

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**JOHN THOMAS O'MAILEY, M.D.**

Holder of License No. **25388**  
For the Practice of Allopathic Medicine  
In the State of Arizona.

**Case No. MD-06-0319A**

**CONSENT AGREEMENT FOR  
PRACTICE LIMITATION**

**(NON-DISCIPLINARY)**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Executive Director of the Arizona Medical Board ("Board") and John Thomas O'Mailey, M.D. ("Physician") the parties agree to the following disposition of this matter.

1. Physician acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").

Physician acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

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

3. Physician acknowledges and understands that this Consent Agreement is not effective until signed by the Board.

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

MAY 22 2006

ARIZONA MEDICAL BOARD  
BUSINESS OPERATIONS

1 5. Physician acknowledges and agrees that upon signing this Consent Agreement and  
2 returning this document (or a copy thereof) to the Board, Physician may not revoke acceptance of  
3 the Consent Agreement. Physician may not make any modifications to the Consent Agreement.  
4 Any modifications to this Consent Agreement are ineffective and void unless mutually approved by  
5 the parties.

6 6. Physician further understands that this Consent Agreement, once approved and  
7 signed, is a public record that may be publicly disseminated as a formal **non-disciplinary** action of  
8 the Board and will be reported to the National Practitioner's Data Bank and posted on the Arizona  
9 Medical Board web site as a **voluntary non-disciplinary action**.

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

13  
14 John T. O'Mailey, M.D.  
15 JOHN THOMAS O'MAILEY, M.D.

Dated: 5/19/06

1 **FINDINGS OF FACT**

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. Physician is the holder of License No. 25388 for the practice of allopathic medicine  
5 in the State of Arizona.

6 3. The Board received information that Physician may have a medical condition that  
7 impairs or limits his ability to safely practice medicine. Physician has acknowledged that his  
8 condition may limit his ability to safely engage in the practice of medicine.

9 4. Because Physician has recognized that his medical condition may limit his ability to  
10 safely engage in the practice of medicine, the Board may enter into a consent agreement to ensure  
11 that Physician not practice medicine until he is recovered. A.R.S. § 32-1451(F); A.A.C. R4-16-509.

12 5. There has been no finding of unprofessional conduct against Physician.

13 **CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter hereof and over  
15 Physician.

16 2. The Executive Director may enter into a consent agreement with a physician to limit  
17 or restrict the physician's practice or to rehabilitate the physician, protect the public and ensure the  
18 physician's ability to safely engage in the practice of medicine. A.R.S. § 32-1451(F); A.A.C. R4-  
19 16-509.

20 **ORDER**

21 **IT IS HEREBY ORDERED THAT:**

22 1. Physician's practice is limited in that he shall not practice clinical medicine or any  
23 medicine involving direct patient care and is prohibited from prescribing any form of treatment  
24 including prescription medications until Physician applies to the Board and receives permission to  
25 do so. The Board may require any combination of staff approved assessments, evaluations,

1 treatments, examinations or interview it finds necessary to assist in determining whether Physician  
2 is able to safely resume such practice.

3 2. The Board retains jurisdiction and may initiate an action based on any violation of  
4 this Consent Agreement.

5 DATED this 23<sup>RD</sup> day of May, 2006.



ARIZONA MEDICAL BOARD

By

  
TIMOTHY C. MILLER, J.D.  
Executive Director

12 ORIGINAL of the foregoing filed this  
23<sup>RD</sup> day of May, 2006, with:

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

16 EXECUTED COPY of the foregoing mailed by Certified  
Mail this 23<sup>RD</sup> day of May, 2006, to:

17 John Thomas O'Mailey, M.D.  
18 (Address of record)

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