuing education year by reviewing your wallet card or visiting our website [www.ksbha.org](http://www.ksbha.org).

3. List in chronological order all professional activities since your license was last Active or initially issued if the license was never Active (use additional pages if necessary):

From:MO/YR	To:MO/YR	Complete Address	Position Held

4. Since the last renewal date of your Kansas license, have you:

- Yes  No had an adverse judgment, award, or settlement resulting from a professional liability claim?  
 Yes  No had a disciplinary action taken or initiated against you by a state licensing agency or surrendered or consented to limitation of your license to practice in any state?  
 Yes  No had any hospital privileges suspended?  
 Yes  No been found guilty or pled no contest to a felony or Class A misdemeanor?

Attach documentation and an explanation if your answer is "yes" to any of the above questions.

**Exempt:** A license issued to a person who is not regularly engaged in the practice of the healing arts or podiatry in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. Each exempt license may be renewed annually. The holder of an exempt license is entitled to all the privileges of their branch of the healing arts and (1) may serve as a coroner or as a paid employee of a local health department as defined by K.S.A. 65-241; or (2) practice as a charitable health care provider for an indigent health care clinic as defined by K.S.A. 75-6102. Additionally, the holder of an exempt license may perform administrative functions. The holder of an exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education nor are they required to have basic coverage or self-insurance in effect.

I intend to engage in the following professional activities in Kansas:

- Consultant                       Charitable Health Care Provider                       Administration  
 Treatment of Family and Friends with No Compensation                       Coroner/Deputy Coroner                       None  
 Other: \_\_\_\_\_

I acknowledge by marking the check box, with an exempt license I will not be a health care provider as defined by K.S.A. 40-3401, that I am not required to maintain professional liability insurance in accordance with K.S.A. 40-3401 and that services I render while a holder of an exempt license will not be insured or covered by the Health Care Stabilization Fund.

**Inactive:** A license issued to a person who is not regularly engaged in the practice of the healing arts in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An inactive license shall not entitle the holder to practice the healing arts in this state. Each inactive license may be renewed annually. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education and is not required to have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a health care provider.

**Fees:** Please complete the credit card authorization form or make your check payable to Kansas State Board of Healing Arts.

Current Type of                      Active or Federal Active changing to any type: No Fee  
    Military changing to Active or Federal Active: \$330  
    Military changing to Exempt or Inactive: \$150  
    Exempt or Inactive changing to Exempt or Inactive: No Fee  
    Exempt or Inactive changing to Active or Federal Active: \$175

I certify under penalty of perjury under the laws of the State of Kansas that the information provided on this form, including supporting documentation is true and correct and that I am licensed to practice in the State of Kansas.

Daniel Markray MD  
Signature

2/12/2024  
Date

CONFIDENTIAL



CONFIDENTIAL

CONFIDENTIAL



## Texas Medical Board

09-18-2023

Via Email to [dmmackay65@gmail.com](mailto:dmmackay65@gmail.com)

PRIVATE AND CONFIDENTIAL

DANIEL MACKAY, MD  
17080 DALLAS PKWY  
DALLAS, TX 75248

RE: Termination of Order  
License # J-7562  
Order # 23-290

Dr. Mackay,

According to the terms of your Agreed Order entered on 06-09-2023, you were placed in the Board's Compliance Program under certain terms and conditions. Effective 09-18-2023, that order has been successfully terminated.

If the Board can be of any assistance to you in the future, please feel free to contact the Board office.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Rios".

Frank Rios  
Manager Of Compliance  
Texas Medical Board

XC: FILE

1801 CONGRESS AVENUE • SUITE 9.200 • AUSTIN TX 78701  
PHONE: (512) 305-7098  
WEB SITE ADDRESS: [www.tmb.state.tx.us](http://www.tmb.state.tx.us)

REV J1-07-2022

**RECEIVED**

By Shelly Andrews at 7:53 am, Mar 11, 2024



Named Insured: Daniel Mackay MD  
Policy #: **CONFIDENTIAL**

Healthcare Professional Risk Retention Group, Inc.

**CERTIFICATE OF LIABILITY**

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

1. Policy Number: **CONFIDENTIAL**
2. Named Insured: Daniel Mackay MD
3. Address: 609 Hemphill St. Suite 202, Fort Worth, TX 76104
4. Additional Insured: N/A
5. Type of Insurance: Professional Liability, Claims Made
6. Specialty: Internal Medicine - Telemedicine - No Surgery - Part Time
7. Policy Period: 3/1/2024 12:00 AM To 3/1/2025 12:00 AM
8. Retroactive Date: 3/1/2024
9. Limits of Liability
  - a. Per Claim: \$200,000 (See Endorsement for Additional Locations)
  - b. Annual Aggregate: \$600,000 (See Endorsement for Additional Locations)
10. Deductible: \$0.00

The policy of insurance listed above has been issued to the Named Insured for the Policy Period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this Certificate may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions and conditions of such policy. Aggregate limits shown may have been reduced by paid claims.

