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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

JASON M. BELLAK, M.D.

Holder of License No. 29914
For the Practice of Medicine
In the State of Arizona.

Case No. MD-05-0351A

**CONSENT AGREEMENT FOR
STAYED REVOCATION OF LICENSE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Jason M. Bellak, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this 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 Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

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

14 7. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the
16 Consent Agreement. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

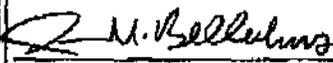
22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.

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

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

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JASON M. BELLAK, M.D.

Dated: November 4, 2008

1 **FINDINGS OF FACT**

- 2 1. The Board is the duly constituted authority for the regulation and control of the
3 practice of allopathic medicine in the State of Arizona.
- 4 2. Respondent is the holder of license number 29914 for the practice of allopathic
5 medicine in the State of Arizona.
- 6 3. On September 26, 2003, and October 12, 2003, Respondent was involved in two
7 domestic violence incidents in Madison, Wisconsin. As a result, on September 8,
8 2005, Respondent pled guilty and was convicted of one count of Felony Child
9 Abuse and one count of Misdemeanor Battery involving Respondent's stepson and
10 ex-wife, respectively. Respondent was placed on four years criminal probation with
11 the Wisconsin Department of Corrections for the Child Abuse charge and two years
12 probation for the Battery charge. Respondent has complied thus far with his
13 criminal probation in the Child Abuse matter and has successfully completed his
14 probation for the Battery charge.
- 15 4. On April 24, 2004, Respondent was arrested in Shorewood Hills, Wisconsin for
16 traffic violations including Operating While Intoxicated. Respondent's blood alcohol
17 content while driving was 0.13. Respondent did not contest the Operating While
18 Intoxicated charges and was thus found guilty, fined, and his driver's license
19 suspended. Respondent complied with the terms of this non-criminal ordinance
20 violation and his Wisconsin driver's license was reinstated.
- 21 5. On March 7, 2005, in Madison, Wisconsin, while working as a medical laboratory
22 researcher, under a Wisconsin temporary educational permit to practice medicine,
23 Respondent was asked to provide urine and hair samples to a Wisconsin Medical
24 Examining Board ("Wisconsin Board") investigator. Respondent complied. The
25

- 1 subsequent analysis of Respondent's samples revealed THC (a metabolite of
2 marijuana) in his urine and evidence of cocaine in his hair sample.
- 3 6. On May 15, 2005, in Madison, Wisconsin, Respondent was arrested after he struck
4 a patron at a bar while intoxicated with alcohol. Respondent pled guilty and was
5 convicted of Misdemeanor Battery on September 8, 2005. He has since
6 successfully completed two years criminal probation in Wisconsin for the offense.
- 7 7. On July 20, 2005, Respondent and the Wisconsin Board entered into a stipulation
8 finding Respondent had committed unprofessional conduct by reporting for work
9 with Schedule 1 controlled substance(s) in his body on March 7, 2005 (see
10 paragraph 5). The stipulation suspended Respondent's license, but stayed the
11 suspension and required him to complete drug and alcohol treatment, rehabilitation
12 and monitoring for five years, including an initial, intensive outpatient program.
- 13 8. On August 23, 2005, the Wisconsin Board granted Respondent a "limited license"
14 to practice medicine. As described, *supra*, the license is suspended for five years,
15 but the suspension is stayed pending Respondent's continued participation in drug
16 and alcohol abuse monitoring and treatment.
- 17 9. Respondent has been employed in Wisconsin as an internal medicine physician at
18 a rural practice since September, 2006.
- 19 10. Respondent admits to the acts described above.

20 CONCLUSIONS OF LAW

- 21 1. The Board possesses jurisdiction over the subject matter hereof and over
22 Respondent.
- 23 2. The conduct and circumstances described above constitute unprofessional conduct
24 pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol
25 or habitual substance abuse.")

