

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JOSE ANTONIO SOSA-ROCHE, M.D.**

4 Holder of License No. **18643**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-16-0570A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Jose Antonio Sosa-Roche, M.D. ("Respondent"), elects to permanently waive any
9 right to a hearing and appeal with respect to this Interim Consent Agreement for Practice
10 Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

11 **INTERIM 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 No. 18643 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. On or about May 12, 2016, the Board received a complaint from the Phoenix
17 Police Department regarding Respondent alleging that he suggested a patient try 3,4-
18 methylenedioxy-methamphetamine (ecstasy) to treat post-traumatic stress disorder and
19 other concerns.

20 4. Also on May 12, 2016, Board staff conducted a site inspection at
21 Respondent's home which is also his medical practice location. During the inspection,
22 Board staff observed Respondent's behavior and the conditions of the premises that led to
23 further concern for possible substance abuse. Further, Respondent has prior Board history
24 relating to substance abuse which is extensive.
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1 1. Respondent is prohibited from engaging in the practice of medicine in the
2 State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Executive
3 Director and receives permission to do so as stated in paragraph 2 below. Respondent
4 may not request release from or modification of this Interim Consent Agreement for
5 Practice Restriction until he has completed the relapse evaluation at a Board-approved
6 facility and any/all recommended treatment or further evaluations.

7 2. Once all of the terms and conditions of this Interim Consent Agreement have
8 been met, Respondent may request, in writing, release and/or modification of this Interim
9 Consent Agreement. The Executive Director, in consultation with and agreement of the
10 Lead Board Member and the Chief Medical Consultant, has the discretion to determine
11 whether it is appropriate to release Respondent from this Interim Consent Agreement.

12 3. The Board retains jurisdiction and may initiate new action based upon any
13 violation of this Interim Consent Agreement, including, but not limited to, summarily
14 suspending Respondent's license.

15 4. Because this is an Interim Consent Agreement and not a final decision by
16 the Board regarding the pending investigation, it is subject to further consideration by the
17 Board. Once the investigation is complete, it will be promptly provided to the Board for its
18 review and appropriate action.

19 5. The Board retains jurisdiction and may initiate new action based upon any
20 violation of this Interim Consent Agreement, including, but not limited to, summarily
21 suspending Respondent's license.

22 6. This Interim Consent Agreement shall be effective on the date signed by the
23 Board's Executive Director.

24 DATED this 7th day of June, 2016.

ARIZONA MEDICAL BOARD

By 
Patricia E. McSorley
Executive Director

RECITALS

Respondent understands and agrees that:

1. The Board, through its Executive Director, may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-504.

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters related to the Interim Consent Agreement.

4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of this matter or any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding this or any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of

1 this Interim Consent Agreement does not preclude any other agency, subdivision, or
2 officer of this State from instituting civil or criminal proceedings with respect to the conduct
3 that is the subject of this Interim Consent Agreement. Respondent further does not
4 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
5 judicial review or any other administrative and/or judicial action, concerning the matters
6 related to a final disposition of this matter, unless he affirmatively does so as part of the
7 final resolution of this matter.

8 5. Respondent acknowledges and agrees that upon signing this Interim
9 Consent Agreement and returning it to the Board's Executive Director, Respondent may
10 not revoke his acceptance of this Interim Consent Agreement or make any modifications to
11 it. Any modification of this original document is ineffective and void unless mutually
12 approved by the parties in writing.

13 6. Respondent understands that this Interim Consent Agreement shall not
14 become effective unless and until it is signed by the Board's Executive Director.

15 7. Respondent understands and agrees that if the Board's Executive Director
16 does not adopt this Interim Consent Agreement, he will not assert in any future
17 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
18 bias, prejudice, prejudgment, or other similar defense.

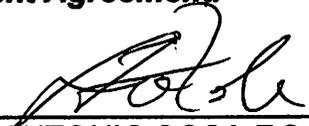
19 8. Respondent understands that this Interim Consent Agreement is a public
20 record that may be publicly disseminated as a formal action of the Board, and that it shall
21 be reported as required by law to the National Practitioner Data Bank.

22 9. Respondent understands that this Interim Consent Agreement does not
23 alleviate his responsibility to comply with the applicable license-renewal statutes and rules.
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1 If this Interim Consent Agreement remains in effect at the time Respondent's allopathic
2 medical license comes up for renewal, he must renew his license if Respondent wishes to
3 retain his license. If Respondent elects not to renew his license as prescribed by statute
4 and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-
5 3202), become suspended until the Board takes final action in this matter. Once the
6 Board takes final action, in order for Respondent to be licensed in the future, he must
7 submit a new application for licensure and meet all of the requirements set forth in the
8 statutes and rules at that time.

9 10. Respondent understands that any violation of this Interim Consent
10 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
11 formal order, probation, consent agreement or stipulation issued or entered into by the
12 board or its executive director under this chapter").

13 11. ***Respondent understands and agrees to the terms of this Interim***
14 ***Consent Agreement.***

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16 _____
17 JOSE ANTONIO SOSA-ROCHE, M.D.

18 DATED: 6/7/16

19
20 EXECUTED COPY of the foregoing e-mailed
21 this 7th day of June, 2016 to:

22 JOSE ANTONIO SOSA-ROCHE, M.D.
23 Address of Record

24 ORIGINAL of the foregoing filed
25 this 7th day of June, 2016 with:

Arizona Medical Board

9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

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Mary Boley

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Arizona Medical Board Staff

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