Please email [credentialing@hp-rrg.com](mailto:credentialing@hp-rrg.com) for Credentialing and Claims History Requests.

Andrew R Cunningham, President



Named Insured: Daniel Mackay MD  
Policy #: **CONFIDENTIAL**

### Healthcare Professional Risk Retention Group, Inc.

#### THIS FORM PROVIDES CLAIMS-MADE AND REPORTED COVERAGE BINDER OF INSURANCE

**THIS POLICY IS ISSUED BY YOUR RISK RETENTION GROUP. YOUR RISK RETENTION GROUP MAY NOT BE SUBJECT TO ALL OF THE INSURANCE LAWS AND REGULATIONS OF YOUR STATE. STATE INSOLVENCY GUARANTEE FUNDS ARE NOT AVAILABLE FOR YOUR RISK RETENTION GROUP.**

1. Policy Number: **CONFIDENTIAL**
2. Named Insured: Daniel Mackay MD
3. Address: 609 Hemphill St. Suite 202, Fort Worth, TX 76104
4. Additional Insured: N/A
5. Specialty: Internal Medicine - Telemedicine - No Surgery - Part Time
6. Policy Period: 3/1/2024 12:00 AM To 3/1/2025 12:00 AM
7. Retroactive Date: 3/1/2024
8. Limits of Professional Liability
  - a. Per Claim: \$200,000 (See Endorsement for Additional Locations)
  - b. Annual Aggregate: \$600,000 (See Endorsement for Additional Locations)
  - c. Defense Costs: In Addition to the Limits of Liability

9. Deductible: \$0.00

10. Premium:

Base Premium:	\$10,225.00	
NC Tax:	\$40.90	
State Tax:	\$163.60	
Association:	\$850.75	
Capital:	\$1,533.75	(Number of Shares Purchased: 153.375)
<b>Total:</b>	<b>\$12,814.00</b>	<b>(Total Number of Shares Owned: 153.375)</b>

This Company binds the kind(s) of insurance stipulated on this document. The Insurance is subject to the terms, conditions and limitations of the policy(ies) in current use by the Company

Andrew R Cunningham, President

Named Insured: Daniel Mackay MD  
Policy #: **CONFIDENTIAL**

**Endorsement 25**

**Endorsement Effective Date: 3/1/2024**

This endorsement changes the policy. Please read it carefully.

**Additional Location(s) Endorsement**

It is hereby understood and agreed, subject to the terms and conditions of this POLICY, that coverage is in full force at the following location(s) regarding the INSURED or any ADDITIONAL INSUREDS but only to the extent that services were performed by the INSURED or any ADDITIONAL INSURED and within the scope of the specialty identified on this POLICY.

- OK \$1,000,000/\$3,000,000 defense inclusive
- KS \$1,000,000/\$3,000,000 defense inclusive
- MO \$1,000,000/\$3,000,000 defense inclusive
- UT \$1,000,000/\$3,000,000 defense inclusive
- AZ \$1,000,000/\$3,000,000 defense inclusive
- NM \$200,000/\$600,000 defense inclusive
- CO \$1,000,000/\$3,000,000 defense inclusive
- OH \$1,000,000/\$3,000,000 defense inclusive
- IL \$1,000,000/\$3,000,000 defense inclusive
- LA \$500,000/\$1,500,000 defense inclusive
- FL \$250,000/\$750,000 defense in addition
- NC \$1,000,000/\$3,000,000 defense inclusive
- NY \$1,000,000/\$3,000,000 defense inclusive
- IN \$1,000,000/\$3,000,000 defense inclusive
- WI \$1,000,000/\$3,000,000 defense inclusive
- TX \$200,000/\$600,000 defense in addition

All other terms, conditions, exclusions, and endorsements of this policy remain the same.

