BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **CARLIN G. BARTSCHI, M.D.,** Holder of License No. **9497** For the Practice of Allopathic Medicine In the State of Arizona.	Board Case No. MD-09A-9497-MDX **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** (License Revocation)

On August 5, 2009, this matter came before the Arizona Medical Board ("Board") for oral argument and consideration of the Administrative Law Judge (ALJ) Thomas Shedden's proposed Findings of Fact and Conclusions of Law and Recommended Order. Carlin Bartschi M.D., ("Respondent") did not appear before the Board, Assistant Attorney General Anne Froedge, represented the State. Chris Munns, Assistant Attorney General with the Solicitor General's Section of the Attorney General's Office, was present and available to provide independent legal advice to the Board.

The Board, having considered the ALJ's decision and the entire record in this matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Arizona Medical Board ("the Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

2. Carlin G. Bartschi, M.D. is the holder of License No. 9497 issued by the Board for the practice of allopathic medicine in Arizona.

3. On May 21, 2009, the Board issued a Complaint and Notice of Hearing setting this matter for hearing at 9:00 a.m. July 15, 2009.

4. No representative appeared for Dr. Bartschi at the scheduled time and the Administrative Law Judge convened the hearing in his absence at about 9:35 a.m.

5. The Board had 10 exhibits entered into evidence.

6. After a jury trial, Dr. Bartschi was convicted of multiple felonies. See Exhibit 1 (Indictment and Jury Verdict). On October 20, 2008, Dr. Bartschi was sentenced to 51 months in prison. See Exhibit 8 (Judgment), which is incorporated in this Decision by reference.

7. The United States Attorney's Office recommended that a severe sentence be imposed on Dr. Bartschi because of "the scope and duration of his indicted conduct, his post-indictment criminal activities, and his overall disdain for the law...." See Exhibit 10 (Sentencing Memorandum).

8. The Board requests a stayed revocation of Dr. Bartschi's License.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and the subject matter in this case.

2. The Board has the burden of persuasion. A.R.S. § 41-1092.07(G)(2)

3. The burden of proof on all issues that of the preponderance of the evidence. A.A.C. R2-19-119(A).

4. A preponderance of the evidence is "[e]vidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not." BLACK'S LAW DICTIONARY 1182 (6th ed. 1990).

5. The preponderance of evidence shows that Dr. Bartschi has been convicted of multiple felonies, each of which constitutes an act of unprofessional conduct under A.R.S.

§ 32-1401(27)(d). Consequently discipline against Dr. Bartschi's license is appropriate. See A.R.S. § 32-1451(M).

ORDER

Based on the foregoing the Board orders that on the effective date of the Order entered in this matter, Dr. Carlin G. Bartschi's License No. 9497 is revoked.

Pursuant to A.R.S. § 32-1451(M), Respondent shall be charged the costs of formal hearing. Respondent shall submit payment of those costs within ninety (90) days from receipt of a bill or invoice from the Board.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 5TH day of August, 2009.

THE ARIZONA MEDICAL BOARD

By _____
Lisa S. Wynn
Executive Director

ORIGINAL of the foregoing filed this
5th day of August, 2009 with:

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

COPY OF THE FOREGOING FILED
this 5th day of August, 2009 with:

Cliff J. Vanell, Director
Office of Administrative Hearings
1400 W. Washington, Ste 101
Phoenix, AZ 85007

Executed copy of the foregoing
mailed by U.S. Mail this
5th day of August, 2009 to:

Carlin G. Bartschi, M.D.
Address of Record

Anne Froedge
Assistant Attorney General
Office of the Attorney General
CIV/LES
1275 W. Washington
Phoenix, AZ 85007

Konyada Corley
Arizona Medical Board Staff

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **CARLIN G. BARTSCHI, M.D.** Holder of License No. **9497** For the Practice of Allopathic Medicine In the State of Arizona.	**Board Case No. 09A-9497-MDX** **ORDER DENYING MOTION FOR REHEARING OR REVIEW** **(License Revocation)**

At its public meeting on October 7, 2009, the Arizona Medical Board ("Board") considered a Petition for Rehearing or Review filed by Carlin G. Bartschi, M.D. ("Respondent"). Assistant Attorney General Anne Froedge appeared before the Board and represented the State and Respondent did not appear. Chris Munns, Assistant Attorney General with the Solicitor General's Section of the Attorney General's Office, was present and available to provide independent legal advice to the Board. Respondent requested the Board rehear or review its August 5, 2009, Findings of Fact, Conclusions of Law and Order for License Revocation in Case no. 09A-9497-MDX.

The Board voted to deny the Respondent's Petition for Rehearing or Review upon due consideration of the facts and law applicable to this matter.

ORDER

IT IS HEREBY ORDERED THAT:

Respondent's Petition for Rehearing or Review is denied. The Board's August 5, 2009, Findings of Fact, Conclusions of Law and Order for License Revocation in Case no. 09A-9497-MDX is effective and constitutes the Board's final administrative order.

RIGHT TO APPEAL TO SUPERIOR COURT

Respondent is hereby notified that he has exhausted his administrative remedies. Respondent is advised that an appeal to Superior Court in Maricopa County may be taken from this decision pursuant to title 12, chapter 7, article 6 of Arizona Revised Statutes

DATED this 7th day of October, 2009.

[SEAL]

ARIZONA MEDICAL BOARD

By _____
Lisa S. Wynn
Executive Director

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

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

Carlin G. Bartschi, M.D.
Address of Record

Anne Froedge
Assistant Attorney General
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Phoenix, Arizona 85007

_____
Arizona Medical Board Staff