

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ALBERT SZU YUN YEH, M.D.**

4 Holder of License No. 32323
5 For the Practice of Medicine
6 In the State of Arizona.

Case Nos. MD-09-0246A
MD-09-0320A
MD-09-0882A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT TO SAME**

7 **CONSENT AGREEMENT**

8 Albert Szu Yun Yeh, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Surrender of License; admits the
10 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
11 by the Board.

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of license number 32323 for the practice of
16 allopathic medicine in the State of Arizona.

17 3. The Board initiated case number MD-09-0246A on February 13, 2009, based
18 on a complaint from Kingman Regional Medical Center about referring patients to the
19 Emergency Department. The Board initiated case number MD-09-0320A on March 2,
20 2009, based on a complaint about a patient's medical record. Respondent incorrectly
21 documented a diagnosis of fibromyalgia, when the diagnosis was myalgia, and
22 he incorrectly documented that the patient had low to normal blood pressure. The Board
23 initiated case number MD-09-0882A after learning that the Drug Enforcement
24 Administration investigated Respondent and that on July 13, 2009, the State of Arizona
25 charged Respondent with 14 felony counts for allegedly writing illegal drug prescriptions

1 for patients at a clinic he operated in Mohave County. The 14 felony counts against
2 Respondent include conspiracy, assisting a criminal syndicate, money laundering and
3 administering narcotic drugs. Respondent has pled not guilty and his criminal case is
4 pending.

5 4. On July 20, 2009, in case number MD-09-0882A, Respondent signed an
6 Interim Consent Agreement for Practice Restriction ("Practice Restriction") prohibiting him
7 from practicing clinical medicine or any medicine involving direct patient care, and
8 prohibiting him from prescribing any form of treatment including prescription medications,
9 until he applies to the board and receives permission to do so. Respondent remains under
10 the Practice Restriction.

11 5. Respondent admits that the acts described above, if accepted by the finder
12 of fact, would establish unprofessional conduct pursuant to A.R.S. §32-1401(27)(d)
13 ("[c]ommitting a felony, whether or not involving moral turpitude. In either case, conviction by
14 any court of competent jurisdiction or a plea of no contest is conclusive evidence of the
15 commission"), A.R.S. §32-1401(27)(e)("[f]ailing or refusing to maintain adequate records
16 on a patient."), and A.R.S. §32-1401(27)(t)("[k]nowingly making any false or fraudulent
17 statement, written or oral, in connection with the practice of medicine or if applying for
18 privileges or renewing an application for privileges at a health care institution.").

19 **CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over
21 Respondent.

22 2. The Board possesses statutory authority to enter into a consent agreement
23 with a physician and accept the surrender of an active license from a physician who
24 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

25 **ORDER**

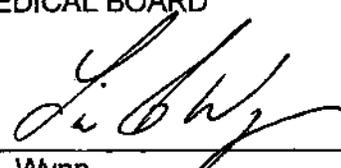
1 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
2 Number 32323, issued to Albert Szu Sun Yeh, M.D. for the practice of allopathic medicine
3 in the State of Arizona, and return his wallet card and certificate of licensure to the Board.

4
5 DATED and effective this 7TH day of OCTOBER, 2009.



ARIZONA MEDICAL BOARD

By:


Lisa S. Wynn
Executive Director

12 **CONSENT TO ENTRY OF ORDER**

13 1. Respondent has read and understands this Consent Agreement and the
14 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
15 acknowledges he has the right to consult with legal counsel regarding this matter.

16 2. Respondent acknowledges and agrees that this Order is entered into freely
17 and voluntarily and that no promise was made or coercion used to induce such entry.

18 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
19 to a hearing or judicial review in state or federal court to challenge this Order in its entirety
20 as issued by the Board, and waives any other cause of action related thereto or arising
21 from said Order.

22 4. The Order is not effective until approved by the Board and signed by its
23 Executive Director.

24 5. All admissions made by Respondent are solely for final disposition of this
25 matter and any subsequent related administrative proceedings or civil litigation involving
the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

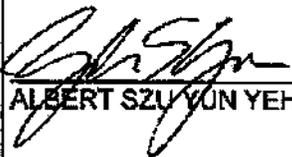
4 6. Upon signing this agreement, and returning this document (or a copy
5 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
6 entry of the Order. Respondent may not make any modifications to the document. Any
7 modifications to this original document are ineffective and void unless mutually approved
8 by the parties.

9 7. This Order is a public record that will be publicly disseminated as a formal
10 disciplinary action of the Board and will be reported to the National Practitioner's Data
11 Bank and on the Board's web site as a disciplinary action.

12 8. If any part of the Order is later declared void or otherwise unenforceable, the
13 remainder of the Order in its entirety shall remain in force and effect.

14 9. If the Board does not adopt this Order, Respondent will not assert as a
15 defense that the Board's consideration of the Order constitutes bias, prejudice,
16 prejudgment or other similar defense.

17
18
19
20
21
22
23
24
25


ALBERT SZUN YEH, M.D.

Dated: 9/10/2009

1 EXECUTED COPY of the foregoing mailed by
2 US Mail this 7 day of October, 2009 to:

3 Albert Szu Yun Yeh, M.D.
4 Address of Record

4 EXECUTED COPY of the foregoing mailed by
5 US Mail this 7 day of October, 2009 to:

6 Paul Giancola, Esq.
7 Snell & Wilmer, L.L.P.
8 One Arizona Center
9 400 East Van Buren
10 Phoenix, Arizona 85004

9 ORIGINAL of the foregoing filed this
10 7 day of October, 2009 with:

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

13 
14 _____
15 Arizona Medical Board Staff