  
Andrew R Cunningham, President


**From:** [Daniel Mackay](#)  
**To:** [Michelle Andrews \[KSBHA\]](#)  
**Subject:** Re: Kansas Board of Healing Arts- Status Change Documentation Needed  
**Date:** Friday, March 8, 2024 2:23:52 PM  
**Attachments:** [image001.png](#)  
[2024-03-08\\_112902\\_2022\\_CME.pdf](#)  
[Document\\_2024-03-08\\_112628\\_2023CME.pdf](#)  
[Document\\_2024-03-08\\_141258PBI\\_2023.pdf](#)

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# CONFIDENTIAL

Daniel Mackay MD  
Kansas License # 04-39720

 [Document\\_2024-03-07\\_130113COL.pdf](#)

On Thu, Feb 22, 2024 at 1:12 PM Michelle Andrews [KSBHA] <[michelle.andrews@ks.gov](mailto:michelle.andrews@ks.gov)> wrote:

Hello,

# CONFIDENTIAL

# CONFIDENTIAL

*\*\* Email is the quickest way to communicate with me.*

Respectfully,

*Shelly Andrews*

Licensing Analyst

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level, Suite A

Topeka, Kansas 66612

Email: [michelle.andrews@ks.gov](mailto:michelle.andrews@ks.gov)

Phone: 785-296-1926



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**RECEIVED**

By Shelly Andrews at 7:45 am, Mar 11, 2024



**University at Buffalo** *The State University of New York*

Jacobs School of Medicine and Biomedical Sciences

APFME Office of Continuing Medical Education

**Certifies that**

**Daniel Mackay**

has participated in the *enduring activity* titled  
***Opioid Prescriber Training Program Part II***

This program meets the New York State Mandated Training for

- Palliative medicine
- End-of-life care
- Prevention, screening and signs of addiction
- Response to abuse and addiction

**2022-10-24**

and is awarded

**2.0 AMA PRA Category 1 Credit(s)**

Course code #9060B

Alicia M. Blodgett  
Director of Continuing Medical Education  
Jacobs School of Medicine and Biomedical Sciences  
University at Buffalo  
955 Main Street, Suite 7230  
Buffalo, NY 14203  
P (716) 829-3711  
F (716) 829-3999

**CONTINUING MEDICAL EDUCATION CERTIFICATE**

**Medscape**

certifies that

**DANIEL MACKAY  
TX 78746**

has participated in the enduring material titled

**Stories and Strategies for Excessive Daytime Sleepiness in Obstructive Sleep Apnea**

**September 20, 2022**

and is awarded **1.00 AMA PRA Category 1 Credit(s)<sup>™</sup>**

Medscape, LLC designates this enduring material for a maximum of 1.00 AMA PRA Category 1 Credit(s)<sup>™</sup>. Physicians should claim only the credit commensurate with the extent of their participation in the activity.



**JOINTLY ACCREDITED PROVIDER<sup>™</sup>**  
**INTERPROFESSIONAL CONTINUING EDUCATION**

In support of improving patient care, Medscape, LLC is jointly accredited by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), to provide continuing education for the healthcare team.

For information on applicability and acceptance of continuing education credit for this activity, please consult your professional licensing board.

**Kathleen N Geissel, PharmD  
Group VP Operations  
Medscape Education**

Certificate Number: 90440766



**University at Buffalo** *The State University of New York*  
Jacobs School of Medicine and Biomedical Sciences

APFME Office of Continuing Medical Education

**Certifies that**

**Daniel Mackay**

has participated in the *enduring activity titled*  
***Opioid Prescriber Training Program Part I***

This program meets the New York State Mandated Training for

- Pain Management
- Appropriate Prescribing
- Managing acute pain
- State and federal requirement for prescribing controlled substances

**2022-10-24**

and is Awarded

**2.0 AMA PRA Category 1 Credit(s)**

Course code #9060A

Alicia M. Blodgett  
Director of Continuing Medical Education  
Jacobs School of Medicine and Biomedical Sciences  
University at Buffalo  
955 Main Street, Suite 7230  
Buffalo, NY 14203  
P (716) 829-3711  
F (716) 829-3999

# Statement of Participation

*Clinical Care Options, LLC certifies that*

**Daniel Mackay, MD**

*has participated in the enduring material titled*

**Targeting Weight Loss in T2D: Bringing Patients to the Table**

on November 04, 2022

and is awarded ~~0.5 AMA PRA Category 1 Credit(s)~~<sup>TM</sup>



JOINTLY ACCREDITED PROVIDER  
INTERPROFESSIONAL CONTINUING EDUCATION

In support of improving patient care, Clinical Care Options, LLC is jointly accredited by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), to provide continuing education for the healthcare team.



