

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-09-0092A

3 **WILBUR BAYHAM, M.D.**

**CONSENT AGREEMENT
FOR PRACTICE LIMITATION**

4 Holder of License No. 2694
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

(NON-DISCIPLINARY)

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Executive Director of the Arizona
9 Medical Board ("Board") and Wilbur Bayham, M.D. ("Respondent") the parties agree to the
10 following disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the stipulated
12 Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent
13 acknowledges that he understands he has the right to consult with legal counsel regarding this
14 matter and has done so or chooses not to do so.

15 2. Respondent understands that by entering into this Consent Agreement,
16 Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal
17 court, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives
18 any other cause of action related thereto or arising from said Consent Agreement.

19 3. This Consent Agreement is not effective until signed by the Board.

20 4. All admissions made by Respondent are solely for final disposition of this matter
21 and any subsequent related administrative proceedings or civil litigation involving the Board and
22 Respondent. Therefore, said admissions by Respondent are not intended or made for any other
23 use, such as in the context of another state or federal government regulatory agency proceeding,
24 civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

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5. Upon signing this Consent Agreement and returning this document (or a copy thereof) to the Board, Respondent may not revoke acceptance of the Consent Agreement. Respondent may not make any modifications to the document. Any modifications to this Consent Agreement are ineffective and void unless mutually approved by the parties.

6. This Consent Agreement, once approved and signed, is a public record that may be publicly disseminated as a formal *non-disciplinary* action of the Board.

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

Wilbur O. Bayham
WILBUR BAYHAM, M.D.

Dated: 4/10/09

1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of License No. 2694 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. Respondent has recognized that he has a medical condition that may limit his
7 ability to safely engage in the practice of medicine.

8 4. Because Respondent has recognized that his medical condition may limit his ability
9 to safely engage in the practice of medicine, the Board may enter into a consent agreement to
10 ensure that Respondent not practice medicine until he is recovered. A.R.S. § 32-1451(F); A.A.C.
11 R4-16-509.

12 5. There has been no finding of unprofessional conduct against Respondent.

13 **CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

16 2. The Executive Director may enter into a consent agreement with a physician to
17 limit or restrict the physician's practice or to rehabilitate the physician, protect the public and
18 ensure the physician's ability to safely engage in the practice of medicine. A.R.S. § 32-1451(F);
19 A.A.C. R4-16-509.

20
21 **ORDER**

22 IT IS HEREBY AGREED THAT:

23 1. Respondent's practice is limited in that he shall not practice medicine in the State
24 of Arizona and is prohibited from prescribing any form of treatment including prescription
25 medications, until Respondent applies to the Board and receives permission to do so.

1 2. The Board retains jurisdiction and may initiate action based on any violation of this
2 Consent Agreement.

3 DATED AND EFFECTIVE this 13th day of April, 2009



4 ARIZONA MEDICAL BOARD

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6
7 By *Lisa Wynn*
8 LISA WYNN
 Executive Director

9 ORIGINAL of the foregoing filed this
10 13th day of April 2009 with:

11 The Arizona Medical Board
12 9545 East Doubletree Ranch Road
 Scottsdale, AZ 85258

13 EXECUTED COPY of the foregoing
 mailed this 13th day of April 2009 to:

14 Douglas Behm, Attorney at Law
15 14362 N. Frank Lloyd Wright Blvd. Ste. 1000
 Scottsdale, AZ 85260

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17 *Douglas Behm*
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