

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

PAUL D. MCKERNAN, M.D.

Holder of License No. **17534**
For the Practice of Allopathic Medicine

In the State of Arizona.

Case No. MD-11-0445A

**INTERIM ORDER FOR PRACTICE
LIMITATION AND CONSENT TO THE
SAME**

(NON-DISCIPLINARY)

INTERIM CONSENT AGREEMENT

Paul D. McKernan, M.D. ("Physician") elects to permanently waive any right to a hearing and appeal with respect to this Interim Order for Practice Limitation; admits the jurisdiction of the Arizona Medical Board ("Board"); 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. Physician is the holder of License No. 17534 for the practice of allopathic medicine in the State of Arizona.
3. Physician has recognized that he has a medical condition that may limit his ability to safely engage in the practice of medicine.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Physician.
2. The Executive Director has authority to enter into this consent agreement to limit the physician's practice based upon evidence that he is unable to safely engage in the practice of medicine pursuant to A.R.S. § 32-1405(C)(25) and § 32-1451(F); A.A.C. R4-16-504.

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

3 2. Physician acknowledges and agrees that this Interim Order is entered into
4 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, Physician 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 Executive
11 Director.

12 5. All admissions made by Physician are solely for final disposition of this
13 matter and any subsequent related administrative proceedings or civil litigation involving
14 the Board and Physician. Therefore, said admissions by Physician are not intended or
15 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 agreement, and returning this document (or a copy
19 thereof) to the Board's Executive Director, Physician may not revoke the consent to the
20 entry of the Interim Order. Physician 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 ***non-disciplinary*** action of the Board.

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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 Paul D. McKernan, M.D.
9 Paul D. McKernan, M.D.

DATED: 5/03/11

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11 EXECUTED COPY of the foregoing e-mailed
12 this 3rd day of May, 2011 to:

13 Gordon Lewis
14 Jones, Skelton & Hochuli, Plc
15 2901 N Central Ave Ste 800
16 Phoenix AZ 85012-2728
17 *Attorney for Licensee*

18 ORIGINAL of the foregoing filed
19 this 3rd day of May, 2011 with:

20 Arizona Medical Board
21 9545 E. Doubletree Ranch Road
22 Scottsdale, AZ 85258

23 C. Shepherd
24 Arizona Medical Board Staff
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