

**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of

Case No. MD-08-0673

**MARK HEMPHILL, M.D.****INTERIM CONSENT AGREEMENT  
FOR PRACTICE RESTRICTION**Holder of License No. 24566  
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 Mark Hemphill, 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.

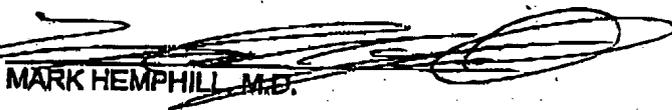
4. All admissions made by Respondent are solely for interim disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency

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 MARK HEMPHILL, M.D.

Dated: 6/27/08

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**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. Respondent is the holder of License No. 24566 for the practice of allopathic medicine in the State of Arizona.

3. Respondent entered the Board's Monitored Aftercare Program on June 8, 2007.

4. On June 13, 2008 Respondent's biological fluid tests were positive for Ethylglucuronide (ETG) at a level of 26, 501 ng/ml.

5. Pursuant to his Stipulated Agreement, if Respondent uses drugs or alcohol or relapses in violation of the Order, Respondent is required to enter into a Consent Agreement for Practice Restriction which requires, in part, that he not practice medicine until he successfully completes long-term inpatient residential treatment for chemical dependency.

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

**CONCLUSIONS OF LAW**

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

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

**ORDER**

IT IS HEREBY ORDERED THAT:

1. Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription

1 medications, until Respondent applies to the Board and receives permission to do so.

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

4 DATED AND EFFECTIVE this 27<sup>th</sup> day of June, 2008.



ARIZONA MEDICAL BOARD

By [Signature]  
LISA S. WYNN  
Executive Director

10 ORIGINAL of the foregoing filed this  
11 27<sup>th</sup> day of JUNE, 2008 with:

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

15 EXECUTED COPY of the foregoing mailed by  
16 US Certified Mail this 27<sup>th</sup> day of June  
17 2008 to:

18 Mark Hemphill, M.D.  
19 (address of record)

20 [Signature]  
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