BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **JOSE ANTONIO SOSA-ROCHE, M.D.** Holder of License No. 18643 For the Practice of Medicine In the State of Arizona.	Case No. MD-16-0570A **ORDER FOR SURRENDER OF LICENSE AND CONSENT TO THE SAME**

Jose Antonio Sosa-Roche, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board") and the facts stated herein; and consents to the entry of this Order by the Board.

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 number 18643 for the practice of allopathic medicine in the State of Arizona.

3. On or about May 12, 2016, the Board received a complaint from the Phoenix Police Department regarding Respondent alleging that he suggested a patient try 3,4-methylenedioxy-methamphetamine (ecstasy) to treat post-traumatic stress disorder and other concerns.

4. Also on May 12, 2016, Board staff conducted a site inspection at Respondent's home which is also his medical practice location. During the inspection, Respondent's behavior and the conditions of the premises led Board staff to have concerns regarding possible substance abuse.

5. After reviewing the information and consulting with the Board's Chief Medical Consultant, the Executive Director issued Respondent an Interim Order for an assessment with the Physician Health Program ("PHP") Contractor.

6. Respondent met with the PHP Contractor on May 31, 2016 and was deemed unsafe to practice medicine. The PHP Contractor recommended that Respondent present for a comprehensive in-person evaluation at a Board-approved facility to rule out a relapse and possible diversion of medication. Results of Respondent's hair drug test were pending at the time of the recommendation.

7. On June 6, 2016, the Board received Respondent's hair drug test results which were positive for amphetamines, benzodiazepines, and cannabis.

8. Respondent previously participated in the PHP from May 10, 2006 through January 21, 2009, and again from December 1, 2009 through December 1, 2014. Pursuant to A.R.S. 32-1452(G), "[t]he board shall revoke the license of a doctor of medicine or physician assistant if that licensee is impaired by alcohol or drug abuse and was previously placed on probation pursuant to subsection D of this section and the probation is no longer in effect. The board may accept the surrender of the license if the licensee admits in writing to being impaired by alcohol or drug abuse."

CONCLUSIONS OF LAW

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

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to being unable to safely engage in the practice of medicine and having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(1) and (2).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol or habitual substance abuse.") and A.R.S. § 32-1401(27(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

4. The Board possesses statutory authority to accept a surrender of a licensee admits in writing to being impaired by drug or alcohol abuse. A.R.S. § 32-1452(G).

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent immediately surrender License Number 18643, issued to Jose Antonio Sosa-Roche, M.D., for the practice of allopathic medicine in the State of Arizona, and return his certificate of licensure to the Board.

2. This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent, and is the final resolution of this matter.

DATED and effective this 5th day of August, 2016.

ARIZONA MEDICAL BOARD

By: Patricia McSorley
Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

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

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

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

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

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

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

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

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

9. ***Respondent has read and understands the terms of this agreement.***

_____ Dated: 6/17/16

JOSE ANTONIO SOSA-ROCHE, M.D.

EXECUTED COPY of the foregoing mailed by US Mail this 5th day of August, 2016 to:

Jose Antonio Sosa-Roche, M.D.
Address of Record

ORIGINAL of the foregoing filed this 5th day of August, 2016 with:

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

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Board Staff