

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **WENDY J. MARSHALL, M.D.**

5 Holder of License No. 35482
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-16-0378A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT
TO THE SAME**

7 Wendy J. Marshall, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

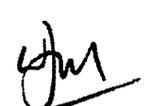
12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 35482 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-16-0378A after receiving a disciplinary
17 action report stating that Respondent voluntarily surrendered her Illinois Medical License.

18 4. On January 28, 2016, Respondent entered into a Consent Order with the
19 State of Illinois Department of Financial and Professional Regulation, Division of
20 Professional for surrender of her Illinois medical license. The Consent Order stated that
21 the Department and Respondent entered into the agreement in order to resolve a
22 complaint filed by the Department alleging that Respondent failed to timely diagnose and
23 treat a patient's breast cancer.

24 5. On April 21, 2016, Respondent disclosed that she had a medical condition
25 that required her to retire from direct patient care and requested surrender of her license.



1 **CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(o) ("Action that is taken against a doctor of
6 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
7 physical inability to engage safely in the practice of medicine or the doctor's medical
8 incompetence or for unprofessional conduct as defined by that jurisdiction and that
9 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
10 paragraph. The action taken may include refusing, denying, revoking or suspending a
11 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
12 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
13 probation by that jurisdiction.")

14 3. The Board possesses statutory authority to enter into a consent agreement
15 with a physician and accept the surrender of an active license from a physician who
16 admits to being unable to safely engage in the practice of medicine. A.R.S. § 32-
17 1451(T)(1).



1 **ORDER**

2 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
3 Number 35482, issued to Wendy J. Marshall, M.D., for the practice of allopathic medicine
4 in the State of Arizona, and return her certificate of licensure to the Board.

5 DATED and effective this 3rd day of June, 2016.

6 ARIZONA MEDICAL BOARD

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

10 **CONSENT TO ENTRY OF ORDER**

11
12 1. Respondent has read and understands this Consent Agreement and the
13 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
14 acknowledges she has the right to consult with legal counsel regarding this matter.

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

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

21 4. The Order is not effective until approved by the Board and signed by its
22 Executive Director.

23 5. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended
or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

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

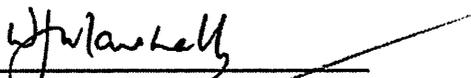
8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

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

13 9. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 10. ***Respondent has read and understands the terms of this agreement.***

17

18 
19 WENDY J. MARSHALL, M.D.

Dated: May 4, 2016

20

21 EXECUTED COPY of the foregoing mailed by
US Mail this 3rd day of June, 2016 to:

22 Wendy J. Marshall, M.D.
23 Address of Record

24

25 ORIGINAL of the foregoing filed this
3rd day of June, 2016 with:



1 The Arizona Medical Board
2 9545 East Doubletree Ranch Road
3 Scottsdale, AZ 85258

4 Mary Baker
5 Board Staff

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

JM