BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

DIANA HELEN HYDZIK, M.D.

Case No. MD-16-1435A

Holder of License No. 29302
For the Practice of Allopathic Medicine
In the State of Arizona.

INTERIM CONSENT AGREEMENT

Diana Helen Hydzik, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Limitation and Assessment; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

INTERIM 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 29302 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-1435A after receiving three complaints, including one confidential complaint, alleging that Respondent had engaged in inappropriate prescribing, inadequate care and treatment, failure to appropriately evaluate a patient, inappropriate communication with healthcare advocates, failure to adequately supervise staff, and impairment.

4. Respondent was referred to the Board's Physician Health Program ("PHP") Contractor for an assessment which took place on January 9, 2017. The PHP Contractor submitted a report on February 5, 2017 recommending that Respondent undergo a comprehensive substance use evaluation at a Board approved facility.
5. Respondent underwent an evaluation on March 20, 2017 through March 22, 2017 at a Board-approved facility. The evaluating team concluded that Respondent is not currently safe to practice medicine and recommended further intensive treatment.

6. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that an interim consent agreement to limit Respondent’s practice is appropriate.

**INTERIM CONCLUSIONS OF LAW**

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

2. Pursuant to A.A.C. R4-16-509, the executive director has the authority to enter into consent agreements to limit a physician’s practice if there is evidence that he is mentally or physically unable to safely engage in the practice of medicine and the investigative staff, the medical consultant and the lead Board member concur after a review of the case that a consent agreement is appropriate.

3. In addition, pursuant to A.R.S. §§ 32-1405(C)(25) and 32-1451(F), the executive director, on behalf of the Board, has the authority to enter into consent agreements if there is evidence of danger to the public health and safety.

**INTERIM ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Executive Director and receives affirmative permission to do so as stated in paragraph 5 below. Respondent may not apply for relief from this Interim Consent Agreement until she has completed intensive treatment as recommended by the evaluating facility with subsequent entry into the PHP for diagnostic monitoring. Respondent shall refer to the evaluation
2. Respondent is responsible for all expenses relating to the recommended treatment and monitoring.

3. The PHP Contractor is a representative of the Board and, as such, failure to comply with any aspect of the assessment and/or monitoring is considered an act of unprofessional conduct under A.R.S. § 32-1401(27)(dd). It is also an act of unprofessional conduct to violate or attempt to violate a Board Order. A.R.S. § 32-1401(27)(r).

4. The relationship between Respondent and the PHP Contractor is a direct relationship. Respondent shall not be accompanied by an attorney or other intermediary during the course of the assessment.

5. Once all of the requirements set forth in paragraph 1 have been met, Respondent may request, in writing, release and/or modification from this Interim Consent Agreement. The Executive Director, in consultation with and agreement of the Investigative Staff and Chief Medical Consultant, has the sole discretion to determine whether it is appropriate to release Respondent from this Interim Consent Agreement.

6. This Interim Consent Agreement is not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board. In addition, the Board retains jurisdiction and may initiate a separate disciplinary action based on the facts and circumstances that form the basis for this practice limitation or any violation of this Interim Consent Agreement.

7. Respondent shall instruct any attorney retained on her behalf not to contact any treatment facilities or providers. Any questions or concerns must be addressed to Board Staff.

DATED this 5th day of May, 2017.
CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Interim Consent Agreement for Practice Limitation. Respondent acknowledges she has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Interim Consent Agreement is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

4. The Interim Consent Agreement is not effective unless and until it is approved and signed by the 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 Interim Consent 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 Interim Consent Agreement. 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 Interim Consent Agreement is a public record that will be publicly disseminated as a formal non-disciplinary action of the Board.

8. If any part of the Interim Consent Agreement is later declared void or otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in force and effect.

9. Any violation of this Interim Consent Agreement 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.

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

DIANA HELEN HYDZIK, M.D.

DATED: 5/5/2017

EXECUTED COPY of the foregoing mailed this _______ day of ________, 2017 to:

Paul Giancola, Esq.
Snell and Wilmer, LLP
400 E. Van Buren Street
Phoenix, Arizona 85004-2202
ATTORNEY OF RECORD

ORIGINAl of the foregoing filed this _______ day of ________, 2017 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Mary Dols
Board Staff