**CLINICAL CARE OPTIONS<sup>®</sup>**

12001 Sunrise Valley Drive  
Suite 300  
Reston, VA 20191  
Phone 703.674.3510  
Fax 703.391.6874

Tina B. Stacy, PharmD, BCOP, CHCP  
Chief Strategy Officer  
Clinical Care Options, LLC



Alfredo Harson, MD  
Chair

Robert O. Donohoo, CPCU  
President and  
Chief Executive Officer

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Herb Singh, MD  
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### CME Certificate of Completion

The Texas Medical Liability Trust certifies that the individual listed below has participated in the following live activity and is awarded the indicated number of *AMA PRA Category 1 Credit(s)*<sup>™</sup>.

Name: Daniel Mackay

Completion Date: 11/29/2022 6:00 PM Central

Credits: 2.00 *AMA PRA Category 1 Credit(s)*<sup>™</sup> (Live);

1.00 Medical Ethics and/or Professional Responsibility

Title: 11/29/2022 TMLT Fall Webinar - Talk to the Experts: Hot Topics in Liability and Medical

Board Complaints (registration closes 11/29 @ 9:45am)

Sincerely,  
Risk Management  
(800) 580 8658

# Certificate of Completion

NetCE certifies that  
Daniel Alexander Mackay J7562  
has participated in the enduring material titled  
#95500 Opioid Safety: Balancing Benefits and Risks  
on April 6, 2023  
and is awarded **5**  
AMA PRA ~~Category 1~~ Credit(s)™.



In support of improving patient care, NetCE is jointly accredited by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), to provide continuing education for the healthcare team.

JOINTLY ACCREDITED PROVIDER™  
INTERPROFESSIONAL CONTINUING EDUCATION

Florida CE Broker Provider #50-2405, Board of Medicine.

This activity is designed to comply with the requirements of California Assembly Bill 1195, Cultural and Linguistic Competency.

  
Sarah Campbell

Director of Development and Academic Affairs



**NetCE**

a trchealthcare brand

# Certificate of Completion

NetCE certifies that  
Daniel Alexander Mackay J7562  
has participated in the enduring material titled  
#98883 Sleep Disorders  
on April 7, 2023  
and is awarded ~~10~~  
~~AMA PRA Category I Credit(s)~~™.



In support of improving patient care, NetCE is jointly accredited by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), to provide continuing education for the healthcare team.

JOINTLY ACCREDITED PROVIDER™  
INTERPROFESSIONAL CONTINUING EDUCATION

Florida CE Broker Provider #50-2405, Board of Medicine.

This activity is designed to comply with the requirements of California Assembly Bill 1195, Cultural and Linguistic Competency.

  
Sarah Campbell

Director of Development and Academic Affairs



NetCE

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# Certificate of Completion

NetCE certifies that  
Daniel Alexander Mackay J7562  
has participated in the enduring material titled  
#93764 Men's Health Issues  
on April 7, 2023  
and is awarded **15**  
AMA PRA Category 1 Credit(s)<sup>™</sup>.



*In support of improving patient care, NetCE is jointly accredited by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), to provide continuing education for the healthcare team.*

JOINTLY ACCREDITED PROVIDER  
INTERPROFESSIONAL CONTINUING EDUCATION

Florida CE Broker Provider #50-2405, Board of Medicine.

This activity is designed to comply with the requirements of California Assembly Bill 1195, Cultural and Linguistic Competency.

  
Sarah Campbell

Director of Development and Academic Affairs



**NetCE**

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Florida Medical Association

*Certifies that*

Daniel Alexander Mackay, MD

*has participated in the enduring material titled*

HIV/AIDS in Florida

*on 10/27/2023 2:28 PM Eastern*

*and is awarded 1.00 AMA PRA Category 1 Credits™ (Enduring Material)*

**AMA PRA Category 1 Credits™ (Enduring Material):**

The Florida Medical Association is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians.  
The Florida Medical Association designated this enduring material for a maximum of 1.00 AMA PRA Category 1 Credits™.  
Physicians should only claim credit commensurate with the extent of their participation in the activity.



