

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of
3 **MORTON I. HYSON, M.D.**
4 Holder of License No. 49700
5 For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-20-1072A

**ORDER FOR LETTER OF
REPRIMAND AND
PROBATION; AND
CONSENT TO THE SAME**

6 Morton I. Hyson, M.D. ("Respondent") elects to permanently waive any right to a
7 hearing and appeal with respect to this Order for a Letter of Reprimand; admits the
8 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
9 by the Board.

10 **FINDINGS OF FACT**

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

13 2. Respondent is the holder of license number 49700 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-20-1072A after receiving a disciplinary
16 alert report ("DAR") that the Nevada State Board of Medical Examiners ("Nevada Board")
17 took disciplinary action against Respondent's Nevada license.

18 4. Effective February 9, 2017, Respondent entered into a voluntary agreement
19 with the Nevada Board to utilize a female chaperone when examining female patients,
20 based on the recommendations from an evaluation in the underlying case. On August 17,
21 2021, Respondent entered into a Stipulation and Order with the Nevada Board requiring a
22 female chaperone for all medical encounters with female patients. The Order required
23 Respondent to inform the Investigative Committee within 24 hours if there was a change in
24 identity of the chaperone.
25

1 5. On December 4, 2020, Respondent entered into a Settlement Agreement
2 with the Nevada Board wherein he was issued a public Letter of Reprimand and required
3 to pay fees and a \$1000.00 fine for maintaining inadequate medical records and failing to
4 comply with the previous Stipulation and Order. On June 15, 2021, The Nevada Board
5 ordered that all restrictions be removed from Respondent's license.

6 6. Respondent is licensed in multiple other states. On March 5, 2021, the
7 Texas Medical Board issued Respondent's Texas medical license a reprimand and
8 \$1000.00 monetary penalty based on the action taken by the Nevada Board, and for failing
9 to report the adverse action as required by Texas law. On March 24, 2021, the Mississippi
10 State Board of Medical Licensure reprimanded Respondent's Mississippi license based on
11 the action taken by the Nevada Board. On April 15, 2021, the Arkansas State Medical
12 Board issued Respondent's Arkansas medical license a reprimand for failing to disclose
13 the pending Nevada Board investigation during his license application process with that
14 state.

15 7. On July 1, 2021, Respondent entered into a Stipulated Order with the
16 Oregon Medical Board for the surrender of his Oregon medical license, based on his
17 untimely self-report of actions taken against his medical licenses in other jurisdictions.

18 8. On August 2, 2021, Respondent entered into a Stipulation and Agreement
19 with the South Dakota Board of Medical Examiners ("South Dakota Board") for a
20 Reprimand against Respondent's South Dakota medical license, and terms and conditions
21 of probation including a requirement that Respondent utilize a chaperone when treating
22 female patients. The action was taken in response to the action by the Nevada Board, and
23 Respondent's failure to report other Board actions to the South Dakota Board.

24 9. On September 2, 2021, Respondent entered into a Consent Order with The
25 Illinois Department of Financial and Professional Regulation ("Illinois Board") for a

1 Reprimand Conditions including a fine of \$2500, and a requirement that Respondent take
2 and pass all five areas of the Ethics and Boundaries Post-Licensure Essay Examination
3 within 12 months of the date of the Consent Order (“Illinois Board Order”).

4 10. On September 27, 2021, Respondent entered into a Stipulation and Order
5 with the Idaho State Medical Board requiring Respondent to pay a fine of \$500.00 for each
6 incorrect answer on his Idaho medical license renewal application. The Stipulation and
7 Order was terminated on November 30, 2021.

8 11. On December 24, 2021, The New York State Department of Health issued a
9 Censure, Reprimand and fine against Respondent’s New York medical license based on
10 the Nevada Board action.

11 12. On August 17, 2021, Respondent’s application for clinical privileges at a
12 Hospital were denied based on a finding that Respondent had failed to accurately disclose
13 past or pending disciplinary actions against his licensure.

