

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **Brian E. McCarthy, M.D.**

4 Holder of License No. 40004
5 For the Practice of Allopathic Medicine

6 In the State of Arizona.

Case No. MD-17-0399A

**ORDER FOR PRACTICE LIMITATION
AND CONSENT TO THE SAME**

(NON-DISCIPLINARY)

7 **CONSENT AGREEMENT**

8 Brian E. McCarthy, M.D. ("Physician") elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Practice Limitation; admits the jurisdiction
10 of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the
11 Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of allopathic medicine in the State of Arizona.

15 2. Physician is the holder of License No. 40004 for the practice of allopathic
16 medicine in the State of Arizona.

17 3. Physician has recognized that he has a medical condition that may limit his
18 ability to safely engage in the practice of medicine.

19 4. There has been no finding of unprofessional conduct against Physician.
20

21 **CONCLUSIONS OF LAW**

22 1. The Board possesses jurisdiction over the subject matter hereof and over
23 Physician.

24 ///

25 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDER

IT IS HEREBY ORDERED THAT:

1. This Order supersedes any previous Orders or Agreements between the Parties and is the final resolution of this case.

2. Physician's practice is limited in that he shall not practice medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medications until Physician applies to the Board and receives permission to do so. The Board may require, at the physician's expense, any combination of staff approved assessments, evaluations, treatments, examinations or interviews it finds necessary to assist in determining whether Physician is able to safely resume such practice.

3. 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 Consent Agreement.

DATED this 7th day of December, 2017.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia McSorley
Executive Director

///
///
///
///
///

1 **CONSENT TO ENTRY OF ORDER**

2 1. Physician has read and understands this Order for Practice Limitation and
3 Consent to the Same and the stipulated Findings of Fact, Conclusions of Law and Order
4 ("Order"). Physician acknowledges he has the right to consult with legal counsel regarding
5 this matter.

6 2. Physician acknowledges and agrees that this Order is entered into freely and
7 voluntarily and that no promise was made or coercion used to induce such entry.

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

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

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

20 6. Upon signing this agreement, and returning this document (or a copy
21 thereof) to the Board's Executive Director, Physician may not revoke the consent to the
22 entry of the Order. Physician may not make any modifications to the document. Any
23 modifications to this original document are ineffective and void unless mutually approved
24 by the parties.

25

1 7. This Order is a public record that will be publicly disseminated as a formal
2 **non-disciplinary** action of the Board.

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

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

9
10 Brian E. McCarthy, M.D.
11 Brian E. McCarthy, M.D.

DATED: 10-23-17

12 EXECUTED COPY of the foregoing mailed
13 this 7th day of December, 2017 to:

14 Brian E. McCarthy, M.D.
15 Address of Record

16 ORIGINAL of the foregoing filed
17 this 7th day of December 2017 with:

18 Arizona Medical Board
19 9545 E. Doubletree Ranch Road
20 Scottsdale, AZ 85258

21 Mary Barber
22 Board Staff

23 #6311847
24
25