### Florida Medical Association

Certifies that

Daniel Alexander Mackay

*has participated in the enduring material titled*

**Prescribing Controlled Substances for MD/DO Prescribers**

on 10/27/2023 1:17 PM Eastern

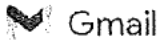
*and is awarded 2.00 AMA PRA Category 1 Credits™ (MD/DO Prescribing - MOC)*

The Florida Medical Association is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians

The Florida Medical Association designates this enduring material for a maximum of 2.00 AMA PRA Category 1 Credits™ (MD/DO Prescribing - MOC). Physicians should claim only the credit commensurate with the extent of their participation in the activity. MOC Credit: Through the American Board of Medical Specialties (ABMS) ongoing commitment to increase access to practice relevant Continuing Certification Activities through the ABMS Continuing Certification Directory, this course has met the requirements as an MOC Part II CME Activity (apply toward general CME requirement) for the following ABMS Member Boards: Allergy and Immunology; Anesthesiology; Family Medicine; Medical Genetics and Genomics; Nuclear Medicine; Physical Medicine & Rehabilitation; Plastic Surgery; Preventive Medicine; Psychiatry & Neurology; Radiology; Thoracic Surgery; and Urology (<https://www.continuingcertification.org/>)

10/29/23, 4:18 PM

Gmail - Certificate of Completion - Florida Medical Association



Daniel Mackay <danmackay55@gmail.com>

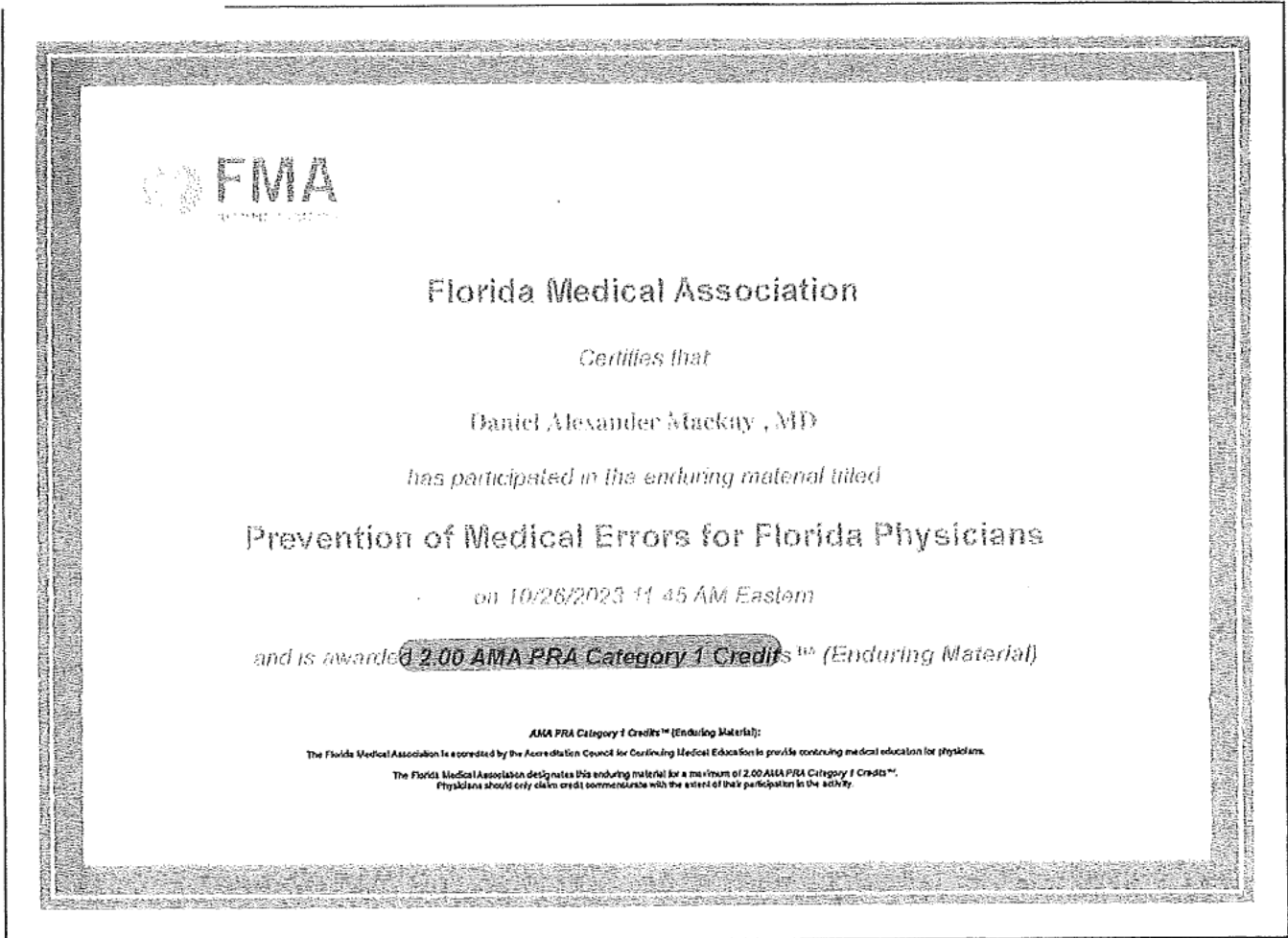
**Certificate of Completion - Florida Medical Association**