14 13. Respondent failed to disclose the Nevada action on his Board renewal
15 application submitted on June 18, 2019.

16 **CONCLUSIONS OF LAW**

17 a. The Board possesses jurisdiction over the subject matter hereof and over
18 Respondent.

19 b. The conduct and circumstances described above constitute unprofessional
20 conduct pursuant to A.R.S. § 32-1401(27)(p)(“Action that is taken against a doctor of
21 medicine by another licensing or regulatory jurisdiction due to that doctor’s mental or
22 physical inability to engage safely in the practice of medicine, the doctor’s medical
23 incompetence or for unprofessional conduct as defined by that jurisdiction and that
24 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
25 paragraph. The action taken may include refusing, denying, revoking or suspending a

1 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
2 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
3 probation by that jurisdiction.”).

4 c. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(u) (“Knowingly making any false or fraudulent
6 statement, written or oral, in connection with the practice of medicine or if applying for
7 privileges or renewing an application for privileges at a health care institution.”).

8 d. The conduct and circumstances described above constitute unprofessional
9 conduct pursuant to A.R.S. § 32-1401(27)(kk) (“Knowingly making a false or misleading
10 statement to the board or on a form required by the board or in a written correspondence,
11 including attachments, with the board.”).

12 **ORDER**

13 IT IS HEREBY ORDERED THAT:

- 14 1. Respondent is issued a Letter of Reprimand.
15 2. Respondent is placed on Probation with the following terms and conditions:

16 **a. Compliance with Illinois Board Order**

17 Respondent shall comply with the terms and conditions of the Illinois Board’s Order.
18 Respondent shall provide a copy of this Order to the Illinois Board and execute any and all
19 authorizations necessary to allow the Illinois Board to communicate directly with Board
20 staff regarding Respondent’s compliance with the Illinois Board’s Order, including
21 immediately communicating to the Board any concerns regarding Respondent’s safety to
22 practice medicine. Respondent shall immediately report to the Board any violation of the
23 Illinois Board’s Order. Respondent shall cause the Illinois Board to provide quarterly
24 written reports to the Board regarding Respondent’s compliance with the Illinois Board’s
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1 Order. Respondent shall be responsible for all costs related to the Illinois Board Order and
2 any costs related to the preparation of the quarterly reports.

3 **b. Obey All Laws**

4 Respondent shall obey all state, federal and local laws, all rules governing the
5 practice of medicine in Arizona, and remain in full compliance with any court ordered
6 criminal probation, payments and other orders.

7
8 **c. Probation Termination**

9 Prior to the termination of Probation, Respondent must submit a written request to
10 the Board for release from the terms of this Order. Respondent's request for release will
11 be placed on the next pending Board agenda, provided a complete submission is received
12 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for
13 release must provide the Board with evidence establishing that she has successfully
14 satisfied all of the terms and conditions of this Order. The Board has the sole discretion to
15 determine whether all of the terms and conditions of this Order have been met or whether
16 to take any other action that is consistent with its statutory and regulatory authority.

17 3. The Board retains jurisdiction and may initiate new action against
18 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

19
20 DATED AND EFFECTIVE this 8th day of April, 2022.

21 ARIZONA MEDICAL BOARD

22
23 By Patricia E. McSorley
24 Patricia E. McSorley
25 Executive Director

CONSENT TO ENTRY OF ORDER

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

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

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

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

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

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

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

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

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

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

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

20 12. **Respondent has read and understands the conditions of probation.**

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22 _____
23 MORTON I. HYSON, M.D.

DATED: 3/9/22

24 EXECUTED COPY of the foregoing mailed
25 this 8th day of April, 2022 to:
Morton I. Hyson, M.D.

1 Address of Record

2 ORIGINAL of the foregoing filed
3 this 8th day of April, 2022 with:

4 Arizona Medical Board
5 1740 West Adams, Suite 4000
6 Phoenix, Arizona 85007

7 Michelle Probes
8 Board staff

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