

**BEFORE THE ARIZONA MEDICAL BOARD**

1 In the Matter of

2 **PAUL D. MCKERNAN, M.D.**

3 Holder of License No. 17534  
4 For the Practice of Allopathic Medicine

5 In the State of Arizona.

Case No. MD-11-1207A

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

**(NON-DISCIPLINARY)**

6 **CONSENT AGREEMENT**

7 Paul D. McKernan, M.D. ("Physician") elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for Practice Limitation; admits the jurisdiction  
9 of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the  
10 Board.

11 **FINDINGS OF FACT**

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

14 2. Physician is the holder of License No. 17534 for the practice of allopathic  
15 medicine in the State of Arizona.

16 3. Physician has recognized that he has a medical condition that may limit his  
17 ability to safely engage in the practice of medicine.

18 **CONCLUSIONS OF LAW**

19 1. The Board possesses jurisdiction over the subject matter hereof and over  
20 Physician.

21 2. The Executive Director has authority to enter into this consent agreement to  
22 limit the physician's practice based upon evidence that he is unable to safely engage in  
23 the practice of medicine pursuant to A.R.S. § 32-1405(C)(25) and § 32-1451(F); A.A.C.  
24 R4-16-509.

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3. The Executive Director has determined that that Respondent is mentally or physically unable to safely engage in the practice of medicine. Investigative staff and the Board's medical consultant have reviewed the case and concur that a consent agreement is appropriate.

4. There has been no finding of unprofessional conduct against Physician.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Physician's practice is limited in that he shall not practice medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medications until Physician applies to the Board and receives permission to do so. The Board may require any combination of staff approved assessments, evaluations, treatments, examinations or interviews it finds necessary to assist in determining whether Physician is able to safely resume such practice.

2. Physician may be assessed the costs of the contractor's fees for monitoring.

3. The Board retains jurisdiction and may initiate a separate disciplinary action based on the facts and circumstances that form the basis for this practice limitation or any violation of this Consent Agreement.



ADDED THIS \_\_\_\_\_ day of SEPTEMBER, 2011.

ARIZONA MEDICAL BOARD

By *Lisa S. Wynn*  
Lisa S. Wynn, Executive Director

**CONSENT TO ENTRY OF ORDER**

1. Physician has read and understands this Order for Practice Limitation and Consent to the Same and the stipulated Findings of Fact, Conclusions of Law and Order

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

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

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

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

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

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

22 7. This Order is a public record that will be publicly disseminated as a formal  
23 **non-disciplinary** action of the Board.

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

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

5 Paul D. McKernan, M.D.      DATED: 8 September 2011  
6 Paul D. McKernan, M.D.

7  
8 EXECUTED COPY of the foregoing e-mailed  
this 13<sup>th</sup> day of September, 2011 to:

9 Paul D. McKernan, M.D.  
10 18699 N 67th Ave Ste. 320  
11 Glendale, AZ. 85308  
Address of Record

12 ORIGINAL of the foregoing filed  
13 this 13<sup>th</sup> day of September, 2011 with:

14 Arizona Medical Board  
15 9545 E. Doubletree Ranch Road  
16 Scottsdale, AZ 85258

17 Celina Shepherd  
18 Arizona Medical Board Staff  
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