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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Case No. MD-08-0601**BRIAN H. PERLMUTTER, M.D.****INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**Holder of License No. 27305
For the Practice of Allopathic Medicine
In the State of Arizona.**INTERIM CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Brian H. Perlmutter, M.D., ("Respondent") the parties agree to the following disposition of this matter.

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

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

3. This Interim Consent Agreement will not become effective until signed by the Executive Director.

4. All admissions made by Respondent are solely for interim 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

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1 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or
2 federal court.

3 5. Respondent may not make any modifications to the document. Upon signing this
4 agreement, and returning this document (or a copy thereof) to the Executive Director,
5 Respondent may not revoke acceptance of the Interim Consent Agreement. Any modifications
6 to this Interim Consent Agreement are ineffective and void unless mutually approved by the
7 parties.

8 6. This Interim Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the National
10 Practitioner Databank and on the Board's website.

11 7. If any part of the Interim Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
13 force and effect.

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15 BRIAN H. PERLMUTTER, M.D.

Dated: 5/30/08

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FINDINGS OF FACT

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

4 2. Respondent is the holder of License No. 27305 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. Respondent entered the Board's Monitored Aftercare Program on May 30, 2005.

7 4. On February 9, 2008 and on May 20, 2008, Respondent's biological fluid tests
8 were positive for low level Ethylglucuronide (ETG). On May 29, 2008, Respondent called the
9 Board's addiction medicine consultant and admitted that he had been drinking alcohol
10 intermittingly over the last 2 months.

11 5. Pursuant to his Stipulated Agreement, in the event of a relapse, Respondent is
12 required to enter into a Consent Agreement for Practice Restriction which requires, in part, that
13 he not practice medicine and that he attend Inpatient or residential treatment.

14 6. Based on the information in the Board's possession there is evidence that if
15 Respondent were to practice medicine in Arizona there would be a danger to the public health
16 and safety.

CONCLUSIONS OF LAW

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

20 2. The Executive Director may enter into a consent agreement with a physician if
21 there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C.
22 R4-16-404.

ORDER

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24 IT IS HEREBY ORDERED THAT:

25 1. Respondent shall not practice clinical medicine or any medicine involving direct

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1 patient care, and is prohibited from prescribing any form of treatment including prescription
2 medications, until Respondent applies to the Board and receives permission to do so.

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

5 DATED AND EFFECTIVE this 30th day of May, 2008.



ARIZONA MEDICAL BOARD

By [Signature]
LISA S. WYNN
Executive Director

11 ORIGINAL of the foregoing filed this
12 30th day of May, 2008 with:

13 The Arizona Medical Board
14 9545 East Doubletree Ranch Road
15 Scottsdale, AZ 85258

16 EXECUTED COPY of the foregoing mailed by
17 US Certified Mail this 30th day of May,
18 2008 to:

19 Brian H. Perlmutter, M.D.
20 (address of record)

21 [Signature]
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