

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of  
**MICHAEL MAHL, M.D.**  
Holder of License No. **12868**  
For the Practice of Allopathic Medicine  
In the State of Arizona.

**Case No. MD-15-1470A**

**INTERIM FINDINGS OF FACT  
CONCLUSIONS OF LAW AND ORDER  
FOR SUMMARY SUSPENSION OF  
LICENSE**

The above-captioned matter came on for discussion before the Arizona Medical Board ("Board") at its emergency teleconference meeting scheduled for December 29, 2015. After reviewing relevant information and deliberating, the Board voted to consider proceedings for a summary action against Michael Mahl, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending formal hearings or other Board action. A.R.S. § 32-1451(D).

**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. 12868 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-15-1470A after receiving a report from Promises Treatment Centers ("Promises") that Respondent tested positive for

1 Methamphetamine during an evaluation. Promises also reported that, based on the results  
2 of their evaluation, Respondent was unsafe to practice medicine.

3 4. On August 9, 2002, Respondent entered into a Consent Agreement and  
4 Order for Practice Restriction with Probation ("First Agreement"). The terms of the  
5 Probation in the First Agreement required that Respondent participate in the Board's  
6 Physician Health Program ("PHP") for a period of five (5) years. Additionally, the  
7 Respondent's practice was restricted to only treating adults aged 18 years or older  
8 ("Practice Restriction"). On August 9, 2007, Respondent successfully completed the terms  
9 of his PHP Probation and the requirement for PHP participation was terminated. The  
10 Practice Restriction remained in effect.

11 5. On July 18, 2008, the PHP Contractor reported to the Board that the PHP  
12 received information from a confidential complainant that Respondent was very late for his  
13 appointments at the office and was visibly impaired with slurred speech. Subsequent hair  
14 testing confirmed the presence of marijuana metabolites, Cannabinoids and THC. On July  
15 29, 2008, Respondent entered into a Request for License Inactivation with Cause and  
16 Order Inactivating License With Cause.

17 6. On June 9, 2009, Respondent entered into a Consent Agreement for License  
18 Reactivation, Letter of Reprimand and Probation, for five (5) years PHP participation  
19 among other requirements ("Second Agreement"). Included in the terms of the Second  
20 Agreement was a paragraph stating, "In the event of chemical dependency relapse by  
21 Respondent or Respondent's use of drugs or alcohol in violation of the Order,  
22 Respondent's license shall be **REVOKED**. In the alternative, Respondent may  
23 **SURRENDER HIS LICENSE** if he agrees in writing to being impaired by alcohol or drug  
24 abuse. A.R.S. § 32-1452(G)." The PHP term was retroactive to March 11, 2009.  
25 Respondent successfully completed the terms of his Probation, and the Second

1 Agreement requiring PHP participation was terminated on March 10, 2014. The Practice  
2 Restriction from the First Agreement remained in effect.

3 7. On February 4, 2015, the Board considered Respondent's request to  
4 terminate the Practice Restriction from the First Agreement. The Board denied the  
5 request, but Board members suggested that Respondent consider obtaining an  
6 assessment to assist the Board in evaluating whether Respondent was safe to practice  
7 with minor patients. Pursuant to that suggestion, Respondent voluntarily appeared for a  
8 psychosexual evaluation at Promises on December 7, 2015. Respondent tested positive  
9 for Methamphetamines on both hair and urine testing conducted as a part of that  
10 evaluation. Respondent admitted during the evaluation that he occasionally consumes  
11 alcohol, but Promises reported that the results of his testing suggests significant alcohol  
12 consumption. Promises opined that Respondent's alcohol and Methamphetamine  
13 consumption constitutes a relapse and recommended that Respondent discontinue  
14 practice immediately and seek a substance use disorder treatment program as soon as  
15 possible. Promises further opined that if Respondent did resume practice, the Practice  
16 Restriction should not be lifted.

17 8. The aforementioned information was presented to the investigative staff, the  
18 medical consultant and the lead Board member. All reviewed the information and  
19 concurred that the interim consent agreement to restrict Respondent from practicing any  
20 medicine in the State of Arizona was appropriate. Respondent declined to sign the  
21 practice restriction.

22 9. Respondent denied use of methamphetamines and disputed the results of  
23 the urine hair testing performed at Promises. An interview of Respondent and analysis of  
24 the test results was conducted by Dr. Michael Sucher of the Board's PHP Program acting  
25

1 as Medical Review Officer ("MRO"). Dr. Sucher opined that, to a reasonable degree of  
2 medical probability, the test results were positive for methamphetamine.

3 10. The Board finds that the public health, safety and welfare imperatively  
4 requires emergency action.

5 **INTERIM CONCLUSIONS OF LAW**

6 1. The Board possesses jurisdiction over the subject matter hereof and over  
7 Respondent.

8 2. The conduct and circumstances described above constitute unprofessional  
9 conduct pursuant to A.R.S. § 32-1401(27)(f) ("Habitual intemperance in the use of alcohol  
10 or habitual substance abuse.").

11 **ORDER**

12 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above,

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent's license to practice allopathic medicine in the State of Arizona,  
15 License No. 12868, is summarily suspended. Respondent is prohibited from practicing  
16 medicine in the State of Arizona and is prohibited from prescribing any form of treatment  
17 including prescription medications or injections of any kind until receiving permission from  
18 the Board to do so.

19 2. The Interim Findings of Fact and Conclusions of Law constitute written notice  
20 to Respondent of the charges of unprofessional conduct made by the Board against him.  
21 Respondent is entitled to a formal hearing to defend these charges as expeditiously as  
22 possible after the issuance of this Order.

23 3. The Board's Executive Director is instructed to refer this matter to the Office  
24 of Administrative Hearings for scheduling of an administrative hearing to be commenced  
25 as expeditiously as possible from the date of the issuance of this Order, unless stipulated

1 and agreed otherwise by Respondent.

2  
3 DATED this 29<sup>th</sup> day of December, 2015.

4 ARIZONA MEDICAL BOARD

5 By Patricia E. McSorley  
6 Patricia E. McSorley  
7 Executive Director

8 EXECUTED COPY of the foregoing e-mailed  
9 this 29<sup>th</sup> day of December, 2015 to:

10 Michael Mahl, M.D.  
11 Address of Record

12 Charles E. Buri  
13 4742 N. 24<sup>th</sup> Street, Suite A-150  
14 Phoenix, AZ 85016-9139  
15 Attorney for Respondent

16 ORIGINAL of the foregoing filed  
17 this 29<sup>th</sup> day of December, 2015 with:

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

21 Manda Schwabe  
22 Arizona Medical Board Staff  
23  
24  
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