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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of

**DALE N. PAYNE, M.D.**

Holder of License No. **28025**  
For the Practice of Allopathic Medicine

In the State of Arizona.

**Case No. MD-10-1065A**

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

**(NON-DISCIPLINARY)**

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**INTERIM CONSENT AGREEMENT**

Dale N. Payne, M.D. ("Physician") elects to permanently waive any right to a hearing and appeal with respect to this Interim Order for Practice Limitation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

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**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. Physician is the holder of License No. 28025 for the practice of allopathic medicine in the State of Arizona.

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

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**CONCLUSIONS OF LAW**

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

2. The Executive Director has authority to enter into this consent agreement to limit the physician's practice based upon evidence that he is unable to safely engage in the practice of medicine pursuant to A.R.S. § 32-1405(C)(25) and § 32-1451(F); A.A.C. R4-16-

1 504. The Executive Director has determined that a consent agreement is necessary.  
2 Investigative staff and the Board's medical consultant have reviewed the case and concur  
3 that a consent agreement is appropriate.

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

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6 **ORDER**

7 IT IS HEREBY ORDERED THAT:

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

14 2 Physician may be assessed the costs of the contractor's fees associated with  
15 this agreement at time service is rendered, if required, or within 30 days of each invoice  
16 sent to Physician.

17 3 The Board retains jurisdiction and may initiate a separate disciplinary action  
18 based on the facts and circumstances that form the basis for this practice limitation or any  
19 violation of this Consent Agreement.

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21 DATED this 13<sup>TH</sup> day of SEPTEMBER, 2010.

22 ARIZONA MEDICAL BOARD

23  
24 [SEAL]



25 By   
Lisa S. Wynn, Executive Director

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**CONSENT TO ENTRY OF ORDER**

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

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

3. Physician acknowledges that the Executive Director has a basis to enter into this Interim Consent Agreement pursuant to A.R.S. § 32-1405(C)(25) and § 32-1451(F); A.A.C. R4-16-504.

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

5. The Interim Order is not effective until approved and signed by the Executive Director.

6. All admissions made by Physician are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Physician. Therefore, said admissions by Physician 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.

1 7. Upon signing this agreement, and returning this document (or a copy  
2 thereof) to the Board's Executive Director, Physician may not revoke the consent to the  
3 entry of the Interim Order. Physician may not make any modifications to the document.  
4 Any modifications to this original document are ineffective and void unless mutually  
5 approved by the parties.

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

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

11 10. Any violation of this Interim Order constitutes unprofessional conduct and  
12 may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,  
13 probation, consent agreement or stipulation issued or entered into by the board or its  
14 executive director under this chapter") and 32-1451.

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Dale N. Payne, M.D

DATED: 9/13/10

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18 EXECUTED COPY of the foregoing mailed  
this 13<sup>th</sup> day of September, 2010 to:

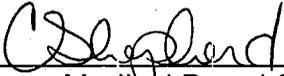
19 Dale N. Payne, MD  
20 ADDRESS OF RECORD

21 EXECUTED COPY of the foregoing mailed  
22 this 13<sup>th</sup> day of September, 2010 to:

23 ORIGINAL of the foregoing filed  
24 this 13<sup>th</sup> day of September, 2010 with:

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1 Arizona Medical Board  
2 9545 E. Doubletree Ranch Road  
3 Scottsdale, AZ 85258



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5 Arizona Medical Board Staff  
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