BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

ROMAN A CHUBATY, M.D.

Holder of License No. 11316
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-16-1541A

ORDER FOR LETTER OF
REPRIMAND AND PROBATION WITH
PRACTICE RESTRICTION;
AND CONSENT TO THE SAME

Roman A. Chubaty, M.D. ("Respondent"), elects to permanently waive any right to a
hearing and appeal with respect to this Order for a Letter of Reprimand and Probation with
Practice Restriction; 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 11316 for the practice of
allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-1541A after receiving a Disciplinary
Alert Report generated by the Federation of State Medical Boards stating that the College
of Physicians & Surgeons of Manitoba ("College") censured Respondent in December
2016 for failing to maintain adequate medical records and violation of statutes or rules of
the Board.

4. On December 9, 2016, the College censured Respondent ("Order") based on
their findings that he inappropriately issued authorizations for medical marijuana, charged
unreasonable fees to patients, required patients to sign a release of the patient's right of
complaint and legal action against him, and failed to maintain patient records.

5. The College's Order includes factual findings that between July 2014 and
July 2015, Respondent issued authorizations without first ensuring that other conventional
therapies had been attempted for the patient’s condition; that Respondent’s documentation was inadequate; and that Respondent required patients to sign a form releasing any right to complain or commence legal action against him before issuing the authorization. The College also found that Respondent improperly billed for the encounters.

CONCLUSIONS OF LAW

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

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

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

2. Respondent is placed on Probation for a period of one year with the following terms and conditions:

   a. Practice Restriction

      Respondent shall not issue Medical Marijuana Certifications in the State of Arizona during the period of Probation.
b. **Obey All Laws**

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

c. **Probation Termination**

Prior to the termination of Probation, Respondent must submit a written request to the Board for release from the terms of this Order. Respondent's request for release will be placed on the next pending Board agenda, provided a complete submission is received by Board staff no less than 30 days prior to the Board meeting. Respondent's request for release must provide the Board with evidence that he has reviewed and understands Arizona's requirements for issuing medical marijuana certifications and demonstrate that he is safe to issue such certifications in the State of Arizona. The Board has the sole discretion to determine whether all of the terms and conditions of this Order have been met or whether to take any other action that is consistent with its statutory and regulatory authority.

3. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

DATED AND EFFECTIVE this 15th day of September, 2017.

ARIZONA MEDICAL BOARD

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

7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.
8. If any part of the Order is later declared void or otherwise unenforceable, the
remainder of the Order in its entirety shall remain in force and effect.

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

10. Any violation of this Order constitutes unprofessional conduct and may result
in disciplinary action. A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation,
consent agreement or stipulation issued or entered into by the board or its executive
director under this chapter.") and 32-1451.

11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he
cannot act as a supervising physician for a physician assistant while his license is on
probation.

12. **Respondent has read and understands the conditions of probation.**

ROMAN A. CHUBATY, M.D.

DATED: 8/29/2017

EXECUTED COPY of the foregoing mailed
this 15th day of September, 2017 to:

Roman A. Chubaty, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 15th day of September, 2017 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Board staff