

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

SHELLEY L. EVERLY, M.D.

Holder of License No. 28385
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-07-0269

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE**

CONSENT AGREEMENT

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

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

2. By entering into this 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 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. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final 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 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

5. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of the Consent

1 Agreement. Respondent may not make any modifications to the document. Any modifications to
 2 this original document are ineffective and void unless mutually approved by the parties.

3 6. This Consent Agreement, once approved and signed, is a public record that will be
 4 publicly disseminated as a formal action of the Board and will be reported to the National
 5 Practitioner Data Bank and to the Arizona Medical Board's website.

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

9 8. If the Board does not adopt this Consent Agreement, Respondent will not assert as
 10 a defense that the Board's consideration of the Consent Agreement constitutes bias, prejudice,
 11 prejudgment or other similar defense.

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



 SHELLEY L. EVERLY, M.D.

Dated: 5.20.07

FINDINGS OF FACT

1
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. 28385 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On April 17, 2007 the Board received a complaint alleging Respondent had a
7 sexual relationship and committed other boundary violations with a minor patient in June 2002.

8 4. Respondent was ordered to respond to the Board's Notice of Allegations and
9 provide records for the patient by April 26, 2007. Respondent was also ordered to appear for an
10 investigational interview on April 23, 2007, but in lieu of appearing for that interview, agreed to
11 sign an Interim Consent Agreement for Practice Restriction.

12 5. On May 10, 2007 Respondent was ordered to appear on May 17, 2007 for an
13 investigational interview and provide the medical records as requested by Board Staff. On May
14 14, 2007 Respondent notified the Board she would not appear as ordered and wished to
15 surrender her license.

16 6. Respondent admits to the facts described above in paragraphs 4 and 5, only and
17 that they constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("[v]iolating a
18 formal order, probation, consent agreement or stipulation issued or entered into by the board or its
19 executive director under this chapter."); and A.R.S. § 32-1401(27)(dd) ("[f]ailing to furnish
20 information in a timely manner to the board or the board's investigators or representatives if
21 legally requested by the board.").

CONCLUSIONS OF LAW

22
23 1. The Board possesses jurisdiction over the subject matter hereof and over
24 Respondent.
25

