

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JOHN W. HOWLEY, M.D.**

4 Holder of License No. **22390**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-09-1285A

**INTERIM ORDER FOR PRACTICE
RESTRICTION AND CONSENT TO SAME**

7 **INTERIM CONSENT AGREEMENT**

8 John W. Howley, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Interim Order for Practice Restriction; 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 No. 22390 for the practice of allopathic
16 medicine in the State of Arizona.

17 3. On June 9, 2006, Respondent entered into a Consent Agreement for Letter
18 of Reprimand and Probation ("Agreement"). Pursuant to the terms of the Agreement,
19 Respondent was required to participate in the Board's Monitored Aftercare Program. The
20 Agreement also prohibited Respondent from consuming alcohol or any food containing
21 alcohol. On October 12, 2009, the Board received notification from the Monitored
22 Aftercare Program contractors that on October 7, 2009, Respondent's biological fluid test
23 was positive for EthylGlucuronide, a metabolite of ethyl alcohol.

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1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The Executive Director may enter into a consent agreement with a physician
5 if there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25);
6 A.A.C. R4-16-504.

7 3. Based on the information in the Board's possession there is evidence that if
8 Respondent were to practice medicine in Arizona there would be a danger to the public
9 health and safety.

10 ORDER

11 IT IS HEREBY ORDERED THAT:

12 1. Respondent shall not practice clinical medicine or any medicine involving
13 direct patient care, and is prohibited from prescribing any form of treatment including
14 prescription medications, until Respondent applies to the Board and receives permission
15 to do so.

16 2. This is an interim order and not a final decision by the Board regarding the
17 pending investigative file and as such is subject to further consideration by the Board.

18 DATED AND EFFECTIVE this 17th day of October, 2009.



ARIZONA MEDICAL BOARD

By Anne Dick
Lisa S. Wynn
Executive Director

23 CONSENT TO ENTRY OF INTERIM ORDER

24 1. Respondent has read and understands this Interim Order for Practice
25 Restriction and Consent to Same and the stipulated Findings of Fact, Conclusions of Law

1 and Order ("Interim Order"). Respondent acknowledges he has the right to consult with
2 legal counsel regarding this matter.

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

6 3. By consenting to this Interim Order, Respondent voluntarily relinquishes any
7 rights to a hearing or judicial review in state or federal court on the matters alleged, or to
8 challenge this Interim Order in its entirety as issued, and waives any other cause of action
9 related thereto or arising from said Interim Order.

10 4. The Interim Order is not effective until approved and signed by the
11 Executive Director.

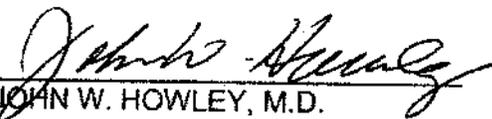
12 5. All admissions made by Respondent are solely for final disposition of this
13 matter and any subsequent related administrative proceedings or civil litigation involving
14 the Board and Respondent. Therefore, said admissions by Respondent are not intended
15 or made for any other use, such as in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

18 6. Upon signing this Interim Order, and returning this document (or a copy
19 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
20 entry of the Interim Order. Respondent may not make any modifications to the document.
21 Any modifications to this original document are ineffective and void unless mutually
22 approved by the parties.

23 7. This Interim Order is a public record that will be publicly disseminated as a
24 formal action of the Board and will be reported to the National Practitioner's Data Bank
25 and on the Board's web site.

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

4 9. Any violation of this Interim Order constitutes unprofessional conduct and
5 may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (“[v]iolating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter”) and 32-1451.

8 
9 JOHN W. HOWLEY, M.D.

DATED: 10-13-9

10
11 EXECUTED COPY of the foregoing mailed
12 this 3rd day of October, 2009 to:

13 Frederick M. Aspey
14 123 N. San Francisco, Suite 300
15 Flagstaff, Arizona 86001

16 EXECUTED COPY of the foregoing mailed
17 this 3rd day of October, 2009 to:

18 John W. Howley, M.D.
19 Address of Record

20 ORIGINAL of the foregoing filed
21 this 3rd day of October, 2009 with:

22 Arizona Medical Board
23 9545 E. Doubletree Ranch Road
24 Scottsdale, AZ 85258

25 
Arizona Medical Board Staff