- 1 3. The conduct and circumstances described above constitute unprofessional
- 2 conduct pursuant to A.R.S. § 32-1401(27)(d) ("[c]ommitting a felony, whether or
- 3 not involving moral turpitude, or a misdemeanor involving moral turpitude. In
- 4 either case, conviction by any court of competent jurisdiction or a plea of no
- 5 contest is conclusive evidence of the commission.")
- 6 4. The conduct and circumstances described above constitute unprofessional
- 7 conduct pursuant to A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a
- 8 doctor of medicine by another licensing or regulatory jurisdiction due to that
- 9 doctor's mental or physical inability to engage safely in the practice of
- 10 medicine, the doctor's medical incompetence or for unprofessional conduct
- 11 as defined by that jurisdiction and that corresponds directly or indirectly to an
- 12 act of unprofessional conduct prescribed by this paragraph. The action taken
- 13 may include refusing, denying, revoking or suspending a license by that
- 14 jurisdiction or a surrendering of a license to that jurisdiction, otherwise
- 15 limiting, restricting or monitoring a licensee by that jurisdiction or placing a
- 16 licensee on probation by that jurisdiction.")
- 17 5. The conduct and circumstances described above constitute unprofessional
- 18 conduct pursuant to A.R.S. § 32-1401(27)(g) ("[u]sing controlled substances
- 19 except if prescribed by another physician for use during a prescribed course
- 20 of treatment.")

ORDER

- 21 1. IT IS HEREBY ORDERED revoking License Number 29914, previously issued to
- 22 Jason M. Bellak, M.D. for the practice of allopathic medicine in the State of Arizona;
- 23 however, this revocation is stayed with the following conditions:
- 24 A. Respondent is placed on 5 years probation, effective July 20, 2005, to run
- 25 concurrently with the Wisconsin Board Order.

1 B. Respondent shall comply with all terms of his Wisconsin Board Order and
2 Wisconsin criminal probation.

3 C. Respondent shall obey all state, federal and local laws, and all rules
4 governing the practice of medicine in Arizona.

5 D. Respondent shall notify the Board immediately if he violates, or is being
6 investigated for violating any terms of his Wisconsin Board or criminal probation.

7 E. Should the Board discover that Respondent may have violated any of these
8 terms of probation, *supra*, the Board may initiate proceedings by either holding a
9 formal interview before the Board or by referring the matter for a formal hearing
10 at the Office of Administrative Hearings.

11 F. If, at the conclusion of either a formal interview or a formal hearing, the
12 Board determines Respondent has violated his probation, his license will be
13 revoked.

14 2. In the event Respondent should leave Wisconsin to reside or practice outside the
15 State or for any reason should Respondent stop practicing medicine in Wisconsin,
16 Respondent shall notify the Executive Director in writing within ten days of departure, or
17 the dates of non-practice. Non-practice is defined as any period of time exceeding thirty
18 days during which Respondent is not engaging in the practice of medicine.

19 3. If Respondent plans to return to Arizona to practice medicine, he shall provide the
20 Executive Director ten days advance notice, in writing.

21 4. If an investigation involving an alleged violation of Respondent's probation is
22 initiated but not resolved prior to the termination of his probation, Respondent's probation
23 shall extend until the matter is resolved.

24 5. This Order is the final disposition of case number MD-05-0351A.
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DATED and effective this 4th day of Dec, 2008.

ARIZONA MEDICAL BOARD



By:

[Handwritten Signature]

Lisa S. Wynn
Executive Director

ORIGINAL of the foregoing filed
this 4th day of Dec, 2008 with:

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

EXECUTED COPY of the foregoing mailed
this 4th day of Dec, 2008 to:

Jason M. Bellak, M.D.
Address of Record

Emma Lehner Marmaluy
Office of the Arizona Attorney General
CIV/LES
1275 W. Washington
Phoenix, AZ 85007
Attorneys for the State of Arizona

[Handwritten Signature]

Investigational Review