



1           5.     This Consent Agreement does not constitute a dismissal or resolution of  
2 other matters currently pending before the Board, if any, and does not constitute any  
3 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
4 other pending or future investigation, action or proceeding. The acceptance of this  
5 Consent Agreement does not preclude any other agency, subdivision or officer of this  
6 State from instituting other civil or criminal proceedings with respect to the conduct that is  
7 the subject of this Consent Agreement.

8           6.     All admissions made by Respondent are solely for final disposition of this  
9 matter and any subsequent related administrative proceedings or civil litigation involving  
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
11 or made for any other use, such as in the context of another state or federal government  
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
13 any other state or federal court.

14           7.     Upon signing this agreement, and returning this document (or a copy  
15 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of  
16 the Consent Agreement. Respondent may not make any modifications to the document.  
17 Any modifications to this original document are ineffective and void unless mutually  
18 approved by the parties.

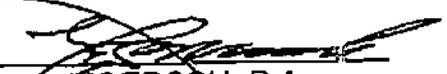
19           8.     If the Board does not adopt this Consent Agreement, Respondent will not  
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
21 bias, prejudice, prejudgment or other similar defense.

22           9.     This Consent Agreement, once approved and signed, is a public record that  
23 will be publicly disseminated as a formal action of the Board and will be reported to the  
24 National Practitioner Data Bank and to the Arizona Regulatory Board of Physician  
25 Assistant's website.

1 10. If any part of the Consent Agreement is later declared void or otherwise  
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct  
5 and may result in disciplinary action. A.R.S. § § 32-2501(21)(dd) ("violating a formal  
6 order, probation agreement or stipulation issued or entered into by the board or its  
7 executive director") and 32-2651.

8 **12. Respondent has read and understands the conditions of probation.**

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10   
11 GARY R. MOERSCH, P.A.

Dated: 7/22/09

12 **FINDINGS OF FACT**

13  
14 1. The Board is the duly constituted authority for the regulation and control of  
15 physician assistants in the State of Arizona.

16 2. Respondent is the holder of license number 1514 for the performance of  
17 health care tasks in the State of Arizona.

18 3. The Board initiated case number PA-08-0064A after receiving a complaint  
19 regarding Respondent's care and treatment of a forty-four year-old female patient ("TB").

20 4. On June 14, 2008, TB presented to Respondent's supervising physician  
21 complaining of depression and anxiety. Respondent evaluated TB and prescribed Xanax.  
22 Subsequently, Respondent was notified by his supervising physician that TB had a history  
23 of alcohol and abuse of anti-anxiety medications. However, Respondent refilled TB's  
24 Xanax prescription after she had taken a prescription for sixty tablets within five days and  
25 without consulting his supervising physician. TB was later referred for detoxification  
therapy.



1 "sexual conduct" includes: (i) Engaging in or soliciting sexual relationships, whether  
2 consensual or nonconsensual. (ii) Making sexual advances, requesting sexual favors or  
3 engaging in other verbal conduct or physical contact of a sexual nature with a patient. (iii)  
4 Intentionally viewing a completely or partially disrobed patient in the course of treatment if  
5 the viewing is not related to patient diagnosis or treatment under current practice  
6 standards.").

7 **ORDER**

8 IT IS HEREBY ORDERED THAT:

9 1. Respondent is issued a Letter of Reprimand.

10 2. Respondent is placed on probation for **one year** with the following terms and  
11 conditions:

12 a. Continuing Medical Education

13 Respondent shall within **one year** of the effective date of this Order obtain  
14 **15 - 20 hours** of Board Staff pre-approved Category I Continuing Medical Education  
15 (CME) in an **intensive boundaries violation course**. Respondent shall provide Board  
16 Staff with satisfactory proof of attendance. The CME hours shall be in addition to the  
17 hours required for the annual renewal of medical license. The probation shall terminate  
18 upon successful completion of the CME.

19 b. Obey All Laws

20 Respondent shall obey all state, federal and local laws, all rules governing  
21 the performance of health care tasks in Arizona, and remain in full compliance with any  
22 court order criminal probation, payments and other orders.

23 c. Tolling

24 In the event Respondent should leave Arizona to reside or perform health  
25 care tasks outside the State or for any reason should Respondent stop performing health

1 care tasks in Arizona, Respondent shall notify the Executive Director in writing within ten  
2 days of departure and return or the dates of non-performance within Arizona. Non-  
3 performance is defined as any period of time exceeding thirty days during which  
4 Respondent is not engaging in the performance of health care tasks. Periods of temporary  
5 or permanent residence or performance of health care tasks outside Arizona or of non-  
6 performance of health care tasks within Arizona, will not apply to the reduction of the  
7 probationary period.

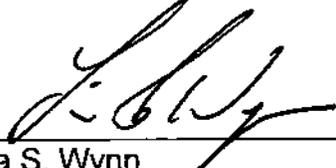
8 3. This Order is the final disposition of case number PA-08-0064A.

9 DATED AND EFFECTIVE this 19<sup>TH</sup> day of AUGUST, 2009.



ARIZONA REGULATORY BOARD OF  
PHYSICIAN ASSISTANTS

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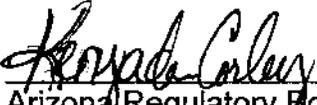
By   
Lisa S. Wynn  
Executive Director

ORIGINAL of the foregoing filed this  
19 day of August, 2009 with:

Arizona Regulatory Board of Physician Assistants  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed  
this 19 day of August, 2009 to:

Gary R. Moersch, P.A.  
Address of Record

  
Arizona Regulatory Board  
of Physician Assistants Staff