

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DAVID G. VAN DE WYNGAERDE, M.D.**

4 Holder of License No. **17528**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-09-1358A

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

7 **INTERIM CONSENT AGREEMENT**

8 David G. Van De Wyngaerde, M.D. ("Respondent") elects to permanently waive any right
9 to a 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 by the
11 Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the
14 practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of License No. 17528 for the practice of allopathic
16 medicine in the State of Arizona.

17 3. On May 8, 2007, Respondent entered into a Stipulated Rehabilitation Agreement
18 ("SRA"). Pursuant to the terms of the SRA, Respondent was prohibited from consuming alcohol or
19 any food containing alcohol. The SRA also provided that in the event of a chemical dependency
20 relapse, Respondent would enter into an Interim Consent Agreement for Practice Restriction,
21 which would prohibit him from practicing medicine until he successfully completes a long-term
22 residential treatment program for chemical dependency. On October 26, 2009, the Board received
23 notification from the Monitored Aftercare Program contractors that on October 21, 2009,
24 Respondent's biological fluid test was positive for EthylGlucuronide, a metabolite of ethyl alcohol.
25 Subsequently, Respondent admitted that he consumed alcohol in violation of the SRA.

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 if
5 there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C. R4-
6 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 health
9 and safety.

10 ORDER

11 IT IS HEREBY ORDERED THAT:

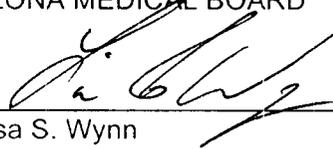
12 1. Respondent shall not practice clinical medicine or any medicine involving direct
13 patient care, and is prohibited from prescribing any form of treatment including prescription
14 medications, until Respondent applies to the Board and receives permission to do so.

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

17 DATED AND EFFECTIVE this 29TH day of OCTOBER, 2009.



ARIZONA MEDICAL BOARD

By 
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF INTERIM ORDER

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

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

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

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

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

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

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

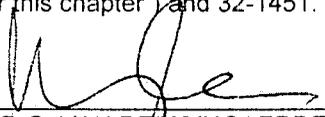
20 7. This Interim Order is a public record that will be publicly disseminated as a formal
21 action of the Board and will be reported to the National Practitioner's Data Bank and on the
22 Board's web site.

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

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



DAVID G. VAN DE WYNGAERDE, M.D.

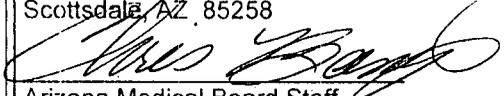
DATED: 10-28-09

EXECUTED COPY of the foregoing mailed this 27 day of October 2009 to:

David G. Van De Wyngaerde, M.D.
Address of Record

ORIGINAL of the foregoing filed this 27 day of October 2009 with:

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



Arizona Medical Board Staff