BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

FRANCISCO J. BARAONA, M.D.

Case No. MD-16-1197A

ORDER FOR PROBATION; AND
CONSENT TO THE SAME

Francisco J. Baraona, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Probation; 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 46952 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-1197A after receiving a Disciplinary Alert Report stating that on September 21, 2016, Respondent’s medical license with the Washington Medical Board ("WMB") had been placed on probation.

4. On September 21, 2016, Respondent entered into a Stipulation for Informal Disposition with the WMB ("WMB Order") placing probationary terms on Respondent’s WMB license. The Statement of Allegations in the WMB Order stated that the WMB found that Respondent had offered his female companion money to fill a prescription for Adderall in her name at a pharmacy for purposes of returning the prescription to him.

5. The terms of the WMB Order required Respondent’s WMB license to be subject to probationary terms for two years, including completion of Continuing Medical Education ("CME") in ethics, payment of a cost recovery fee and various reporting requirements.
6. Respondent completed the medical ethics CME required by the WMB Order and is currently in compliance with the WMB Order.

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 placed on Probation for a period of time equal to the length of the WMB Order for Probation with the following terms and conditions:

   a. **Comply with WMB Order**

      Respondent shall remain in compliance with the terms and conditions of the WMB Order. Respondent shall provide the Board with quarterly reports regarding the status of his WMB Order, and take any steps necessary to allow Board staff to communicate directly with the WMB regarding the status of the WMB matter. Respondent shall immediately report to the Board any violation of the WMB Order.
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 14 days prior to the Board meeting. Respondent’s request for release must provide the Board with evidence establishing that he has successfully satisfied all of the terms and conditions of the WMB Order, that it has been terminated and that his WMB license is in good standing. 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.

2. 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 3rd day of August, 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 website 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 has read and understands the conditions of probation.

[Signature]

FRANCISCO J. BARAONA, M.D.

DATED: June 6, 2017

EXECUTED COPY of the foregoing mailed
this 3rd day of August, 2017 to:

Francisco J. Baraona, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 3rd day of August, 2017 with:

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

[Signature]

Board staff