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ARIZONA
MEDICAL BOARD

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

ROBERT J. MONDSCHWEIN, M.D.

Holder of License No. 32344
For the Practice of Allopathic Medicine

In the State of Arizona.

Case No. MD-15-0277A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

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 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. 32344 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-15-0277A after receiving a report from the Physician Health Program ("PHP") Contractor that he had been notified that Respondent provided questionable care and treatment of a patient undergoing liposuction. The PHP Contractor notified the Board that the patient and her husband are friends of Respondent and currently reside in Respondent's home. Additionally, the PHP Contractor indicated receipt of information that Respondent may be impaired, and opined that he is currently unsafe to practice medicine.

1 4. On January 5, 2009, Respondent entered into a confidential Stipulated
2 Rehabilitation Agreement ("First SRA") for a period of two years. Respondent was
3 compliant with the terms of his First SRA and it was terminated on January 6, 2011.

4 5. On April 26, 2013, Respondent self-reported that he was arrested for Driving
5 Under the Influence ("DUI") on April 25, 2013. Respondent was referred to PHP who
6 recommended chemical dependency treatment. Respondent completed treatment on
7 August 13, 2013, and entered into a confidential five year SRA ("Second SRA").

8 6. On November 5, 2013, the PHP Contractor reported to the Board that
9 Respondent had been charged with a second DUI on November 3, 2013. On November
10 19, 2013, Respondent entered into an Interim Consent Agreement for a Practice
11 Restriction. Respondent was admitted to another inpatient treatment center for chemical
12 dependency and completed treatment on February 10, 2014, after which PHP reported
13 that Respondent was safe to practice while participating in PHP for five years. On March
14 4, 2014, Respondent signed an Interim Order to participate in PHP pending the outcome
15 of the investigation into his violation of his Second SRA. On December 3, 2014,
16 Respondent entered into a Consent Agreement for a Letter of Reprimand and Five Year
17 Probation that included PHP monitoring.

18 7. On March 15, 2015, the Board received a complaint from PHP and on March
19 16, 2015, the Board received an additional complaint from Scottsdale Healthcare Shea
20 Medical Center ("SHC") regarding Respondent's care and treatment of a patient ("Patient
21 A") who Respondent had performed liposuction on in his office. The complaints alleged
22 that Patient A experienced a seizure and aspirated while recovering from conscious
23 sedation. The patient required CPR and was transported to SHC via ambulance. It was
24 reported to the PHP Contractor that Respondent appeared "jacked up on steroids."
25

1 According to Respondent, he had a prior close personal friendship with Patient A and her
2 husband, who were guests at his house.

3 8. The aforementioned information was presented to the investigative staff, the
4 medical consultant and the lead Board member. All reviewed the information and concur
5 that the interim consent agreement to restrict Respondent's practice is appropriate.

6 9. The investigation into MD-15-0277A is pending and will be provided to the
7 Board promptly upon completion for review and action.

8 **INTERIM CONCLUSIONS OF LAW**

9 1. The Board possesses jurisdiction over the subject matter hereof and over
10 Respondent.

11 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
12 enter into a consent agreement when there is evidence of danger to the public health and
13 safety.

14 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
15 interim consent agreement when there is evidence that a restriction is needed to mitigate
16 imminent danger to the public's health and safety. Investigative staff, the Board's medical
17 consultant and the Lead Board Member have reviewed the case and concur that an
18 interim consent agreement is appropriate.

19 **INTERIM ORDER**

20 IT IS HEREBY ORDERED THAT:

21 1. Respondent is prohibited from engaging in the practice of medicine in the
22 State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Executive
23 Director and receives permission to do so as stated in paragraph 3 below. Respondent
24 may not request release from or modification of this Interim Consent Agreement for
25 Practice Restriction until he has completed a PHP assessment and any recommendations

1 that arise as a result of the assessment including evaluation and treatment.

2 2. Respondent's December 3, 2014 Board Order for a Letter of Reprimand and
3 Probation for PHP participation remains effective and Respondent shall continue his
4 participation and compliance with the terms of the Order.

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

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

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

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

19 RECITALS

20 Respondent understands and agrees that:

21 1. The Board, through its Executive Director, may adopt this Interim Consent
22 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
23 504.

24 2. Respondent has read and understands this Interim Consent Agreement as
25 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement

1 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
2 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
3 by doing so agrees to abide by all of its terms and conditions.

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

9 4. Respondent understands that this Interim Consent Agreement does not
10 constitute a dismissal or resolution of this matter or any matters that may be currently
11 pending before the Board and does not constitute any waiver, express or implied, of the
12 Board's statutory authority or jurisdiction regarding this or any other pending or future
13 investigations, actions, or proceedings. Respondent also understands that acceptance of
14 this Interim Consent Agreement does not preclude any other agency, subdivision, or
15 officer of this State from instituting civil or criminal proceedings with respect to the conduct
16 that is the subject of this Interim Consent Agreement. Respondent further does not
17 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
18 judicial review or any other administrative and/or judicial action, concerning the matters
19 related to a final disposition of this matter, unless he affirmatively does so as part of the
20 final resolution of this matter.

22 5. Respondent acknowledges and agrees that upon signing this Interim
23 Consent Agreement and returning it to the Board's Executive Director, Respondent may
24 not revoke his acceptance of this Interim Consent Agreement or make any modifications to
25

1 it. Any modification of this original document is ineffective and void unless mutually
2 approved by the parties in writing.

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

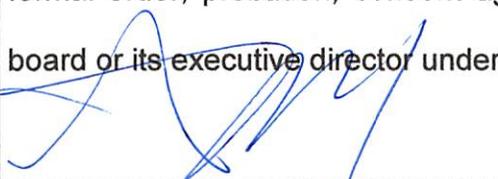
5 7. Respondent understands and agrees that if the Board's Executive Director
6 does not adopt this Interim Consent Agreement, he will not assert in any future
7 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
8 bias, prejudice, prejudgment, or other similar defense.

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

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

22 10. Respondent understands that any violation of this Interim Consent
23 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
24
25

1 formal order, probation, consent agreement or stipulation issued or entered into by the
2 board or its executive director under this chapter”).

3 
4 ROBERT J. MONDSCHHEIN, M.D.

DATED: 3/23/15

5
6 DATED this 24th day of March, 2015.

7 ARIZONA MEDICAL BOARD

8 By Patricia E. McSorley
9 Patricia E. McSorley
10 Executive Director

11 EXECUTED COPY of the foregoing e-mailed
12 this 24th day of March, 2015 to:

13 Robert J. Mondschein, M.D.
14 Address of Record

15 Greenberg and Sucher, M.D.
16 Address of Record

17 ORIGINAL of the foregoing filed
18 this 24th day of March, 2015 with:

19 Arizona Medical Board
20 9545 E. Doubletree Ranch Road
21 Scottsdale, AZ 85258

22 Mary Barber
23 Board Staff
24
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