

1 focused clinical attention in a treatment program designed to assist health professionals
2 with histories of provider-patient boundary violations. The report concluded that the
3 facility was unable to opine that Respondent was safe to practice without this treatment.

4 5. The investigation into this matter is pending and will be forwarded to the
5 Board promptly upon completion for review and action.

6 INTERIM CONCLUSIONS OF LAW

7 1. The Board possesses jurisdiction over the subject matter hereof and over
8 Respondent.

9 2. Pursuant to A.R.S. § 32-2505(C)(23), the Executive Director may enter into
10 consent agreements if there is evidence of danger to the public health and safety.

11 INTERIM ORDER

12 IT IS HEREBY ORDERED THAT:

13 1. Respondent is prohibited from engaging in the practice of medicine with
14 physician supervision in the State of Arizona as set forth in A.R.S. § 32-2501(13).
15 Respondent shall not return to the practice of medicine under physician supervision until
16 he applies to the Board and demonstrates his ability to safely carry out approved
17 healthcare tasks and receives the Board's permission to do so. In addition, prior to
18 making its final decision, the Board may require any combination of staff-approved
19 assessments, evaluations, treatments, examinations or interviews it finds necessary to
20 assist in determining whether Respondent is able to safely resume such practice.

21 2. The Board retains jurisdiction and may initiate new action based upon any
22 violation of this Interim Consent Agreement, including but not limited to, summarily
23 suspending Respondent's license.

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1 administrative hearing, rehearing, review, reconsideration, judicial review or any other
2 administrative and/or judicial action, concerning the matters related to a final disposition
3 of this matter, unless he affirmatively does so as part of the final resolution of this matter.

4 5. Respondent acknowledges and agrees that upon signing this Interim
5 Consent Agreement and returning it to the Board's Executive Director, Respondent may
6 not revoke his acceptance of this Interim Consent Agreement or make any modifications
7 to it. Any modification of this original document is ineffective and void unless mutually
8 approved by the parties in writing.

9
10 6. Respondent understands that this Interim Consent Agreement shall not
11 become effective unless and until it is signed by the Board's Executive Director.

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

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

19 9. Respondent understands that this Interim Consent Agreement does not
20 alleviate his responsibility to comply with the applicable license-renewal statutes and
21 rules. If this Interim Consent Agreement remains in effect at the time Respondent's
22 physician assistant license comes up for renewal, he must renew his license if
23 Respondent wishes to retain his license. If Respondent elects not to renew his license
24 as prescribed by statute and rule, Respondent's license will not expire but rather, by
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1 operation of law (A.R.S. § 32-3202), become suspended until the Board takes final
2 action in this matter. Once the Board takes final action, in order for Respondent to be
3 licensed in the future, he must submit a new application for licensure and meet all of the
4 requirements set forth in the statutes and rules at that time.

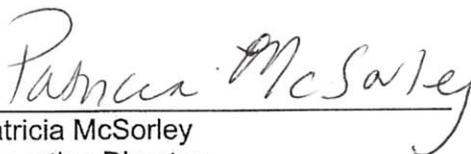
5 10. Respondent understands that any violation of this Interim Consent
6 Agreement constitutes unprofessional conduct under, among other things, A.R.S. § 32-
7 2501(18)(dd) (“[V]iolating a formal order, probation agreement, stipulation issued or
8 entered into by the board or its executive director.”).

9
10 
11 _____
12 LLOYD BARKER, P.A.

DATED: 10-13-16

13
14 DATED AND EFFECTIVE this 14th day of October, 2016.

15
16 ARIZONA REGULATORY BOARD OF
17 PHYSICIAN ASSISTANTS

18 By 
19 Patricia McSorley
20 Executive Director

21
22 EXECUTED COPY of the foregoing mailed
23 this 14th day of October, 2016 to:

24 Robert Chelle
25 Chelle Law
11811 N Tatum Blvd, Suite 3031
Phoenix, AZ 85028
Attorney for Respondent

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ORIGINAL of the foregoing filed
this 14th day of October, 2016 with:

Arizona Regulatory Board
of Physician Assistants
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Bobey
Board staff