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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
RAFAEL N. MENDOZA, M.D.
Holder of License No. **27652**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-16-0946A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

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INTERIM CONSENT AGREEMENT

Rafael N. Mendoza, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

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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. 27652 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-0946A after receiving a self-report from Respondent stating that he had been indicted on multiple felony charges.

4. Respondent was indicted on multiple felony charges by a Maricopa County Superior Court grand jury on or about June 6, 2016.

5. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that the interim consent agreement to restrict Respondent's practice is appropriate.

6. The investigation into this matter is pending and will be forwarded to the Board promptly upon completion for review and action.

1 **INTERIM CONCLUSIONS OF LAW**

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

4 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
5 enter into a consent agreement when there is evidence of danger to the public health and
6 safety.

7 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
8 interim consent agreement when there is evidence that a restriction is needed to mitigate
9 imminent danger to the public's health and safety. Investigative staff, the Board's medical
10 consultant and the lead Board member have reviewed the case and concur that an interim
11 consent agreement is appropriate.

12 **INTERIM ORDER**

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent is prohibited from engaging in the practice of medicine in the
15 State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Executive
16 Director and receives permission to do so.

17 2. Respondent may request, in writing, release and/or modification of this
18 Interim Consent Agreement. The Executive Director, in consultation with and agreement of
19 the lead Board member and the chief medical consultant, has the discretion to determine
20 whether it is appropriate to release Respondent from this Interim Consent Agreement.

21 3. The Board retains jurisdiction and may initiate new action based upon any
22 violation of this Interim Consent Agreement, including, but not limited to, summarily
23 suspending Respondent's license.

24 4. Because this is an Interim Consent Agreement and not a final decision by
25 the Board regarding the pending investigation, it is subject to further consideration by the

1 Board. Once the investigation is complete, it will be promptly provided to the Board for its
2 review and appropriate action.

3 5. This Interim Consent Agreement shall be effective on the date signed by the
4 Board's Executive Director.

5 **RECITALS**

6 Respondent understands and agrees that:

7 1. The Board, through its Executive Director, may adopt this Interim Consent
8 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
9 504.

10 2. Respondent has read and understands this Interim Consent Agreement as
11 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
12 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
13 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
14 by doing so agrees to abide by all of its terms and conditions.

15 3. By entering into this Interim Consent Agreement, Respondent freely and
16 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
17 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
18 any other administrative and/or judicial action, concerning the matters related to the
19 Interim Consent Agreement.
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21 4. Respondent understands that this Interim Consent Agreement does not
22 constitute a dismissal or resolution of this matter or any matters that may be currently
23 pending before the Board and does not constitute any waiver, express or implied, of the
24 Board's statutory authority or jurisdiction regarding this or any other pending or future
25 investigations, actions, or proceedings. Respondent also understands that acceptance of

1 this Interim Consent Agreement does not preclude any other agency, subdivision, or
2 officer of this State from instituting civil or criminal proceedings with respect to the conduct
3 that is the subject of this Interim Consent Agreement. Respondent further does not
4 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
5 judicial review or any other administrative and/or judicial action, concerning the matters
6 related to a final disposition of this matter, unless he affirmatively does so as part of the
7 final resolution of this matter.

8 5. Respondent acknowledges and agrees that upon signing this Interim
9 Consent Agreement and returning it to the Board's Executive Director, Respondent may
10 not revoke his acceptance of this Interim Consent Agreement or make any modifications to
11 it. Any modification of this original document is ineffective and void unless mutually
12 approved by the parties in writing.

13 6. Respondent understands that this Interim Consent Agreement shall not
14 become effective unless and until it is signed by the Board's Executive Director.

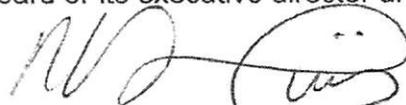
15 7. Respondent understands and agrees that if the Board's Executive Director
16 does not adopt this Interim Consent Agreement, he will not assert in any future
17 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
18 bias, prejudice, prejudgment, or other similar defense.

19 8. Respondent understands that this Interim Consent Agreement is a public
20 record that may be publicly disseminated as a formal action of the Board, and that it shall
21 be reported as required by law to the National Practitioner Data Bank.

22 9. Respondent understands that this Interim Consent Agreement does not
23 alleviate his responsibility to comply with the applicable license-renewal statutes and rules.
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1 If this Interim Consent Agreement remains in effect at the time Respondent's allopathic
2 medical license comes up for renewal, he must renew his license if Respondent wishes to
3 retain his license. If Respondent elects not to renew his license as prescribed by statute
4 and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-
5 3202), become suspended until the Board takes final action in this matter. Once the
6 Board takes final action, in order for Respondent to be licensed in the future, he must
7 submit a new application for licensure and meet all of the requirements set forth in the
8 statutes and rules at that time.

9 10. Respondent understands that any violation of this Interim Consent
10 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
11 formal order, probation, consent agreement or stipulation issued or entered into by the
12 board or its executive director under this chapter").

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14 _____
15 RAFAEL N. MENDOZA, M.D.

DATED: 8/11/16

16 DATED this 15th day of August, 2016.

18 ARIZONA MEDICAL BOARD

19 By Patricia E. McSorley
20 Patricia E. McSorley
21 Executive Director

22 EXECUTED COPY of the foregoing e-mailed
23 this 15th day of August, 2016 to:

24 Rafael N. Mendoza, M.D.
25 Address of Record

1 ORIGINAL of the foregoing filed
this 15th day of August, 2018 with:

2 Arizona Medical Board
3 9545 E. Doubletree Ranch Road
4 Scottsdale, AZ 85258

4 Mary Barber
5 Arizona Medical Board Staff

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