

BEFORE THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

In the Matter of

JOSHUA R. MARQUIS, P.A.

Holder of License No. 4588
For the Performance of Health Care Tasks
In the State of Arizona.

Case No. PA-15-0029A

**ORDER FOR SURRENDER
AND CONSENT TO THE SAME**

Joshua R. Marquis, P.A. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender; admits the jurisdiction of the Arizona Regulatory Board of Physician Assistants ("Board") and findings of fact as stated herein; 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 physician assistants in the State of Arizona.

2. Respondent is the holder of license number 4588 for the performance of health care tasks in the State of Arizona.

3. The Board initiated case number PA-15-0029A after receiving a report that Respondent had inappropriately touched a patient during an examination. According to the complaint, Respondent inappropriately touched patient E.R. during a routine physical examination, and took video of the patient's body without the patient's consent. Respondent denies the allegations in the complaint.

4. The incident was also reported to the Phoenix Police Department ("PPD"), who conducted an investigation. No video of the examination was found by the PPD. However, the PPD did retrieve an electronic receipt in Respondent's email account received the day after the incident for purchase of software designed to permanently

1 delete files from cell phones. While the case was submitted for charging by the PPD,
2 prosecution of the case was declined.

3 5. During an interview with Board staff, Respondent stated that it would be
4 impossible for him to videotape an examination using his cell phone in the matter alleged
5 by the patient.

6 6. On February 25, 2015, PPD officers executed a search warrant on
7 Respondent's home and during the search, found a video on a portable hard drive of a
8 genital examination conducted on another male patient. A forensic evaluation of the video
9 concluded that it was taken at or near the office where Respondent was employed.
10 Respondent denies that he took the video.

11 7. On or about May 21, 2015, Board staff issued a Confidential Interim Order
12 for a Psychosexual Evaluation to Respondent. Respondent failed to complete the
13 evaluation.

14 CONCLUSIONS OF LAW

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

17 2. The Board possesses statutory authority to enter into a consent agreement
18 with a physician assistant and accept the surrender of an active license from a physician
19 assistant who admits to having committed an act of unprofessional conduct. A.R.S. § 32-
20 2551(P)(2).

21 3. The conduct and circumstances described above constitutes unprofessional
22 conduct pursuant to A.R.S. § 32-2501(18)(k) ("Violation of a formal order, probation or
23 stipulation issued by the board.").

24

25

1

ORDER

2

IT IS HEREBY ORDERED THAT Respondent: immediately surrender license number 4588, issued to Joshua R. Marquis, P.A., for the performance of healthcare tasks in the State of Arizona, and return his certificate of licensure to the Board.

3

4

5

DATED AND EFFECTIVE this 22nd day of September, 2016.

6

7

ARIZONA REGULATORY BOARD OF
PHYSICIAN ASSISTANTS

8

9

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

10

11

CONSENT TO ENTRY OF ORDER

12

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.

13

14

15

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.

16

17

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.

18

19

20

21

4. The Order is not effective until approved by the Board and signed by its Executive Director.

22

23

5. All admissions made by Respondent 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

24

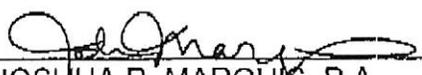
25

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

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

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

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

15
16 
17 JOSHUA R. MARQUIS, P.A.

DATED: 9/10/16

18 EXECUTED COPY of the foregoing mailed
19 this 2nd day of September, 2016 to:

20 Steven B. Perlmutter
21 Perlmutter Medical Law
22 8655 E Via De Ventura, Suite G-200
23 Scottsdale, AZ 85258
24 Attorney for Respondent
25

1 ORIGINAL of the foregoing filed
2 this 22nd day of September, 2016 with:

3 Arizona Regulatory Board of Physician Assistants
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 Mary Boyle
7 Board staff

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25