

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **STEVEN M. SIMON, M.D**

4 Holder of License No. 26893  
5 For the Practice of Medicine  
6 In the State of Arizona.

**Case No. MD-19-0772A**

**ORDER FOR SURRENDER OF  
LICENSE AND CONSENT TO THE  
SAME**

7 Steven M. Simon, M.D. ("Respondent") elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for Surrender of License; admits the  
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and  
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of  
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 26893 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-0772A after receiving Respondent's  
17 renewal application wherein he disclosed that an application for renewal of hospital  
18 privileges had been denied with cause.

19 4. On or about December 28, 2020 in case 5:20-cr-40097-TC in the United  
20 States District Court for the District of Kansas, Respondent was charged with one count of  
21 soliciting/receiving a healthcare kickback in violation of 42 U.S.C. § 1320a-7b(b).  
22 Respondent pled guilty to the charge on January 19, 2021, and was subsequently  
23 sentenced to a term of supervised probation, and payment of a \$100,000.00 fine.

24 5. On or about July 16, 2021, Respondent entered into a Consent Order for  
25 Surrender with the Kansas State Board of Healing Arts for his Kansas medical license in

1 KSBHA Docket No.: 22-HA00005. The basis for the surrender was the above-referenced  
2 plea agreement to a commission of a felony.

3 6. Respondent has requested surrender of his Arizona medical license.

4 **CONCLUSIONS OF LAW**

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

7 2. The conduct and circumstances described above constitute unprofessional  
8 conduct pursuant to A.R.S. § 32-1401(27)(d) ("Committing a felony, whether or not  
9 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,  
10 conviction by any court of competent jurisdiction or a plea of no contest is conclusive  
11 evidence of the commission").

12 3. The conduct and circumstances described above constitute unprofessional  
13 conduct pursuant to A.R.S. § 32-1401(27)(p) ("Having action taken against a doctor of  
14 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or  
15 physical inability to engage safely in the practice of medicine or the doctor's medical  
16 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
17 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this  
18 paragraph. The action taken may include refusing, denying, revoking or suspending a  
19 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
20 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on  
21 probation by that jurisdiction.").

22 4. The Board possesses statutory authority to enter into a consent agreement  
23 with a physician and accept the surrender of an active license from a physician who  
24 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).  
25

1 **ORDER**

2 IT IS HEREBY ORDERED THAT Respondent immediately surrender License  
3 Number 26893, issued to Steven M. Simon, M.D., for the practice of allopathic medicine in  
4 the State of Arizona, and return his certificate of licensure to the Board.

5 DATED and effective this 27<sup>th</sup> day of October, 2021.

6  
7 ARIZONA MEDICAL BOARD

8 By: Patricia E. McSorley  
9 Patricia E. McSorley  
10 Executive Director

11 **CONSENT TO ENTRY OF ORDER**

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

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

17 3. By consenting to this Order, Respondent voluntarily relinquishes any rights  
18 to a hearing or judicial review in state or federal court on the matters alleged, or to  
19 challenge this Order in its entirety as issued by the Board, and waives any other cause of  
20 action related thereto or arising from said Order.

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

23 5. All admissions made by Respondent in this Order are solely for final  
24 disposition of this matter and any subsequent related administrative proceedings or civil  
25 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

1 federal government regulatory agency proceeding, civil or criminal court proceeding, in the  
2 State of Arizona or any other state or federal court.

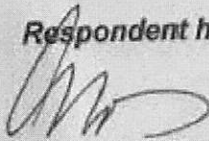
3 6. Notwithstanding any language in this Order, this Order does not preclude in  
4 any way any other State agency or officer or political subdivision of this state from  
5 instituting proceedings, investigating claims, or taking legal action as may be appropriate  
6 now or in the future relating to this matter or other matters concerning Respondent,  
7 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent  
8 acknowledges that, other than with respect to the Board, this Order makes no  
9 representations, implied or otherwise, about the views or intended actions of any other  
10 state agency or officer or political subdivisions of the State relating to this matter or other  
11 matters concerning Respondent.

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

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

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

23 9. ***Respondent has read and understands the terms of this agreement.***

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Dated: Sept 13 2021

25 STEVEN M. SIMON, M.D.

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EXECUTED COPY of the foregoing mailed by  
US Mail this 27<sup>th</sup> day of October, 2021 to:

Steven M. Simon, M.D.  
Address of Record

ORIGINAL of the foregoing filed this  
27<sup>th</sup> day of October, 2021 with:

The Arizona Medical Board  
1740 West Adams, Suite 4000  
Phoenix, Arizona 85007

Michelle Robles  
Board staff