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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

SUSAN M. KUNKEL, M.D.

Holder of License No. 52089
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-18-0742A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE LIMITATION**

(Non-Disciplinary)

INTERIM CONSENT AGREEMENT

Susan M. Kunkel, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Limitation; 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 No. 52089 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-18-0742A after receiving notification that Respondent may have a health condition that impacts her ability to safely practice medicine.

4. 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.

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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 Respondent's practice if there is evidence that he is mentally 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 she applies to the Board and receives its affirmative permission to do so.

2. Respondent may request, in writing, release and/or modification from this Interim Consent Agreement. The Executive Director, in consultation with the medical consultant, has the sole discretion to determine whether it is appropriate to release Respondent from this Interim Consent Agreement or take any other action that is consistent with her statutory and regulatory authority. In making the determination regarding whether Respondent is safe to practice medicine, the Executive Director may order any combination of examinations or evaluations she deems appropriate.

3. 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

1 the Board. In addition, the Board retains jurisdiction and may initiate a separate
2 disciplinary action based on the facts and circumstances that form the basis for this
3 practice limitation or any violation of this Interim Consent Agreement.

4
5 DATED this 13th day of August, 2018.

6 ARIZONA MEDICAL BOARD

7
8 By Patricia E. McSorley
9 Patricia E. McSorley
Executive Director

10 **CONSENT TO ENTRY OF ORDER**

11 1. Respondent agrees and understands that the Board, through its Executive
12 Director, may adopt this Interim Consent Agreement, or any part thereof, pursuant to
13 A.R.S. §§ 32-1405(C)(25) and 32-1451(F) and A.A.C. R4-16-509.

14 2. Respondent has read and understands this Interim Consent Agreement for
15 Practice Limitation, and has had the opportunity to discuss this Interim Consent
16 Agreement with an attorney or has waived the opportunity to discuss this Interim Consent
17 Agreement with an attorney.

18 3. Respondent acknowledges and agrees that this Interim Consent Agreement
19 is entered into freely and voluntarily and that no promise was made or coercion used to
20 induce such entry, and by doing so agrees to abide by all of its terms and conditions.

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

3 5. The Interim Consent Agreement is not effective unless and until it is
4 approved and signed by the Executive Director.

5 6. All admissions made by Respondent are solely for final disposition of this
6 matter and any subsequent related administrative proceedings or civil litigation involving
7 the Board and Respondent. Therefore, said admissions by Physician are not intended or
8 made for any other use, such as in the context of another state or federal government
9 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
10 any other state or federal court.

11 7. Respondent understands that this Interim Consent Agreement does not
12 constitute a dismissal or resolution of this matter or any matters that may be currently
13 pending before the Board and does not constitute any waiver, express or implied, of the
14 Board's statutory authority or jurisdiction regarding any other pending or future
15 investigations, actions, or proceedings. Respondent also understands that acceptance of
16 this Interim Consent Agreement does not preclude any other agency, subdivision, or
17 officer of this State from instituting civil or criminal proceedings with respect to the conduct
18 that is the subject of this Interim Consent Agreement. Respondent further does not
19 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
20 judicial review of any other administrative and/or judicial action, concerning the matters
21 related to a final disposition of this matter, unless he affirmatively does so as part of the
22 final resolution of this matter.

23 8. Upon signing this Interim Consent Agreement, and returning this document
24 (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the
25 consent to the entry of the Interim Consent Agreement. Respondent may not make any

1 modifications to the document. Any modifications to this original document are ineffective
2 and void unless mutually approved by the parties.

3 9. Respondent understands and agrees that if the Board's Executive Director
4 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
5 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
6 bias, prejudice, prejudgment, or other similar defense.

7 10. This Interim Consent Agreement is a public record that will be publicly
8 disseminated as a formal *non-disciplinary* action of the Board.

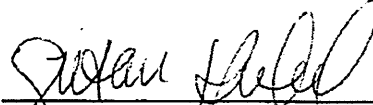
9 11. If any part of the Interim Consent Agreement is later declared void or
10 otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety
11 shall remain in force and effect.

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

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

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



SUSAN M. KUNKEL, M.D.

DATED: 8/11/18

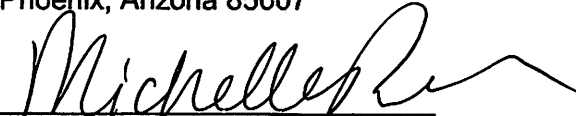
EXECUTED COPY of the foregoing e-mailed
this 15th day of August, 2018 to:

Susan M. Kunkel, M.D.
Address of Record

Camila Alarcon
Gammage & Burnham
Two North Central Ave, 15th Floor
Phoenix, Arizona 85004
Attorney for Respondent

ORIGINAL of the foregoing filed
this 13th day of August, 2018 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007



Board staff