2 messages

support@inreachce.com <support@inreachce.com>

Thu, Oct 28, 2023 at 10:45 AM

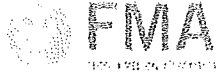
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support@inreachce.com <support@inreachce.com>  
To: danmackay55@gmail.com

Thu, Oct 28, 2023 at 10:46 AM

[Quoted text hidden]



# Florida Medical Association

*Certifies that*

**Daniel Alexander Mackay , MD**

*has participated in the enduring material titled*

## **Domestic Violence**

*on 10/30/2023 4:04 PM Eastern*

*and is awarded **2.00 AMA PRA Category 1 Credits™ (DV - MOC)***

**AMA PRA Category 1 Credits™ (DV - MOC):**

The Florida Medical Association is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education activities for physicians.

The Florida Medical Association designates this enduring material for a maximum of 2.00 AMA PRA Category 1 Credits™.

Physicians should claim only those credits commensurate with the extent of their participation in the activity.

MOC Credit: Through the American Board of Medical Specialties (ABMS) ongoing commitment to increase access to practice relevant Continuing Certification Activities through the ABMS Continuing Certification Directory, this course has met the requirements as an MOC Part II CME Activity (apply toward general CME requirements) for the following ABMS Member Boards: Allergy and Immunology, Anesthesiology, Family Medicine, Medical Genetics and Genomics, Nuclear Medicine, Physical Medicine & Rehabilitation, Plastic Surgery, Preventive Medicine, Psychiatry & Neurology, Radiology, Thoracic Surgery, and Urology  
(<https://www.abms.org/continuing-certification/>)



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### CME Certificate of Completion

The Texas Medical Liability Trust certifies that the individual listed below has participated in the following internet enduring material and is awarded the indicated number of *AMA PRA Category 1 Credit(s)*<sup>™</sup>.

Name: Daniel Mackay

Completion Date: 7/16/2023 4:17 PM Central

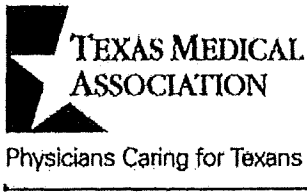
Credits: 4.00 *AMA PRA Category 1 Credit(s)*<sup>™</sup> (enduring material);

1.00 Medical Ethics and/or Professional Responsibility

Title: Case Closed Volume 6 (3rd Edition)

Sincerely,  
Risk Management  
(800) 580 8658

# Continuing Medical Education Certificate



**Participant:** Daniel Mackay

**Certificate Printed:** 7/18/2023

**TMA ID Number:** 1043522

Activity Description:	Completion Date:	Type/Hours:
Nonphysician Practitioners, Third Edition 7/18/2023 6:39 PM Central		4.50 AMA PRA Category 1 Credits™ (Enduring); 4.50 ETHICS; 1.00 TMLT

Texas Medical Association is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education for physicians.

Visit <https://www.texmed.org/CME/Receipt.aspx> to print a cumulative CME transcript for any TMA-sponsored CME activity.

Please refer questions to TMA Continuing Medical Education  
401 W. 15th Street, Austin, TX 78701  
or call (512) 370-1447 or (800) 880-1300, ext. 1447 or send an e-mail to [cme@texmed.org](mailto:cme@texmed.org)



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Chair

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### CME Certificate of Completion

The Texas Medical Liability Trust certifies that the individual listed below has participated in the following internet enduring material and is awarded the indicated number of *AMA PRA Category 1 Credit(s)*<sup>™</sup>.

Name: Daniel Mackay

Completion Date: 8/2/2023 6:16 PM Central

Credits: ~~2.00~~ *AMA PRA Category 1 Credit(s)*<sup>™</sup> (enduring material);

1.00 Medical Ethics and/or Professional Responsibility

Title: Talk to the Experts - Hot Topics in Liability & Medical Board Complaints

Sincerely,  
Risk Management  
(800) 580 8658



**ANNENBERG CENTER FOR HEALTH SCIENCES**  
AT EISENHOWER

This activity has been planned and implemented in accordance with the accreditation requirements and policies of the Accreditation Council for Continuing Medical Education (ACCME) through the providership of the Annenberg Center for Health Sciences at Eisenhower.

