BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **Simon Isaac, M.D.** Holder of License No. **46865** For the Practice of Allopathic Medicine In the State of Arizona.	**Case No. MD-14-1288A** **INTERIM CONSENT AGREEMENT FOR PRACTICE LIMITATION AND ASSESSMENT** **(Non-Disciplinary)**

INTERIM CONSENT AGREEMENT

Simon Isaac, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Limitation and Assessment; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

INTERIM 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. Physician is the holder of License No. 46865 for the practice of allopathic medicine in the State of Arizona.

3. On or about September 4, 2014, the Board received a report that Respondent may have violated the terms of a prior Stipulated Health Agreement ("SHA"). Specifically, Respondent's treating psychiatrist reported to the Board's Physician Health Program ("PHP") contractor that Respondent may have a psychiatric health condition that has the potential to place patients and the public at risk.

4. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that an interim consent agreement to limit Respondent's practice is appropriate.

INTERIM CONCLUSIONS OF LAW

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

2. Pursuant to A.A.C. R4-16-509, the executive director has the authority to enter into consent agreements to limit a physician's practice if there is evidence that he is mentally unable to safely engage in the practice of medicine and the investigative staff, the medical consultant and the lead Board member concur after a review of the case that a consent agreement is appropriate.

3. In addition, pursuant to A.R.S. §§ 32-1405(C)(25) and 32-1451(F), the executive director, on behalf of the Board, has the authority to enter into consent agreements if there is evidence of danger to the public health and safety.

INTERIM ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Board and receives its affirmative permission to do so. Respondent may not apply for relief from this Interim Consent Agreement until he has completed a current health assessment administered through the Board's private contractor, Greenberg and Sucher, P.C., ("PHP") and the Board is in receipt of the assessment report and recommendations. The assessment report must specifically address Respondent's ability to safely and competently practice medicine.

2. Respondent is responsible for all expenses relating to the assessment and any subsequent recommended evaluation and/or treatment. Respondent is also required to pay a minimum fee which is due and payable at the time of the assessment.

3. The PHP is a representative of the Board and, as such, failure to comply

with any aspect of the assessment is considered an act of unprofessional conduct under the Medical Practice Act. A.R.S. § 32-1401(27)(dd). It is also an act of unprofessional conduct to violate or attempt to violate a Board Order. A.R.S. § 32-1401(27)(r).

4. The relationship between Respondent and the PHP is a direct relationship. Respondent shall not be accompanied by an attorney or other intermediary during the course of the assessment.

5. Once all of the requirements set forth in paragraph one have been met, Respondent may request, in writing, release and/or modification from this Interim Consent Agreement. The Board has the sole discretion to determine whether it is appropriate to release Respondent from this Interim Consent Agreement and enter a final disposition in this matter or take any other action that is consistent with its statutory and regulatory authority.

6. This Interim Consent Agreement is not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board. In addition, the Board retains jurisdiction and may initiate a separate disciplinary action based on the facts and circumstances that form the basis for this practice limitation or any violation of this Interim Consent Agreement.

RECITALS

Respondent understands and agrees that:

1. The Board, through its Executive Director, may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. §§ 32-1405(C)(25) and 32-1451(F) and A.A.C. R4-16-509.

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement

with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters related to the Interim Consent Agreement.

4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of this matter or any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent further does not relinquish his rights to an administrative hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or judicial action, concerning the matters related to a final disposition of this matter, unless he affirmatively does so as part of the final resolution of this matter.

5. Respondent acknowledges and agrees that upon signing this Interim Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke his acceptance of this Interim Consent Agreement or make any modifications to

it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.

6. Respondent understands that this Interim Consent Agreement shall not become effective unless and until it is signed by the Board's Executive Director.

7. Respondent understands and agrees that if the Board's Executive Director does not adopt this Interim Consent Agreement, he will not assert in any future proceedings that the Board's consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or other similar defense.

8. Respondent understands that this Interim Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board.

9. Respondent understands that this Interim Consent Agreement does not alleviate his responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent's allopathic medical license comes up for renewal, he must renew his license if Respondent wishes to retain his license. If Respondent elects not to renew his license as prescribed by statute and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes final action in this matter. Once the Board takes final action, in order for Respondent to be licensed in the future, he must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.

10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. §§ 32-1401(27)(r) ("[v]iolating

a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.

DATED this 12th day of September, 2014.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley

Patricia E. McSorley
Acting Interim Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Interim Consent Agreement for Practice Limitation. Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

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

3. By consenting to 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, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

4. The Interim Consent Agreement is not effective until approved and signed by the 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 Interim Consent 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 Interim Consent Agreement. 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 Interim Consent Agreement is a public record that will be publicly disseminated as a formal ***non-disciplinary*** action of the Board.

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

9. Any violation of this Interim Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.

DATED: 9/10/14

Simon Isaac, M.D.

EXECUTED COPY of the foregoing e-mailed this 12th day of September, 2014 to:

Simon Isaac, M.D.
Address of Record

Greenberg and Sucher, P.C.
Address of Record

ORIGINAL of the foregoing filed
this 12th day of September, 2014 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Amanda Schwabe
Arizona Medical Board Staff