BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **HARRY B. COHEN, M.D.** Holder of License No. 44691 For the Practice of Medicine In the State of Arizona.	Case No. MD-13-0868A **ORDER FOR SURRENDER OF LICENSE AND CONSENT TO THE SAME**

Harry B. Cohen, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

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 number 44691 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-13-0868A after Respondent self-reported that he had prescribed Ambien to himself and had surrendered his DEA registration. Respondent has declined the Board's request that he undergo an assessment and has agreed to surrender his license instead.

4. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. §32-1401(27)(g)("[u]sing controlled substances except if prescribed by another physician for use during a prescribed course of treatment.")

CONCLUSIONS OF LAW

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

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender License Number 44691, issued to Harry B. Cohen, M.D. for the practice of allopathic medicine in the State of Arizona, and return his wallet card and certificate of licensure to the Board.

DATED and effective this 3rd day of OCTOBER, 2013.

ARIZONA MEDICAL BOARD

By: _____
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

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

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to

challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. 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.

6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.

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

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

Harry B. Cohen, M.D.

Dated: 5-18-13

EXECUTED COPY of the foregoing mailed by US Mail this 3rd day of Oct., 2013 to:

Harry B. Cohen, M.D.
Address of Record

ORIGINAL of the foregoing filed this 3rd day of October, 2013 with:

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

Mary Baber
Arizona Medical Board Staff