

BEFORE THE ARIZONA MEDICAL BOARD

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In the Matter of
Alaaeldin Ahmed Babiker, M.D.
Holder of License No. **28043**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-15-0208A
**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

INTERIM CONSENT AGREEMENT

Alaaeldin Ahmed Babiker, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM 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. 28043 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-15-0208A after receiving a report from the Physician Health Program ("PHP") showing that Respondent has been noncompliant with the terms of his probation from a prior Board Order.
4. PHP stated that Respondent has failed to check in for random drug screens daily as required by his monitoring contract, and that Respondent has an unpaid balance with the drug testing facility and with the PHP in violation of his Board Order.
5. PHP is unable to determine Respondent's ability to safely practice medicine due to Respondent's non-compliance.

1 been met, Respondent may request, in writing, release and/or modification of this Interim
2 Consent Agreement. The Executive Director, in consultation with and agreement of the
3 Lead Board Member and the Chief Medical Consultant, has the discretion to determine
4 whether it is appropriate to release Respondent from this Interim Consent Agreement.

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

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

12 5. This Interim Consent Agreement shall be effective on the date signed by the
13 Board's Executive Director.

14 RECITALS

15 Respondent understands and agrees that:

16 1. The Board, through its Executive Director, may adopt this Interim Consent
17 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
18 504.

19 2. Respondent has read and understands this Interim Consent Agreement as
20 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
21 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
22 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
23 by doing so agrees to abide by all of its terms and conditions.
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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 this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent further does not relinquish his rights to an administrative hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or judicial action, concerning the matters related to a final disposition of this matter, unless he affirmatively does so as part of the final resolution of this matter.

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

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

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

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

10 9. Respondent understands that this Interim Consent Agreement does not
11 alleviate his responsibility to comply with the applicable license-renewal statutes and rules.
12 If this Interim Consent Agreement remains in effect at the time Respondent's allopathic
13 medical license comes up for renewal, he must renew his license if Respondent wishes to
14 retain his license. If Respondent elects not to renew his license as prescribed by statute
15 and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-
16 3202), become suspended until the Board takes final action in this matter. Once the
17 Board takes final action, in order for Respondent to be licensed in the future, he must
18 submit a new application for licensure and meet all of the requirements set forth in the
19 statutes and rules at that time.
20

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

DATED: 2/26/15

DATED this 26th day of February, 2015.

ARIZONA MEDICAL BOARD
By *Patricia E. McSorley*
Patricia E. McSorley
Acting Interim Executive Director

EXECUTED COPY of the foregoing e-mailed
this 26th day of February, 2015 to:

Alaaeldin Ahmed Babiker, M.D.
Address of Record

Greenberg and Sucher, P.C.
Address of Record

ORIGINAL of the foregoing filed
this 26th day of February, 2015 with:

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

Mary Bobe
Arizona Medical Board Staff