The Annenberg Center for Health Sciences at Eisenhower certifies that

**Daniel A. Mackay, M.D.**

has participated in the enduring educational activity titled

***Current Issues Regarding Obesity Treatment and Chronic Weight Management***

on January 16, 2023

and is awarded **1.25 AMA PRA Category 1 Credit(s)**<sup>™</sup>

Melissa Ketchum, CHCP, FACEHP  
Director, Continuing Education

Participant Signature



**RECEIVED**  
By Shelly Andrews at 7:51 am, Mar 11, 2024

# PBI EDUCATION

*The University of California, Irvine School of Medicine certifies that*

**Daniel Mackay, MD**

*has participated in the live activity titled*

**PBI Prescribing Course:  
Opioids, Pain Management and Addiction**

*on*

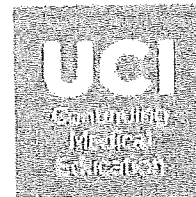
September 16-17, 2023

*and is awarded 21 AMA PRA Category 1 Credits™.*

*The University of California, Irvine School of Medicine is accredited  
by the Accreditation Council for Continuing Medical Education to  
provide continuing medical education for physicians.*



**Sherif A. Rezk, MD**  
Chair, CME Committee  
Vice Chair of Clinical Affairs, Chief Laboratory Medicine  
Associate Director, Hematopathology



*This activity has been planned and implemented through the joint providership of the University of California, Irvine School of Medicine and Professional Boundaries, Inc. DBA PBI Education*

**PBI Education**

www.pbieducation.com | (904) 800-1237 | info@pbieducation.com

---

**PRACTITIONER PROFILE**

---

Prepared for: Kansas State Board of Healing Arts As of Date: 2/22/2024

---

**PRACTITIONER INFORMATION**

Name: Mackay, Daniel Alexander  
DOB: **CONFIDENTIAL**  
Medical School: University of South Alabama College of Medicine  
Mobile, Alabama, UNITED STATES  
Year of Grad: 1982  
Degree Type: MD  
NPI: 1962450916

---

**BOARD ACTIONS**

Reporting Entity: Texas Medical Board  
Date of Order: 6/9/2023  
Form of Order: Agreed Order  
Action(s): CONDITION(S) PLACED ON MEDICAL LICENSE  
REPRIMANDED  
ASSESSED A MONETARY PENALTY  
ADDITIONAL CME REQUIRED  
REQUIRED TO SUCCESSFULLY COMPLETE SPECIFIED EXAMINATION(S)  
Basis: Prescribing for Non-Therapeutic Purposes  
Failure to Maintain Adequate Medical Records  
Failure to Adequately Supervise

Reporting Entity: Illinois Department of Financial and Professional Regulation  
Date of Order: 10/20/2023  
Form of Order: Consent Order/Agreement  
Action(s): REPRIMANDED  
Basis: Due to Action Taken by Another Board/Agency

Reporting Entity: Colorado Medical Board  
Date of Order: 10/23/2023  
Action(s): ADMONISHED  
Basis: Due to Action Taken by Another Board/Agency

Reporting Entity: North Carolina Medical Board  
Date of Order: 11/9/2023  
Form of Order: Consent Order/Agreement

---

400 FULLER WISER ROAD, EULESS, TX 76039 | TEL (817) 868-4000

**PRACTITIONER PROFILE**

Prepared for: Kansas State Board of Healing Arts As of Date: 2/22/2024  
 Practitioner Name: Mackay, Daniel Alexander

Action(s): REPRIMANDED  
 Basis: Due to Action Taken by Another Board/Agency

Reporting Entity: Arizona Medical Board  
 Date of Order: 12/8/2023  
 Effective Date: 12/11/2023  
 Form of Order: Consent Order/Agreement  
 Action(s): REPRIMANDED  
 Basis: Due to Action Taken by Another Board/Agency

**NATIONAL PROVIDER IDENTIFIER (NPI)**

NPI	NPI Type	Deactivation Date	Reactivation Date	Last Reported
1962450916	Individual			04/24/2020

**LICENSE HISTORY**

Jurisdiction	License Number	Issue Date	Expiration Date	Last Updated
ARIZONA	54315	08/30/2017	09/06/2025	01/24/2024
		FSMB License Status: Active		
COLORADO	DR.0060313	05/02/2018	04/30/2025	02/20/2024
		FSMB License Status: Active		
CONNECTICUT	056401	05/01/2017	05/31/2019	07/28/2020
		FSMB License Status: Inactive		
FLORIDA	ME42568	08/26/1983	01/31/2011	02/14/2024
		FSMB License Status: Relinquish		
FLORIDA	ME155442	03/11/2022	01/31/2026	02/14/2024
		FSMB License Status: Active		
GEORGIA	25225	08/10/1983	12/31/1989	02/16/2024
		FSMB License Status: Lapsed		
ILLINOIS	036153192	06/01/2020	07/31/2026	01/24/2024
		FSMB License Status: Active		

