

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of
3 **JOHN W. FITZGERALD, M.D.**
4 Holder of License No. **10590**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-10-0004A
ORDER FOR CONTINUING MEDICAL
EDUCATION
(NON-DISCIPLINARY)

7 At its public meeting on April 14, 2010, the Arizona Medical Board ("Board") voted to issue
8 John W. Fitzgerald, M.D. ("Physician") a non-disciplinary Continuing Medical Education (CME)
9 Order for failure to establish and maintain appropriate boundaries with the patient in violation of
10 A.R.S. § 32-1401(27)(q). The Board ordered Physician to complete 15-20 hours of Board staff
11 pre-approved Category I non-disciplinary CME in boundaries within six months pursuant to A.R.S.
12 §32-1451(E)(2). The CME hours shall be in addition to the hours required for the biennial renewal
13 of medical licensure. This matter does not rise to the level of discipline.

14 **ORDER**

15 IT IS HEREBY ORDERED that Physician shall, within six months, complete 15-20 hours of
16 Board Staff pre-approved Category I Continuing Medical Education ("CME") in boundaries, and
17 provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to
18 the hours required for biennial renewal of his medical license. Physician's failure to complete the
19 CME will subject him/her to future disciplinary action by the Board. A.R.S. § 32-1401(27)(r).

20 **RIGHT TO APPEAL**

21 **NOTICE IS HEREBY GIVEN** that, pursuant to A.R.S. § 41-1092.03, any person aggrieved by this
22 decision may apply to the Board, in writing, within thirty (30) days of receipt and request a public
23 hearing with respect to this order. You may request a hearing by filing a notice of appeal. The
24 notice of appeal must be filed with the Board's Executive Director, and should include your name.
25

1 address, the action being appealed, and a concise statement of the reasons for the appeal. If you
2 request a public hearing, the hearing will be scheduled within sixty (60) days of receipt of your
3 request. If you request a public hearing, you also have the right to request an informal settlement
4 conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than
5 twenty (20) days before the scheduled hearing. The conference will be held within fifteen (15) days
6 after receipt of your request. Please note that you waive any right to object to the participation of
7 the Board's representative in the final administrative decision of the matter if it is not settled at the
8 conference.

9 DATED this 27th day of APRIL, 2010.

10 ARIZONA MEDICAL BOARD

11 [SEAL]



12
13 By *Lisa S. Wynn*
14 LISA S. WYNN
15 Executive Director

16 ORIGINAL of the foregoing filed this
27th day of April, 2010 with:

17 Arizona Medical Board
18 9545 East Doubletree Ranch Road
19 Scottsdale, Arizona 85258

20 EXECUTED COPY of the foregoing
Mailed by US Mail this 27th day of April 2010 to:

21 Ms. Sarah Sato
22 Olson, Jantsch & Bakker
23 7243 North 16th Street
24 Phoenix, AZ 85020
25 *Chris Bump*