

BEFORE THE ARIZONA MEDICAL BOARD

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In the Matter of

ROBERT J. MONDSCHIN, M.D.

Holder of License No. **32344**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-13-1266A

**INTERIM ORDER FOR PRACTICE
RESTRICTION AND CONSENT TO THE
SAME**

INTERIM CONSENT AGREEMENT

Robert J. Mondschein, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Order for Practice Restriction; 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 No. 32344 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case no. MD-13-1266A after receiving notification from the Physicians Health Program (PHP) Monitor that Respondent was arrested for Driving under the Influence ("DUI") on November 3, 2013.

4. On September 10, 2013, Respondent entered into a confidential Stipulated Rehabilitation Agreement "SRA". Pursuant to the terms of the SRA, "In the event of chemical dependency relapse by Physician or Physician's use of drugs or alcohol in violation of the Order, Physician shall promptly enter into an Interim Order for Practice Restriction and Consent to the Same that requires, among other things, that Physician not practice medicine until such time as Physician successfully completes long-term inpatient

1 treatment for chemical dependency designated by the Monitor and obtains affirmative
2 approval from the Board or the Executive Director to return to the practice of medicine.
3 Prior to approving Physician's request to return to the practice of medicine, Physician may
4 be required to submit to witnessed biological fluid collection or undergo any combination
5 of physical examination, psychiatric or psychological evaluation. **In no respect shall the
6 terms of this paragraph restrict the Board's authority to initiate and take
7 disciplinary action for violation of this Order."**

8 5. The Executive Director has consulted with investigative staff and the
9 Board's medical consultant, who has reviewed the case and agrees that a consent
10 agreement is appropriate.

11 CONCLUSIONS OF LAW

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

14 2. The Executive Director may enter into a consent agreement with a physician
15 if there is evidence of danger to the public health and safety pursuant to A.R.S. § 32-
16 1405(C)(25) and § 32-1451(F); A.A.C. R4-16-504.

17 3. Based on the information in the Board's possession there is evidence that if
18 Respondent were to practice medicine in Arizona there would be a danger to the public
19 health and safety.

20 ORDER

21 IT IS HEREBY ORDERED THAT:

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

4 2. This is an interim order and not a final decision by the Board regarding the
 5 pending investigative file and as such is subject to further consideration by the Board.

6 DATED AND EFFECTIVE this 19th day of November, 2013.
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8 ARIZONA MEDICAL BOARD

9 By Patricia E. McSorley
 10 PATRICIA E. MCSORLEY
 11 Interim Acting Executive Director

12 **CONSENT TO ENTRY OF INTERIM ORDER**

13 1. Respondent has read and understands this Interim Order for Practice
 14 Restriction and Consent to the Same and the stipulated Findings of Fact, Conclusions of
 15 Law and Order ("Interim Order"). Respondent acknowledges he has the right to consult
 16 with legal counsel regarding this matter.

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

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

24 4. The Interim Order is not effective until approved and signed by the
 25 Executive Director.

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

7 6. Upon signing this Interim Order, and returning this document (or a copy
 8 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
 9 entry of the Interim Order. Respondent may not make any modifications to the document.
 10 Any modifications to this original document are ineffective and void unless mutually
 11 approved by the parties.

12 7. This Interim Order is a public record that will be publicly disseminated as a
 13 formal action of the Board and will be reported to the National Practitioner's Data Bank
 14 and on the Board's web site.

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

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

22 
 23 _____
 24 Robert J. Mondschein, M.D.

DATED: 11/19/2013

1 EXECUTED COPY of the foregoing mailed
this 19th day of November, 2013 to:

2 Robert J. Mondschein, M.D.

3

4 Address of Record

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6 ORIGINAL of the foregoing filed
this 19th day of November, 2013 with:

7 Arizona Medical Board
8 9545 E. Doubletree Ranch Road
9 Scottsdale, AZ 85258

9 Mary Baker
10 Arizona Medical Board Staff

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