**PRACTITIONER PROFILE**

Prepared for:	Kansas State Board of Healing Arts		As of Date:2/22/2024	
Practitioner Name:	Mackay, Daniel Alexander			
INDIANA	01083888A	05/08/2020	10/31/2025	02/05/2024
		FSMB License Status: Active		
KANSAS	04-39720	02/22/2017	07/31/2024	02/06/2024
		FSMB License Status: Inactive		
LOUISIANA	326206	04/07/2021	05/31/2024	01/19/2024
		FSMB License Status: Active		
MINNESOTA	2299	08/24/2017	12/31/2018	02/20/2024
		FSMB License Status: Canceled		
MISSOURI	2017007692	03/12/2017	01/31/2025	02/01/2024
		FSMB License Status: Active		
NEW MEXICO	TM2018-0162	03/12/2018	07/01/2024	01/24/2024
		FSMB License Status: Active		
NEW YORK	319116	08/29/2022	07/31/2024	02/21/2024
		FSMB License Status: Active		
NORTH CAROLINA	2022-02084	07/20/2022	05/06/2024	02/01/2024
		FSMB License Status: Active		
OHIO	APP-000349869			02/22/2024
		FSMB License Status: Pending		
OHIO	35.139238	04/17/2020	04/17/2024	02/22/2024
		FSMB License Status: Active		
OKLAHOMA	32692	01/10/2017	01/01/2025	02/16/2024
		FSMB License Status: Active		
PENNSYLVANIA	MD461591	06/28/2017	12/31/2018	01/24/2024
		FSMB License Status: Inactive		
TEXAS	J7562	03/04/1995	08/31/2024	02/22/2024
		FSMB License Status: Active		
UTAH	10318480-1205	03/30/2017	01/31/2026	02/01/2024
		FSMB License Status: Active		

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---

**PRACTITIONER PROFILE**

---

Prepared for: Kansas State Board of Healing Arts As of Date: 2/22/2024  
Practitioner Name: Mackay, Daniel Alexander

---

WISCONSIN 67779-20 08/14/2017 10/31/2025 02/01/2024  
FSMB License Status: Active

**PRACTITIONER PROFILE**

Prepared for: Kansas State Board of Healing Arts As of Date: 2/22/2024  
 Practitioner Name: Mackay, Daniel Alexander

**ABMS® CERTIFICATION HISTORY**

Certifying Board: American Board of Internal Medicine  
 Participating in MOC: Yes

Certifying Board: American Board of Internal Medicine  
 Certificate: Internal Medicine  
 Certification Type: General  
 Certification Status: Certified

Status	Duration	Effective Date	Expiration Date	Reverification Date	Occurrence	Last Reported
Active	Lifetime	09/10/1986			Initial	01/26/2024

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**AOA® CERTIFICATION HISTORY**

No AOA Certifications found.

Disclaimer: The licensure and disciplinary information contained in this report was supplied by the respective state medical boards and other reporting agencies. The Federation of State Medical Boards provides this primary source information as a Credentials Verification Organization (CVO) in accordance with standards set by NCQA and the Joint Commission. Any questions regarding the above data should be directed to the reporting board or reporting agency.

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OFFICIAL RECEIPT  
KANSAS BOARD OF HEALING ARTS  
800 SW Jackson, Lower Level-Suite A  
Topeka, KS 66612  
(785) 296-7413

RECEIPT NUMBER: 768558

DATE: 02/13/2024

NAME: Daniel Mackay                      LICENSE TYPE:                      FEE:                      LIC #:

AMOUNT: 175.00                      TYPE: Credit Card                      CH/CC #: 122027

RECEIVED FROM:

Daniel Alexander Mackay

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**From:** [Daniel Mackay](#)  
**To:** [KSBHA Licensing; Ronda Bohannon \[KSBHA\]](#)  
**Subject:** DANIEL MACKAY MD status change license 04-39720 to active  
**Date:** Monday, February 12, 2024 3:38:01 PM  
**Attachments:** [Document\\_2024-02-12\\_153129KS\\_activation.pdf](#)

---

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Thank you,  
Daniel Mackay MD