

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **MICHAEL D. MORAN, M.D.**

4 Holder of License No. 54854
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-19-0158A

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

7 Michael D. Moran, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 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 54854 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-0158A after receiving a complaint
17 from the Hospital where Respondent held privileges that Respondent had been asked to
18 refrain from practicing during an investigation into an allegation that Respondent and failed
19 to respond when providing unassigned call coverage, and consumed alcohol while on call
20 at the Hospital.

21 4. In his initial response to the Board, Respondent stated that after 12 hours of
22 a difficult 24 hour unassigned call coverage shift, he decided to stop taking calls.
23 Respondent stated that he was aware the physician for whom he was providing coverage
24 was back in town, but admitted that he failed to contact the physician to ensure handoff of
25 coverage. Respondent stated that he consumed alcohol after the decision to stop taking
calls. Respondent stated that he fell asleep, and did not hear a call from the Hospital due

1 to an improperly charged cell phone. Respondent denied knowingly failing to respond to
2 any calls for coverage, or providing patient care while under the influence of alcohol.

3 5. Based on the foregoing information, Respondent entered into an Interim
4 Consent Agreement for Practice Restriction ("ICA") effective March 11, 2019.

5 6. Respondent was referred for an assessment with a Physician Health
6 Program ("PHP") Assessor which was completed on March 13, 2019. Based on the
7 assessment results, the PHP Assessor recommended that Respondent undergo an
8 intensive evaluation at a Board-approved evaluation center ("Facility").

9 7. On April 9, 2019 the Board received the Assessor's report and
10 recommendation for evaluation, and forwarded the report to Respondent and requested
11 that Respondent notify Board staff when the evaluation would be scheduled.

12 8. Respondent failed to pay for the costs of his PHP assessment until April 14,
13 2020.

14 9. Respondent presented for an evaluation on April 23, 2020 and was
15 discharged with staff approval on April 25, 2020. The Facility opined that Respondent safe
16 to practice medicine provided that he enter into the PHP for a period of one year for
17 diagnostic monitoring.

18 10. On May 5, 2020 the Facility reported that Respondent's PEth test returned a
19 high positive result, and recommended additional testing. Based on the report from the
20 Facility, Respondent was issued an Interim Order for Bodily Fluid Testing, which was
21 positive for EtG/EtS. The Facility recommended frequent random breathalyzer tests.

22 11. On May 27, 2020, Respondent entered into an Interim Consent Agreement
23 for PHP participation that vacated the ICA. Respondent is in compliance with the terms of
24 his PHP monitoring.

25

1 **CONCLUSIONS OF LAW**

2 a. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 b. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(f) ("Exhibiting a pattern of using or being under
6 the influence of alcohol or drugs or a similar substance while practicing medicine or to the
7 extent that judgment may be impaired and the practice of medicine detrimentally
8 affected.").

9 c. The conduct and circumstances described above constitute unprofessional
10 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is
11 or might be harmful or dangerous to the health of the patient or the public.").

12 d. The conduct and circumstances described above constitute unprofessional
13 conduct pursuant to A.R.S. § 32-1401(27)(ee) ("Failing to furnish information in a timely
14 manner to the board or the board's investigators or representatives if legally requested by
15 the board.").

16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent is issued a Letter of Reprimand.

19 2. Respondent's license is placed under Probation for three (3) years¹ with the
20 following terms and conditions:

21 a. Respondent shall not consume alcohol or any food or other substance
22 containing poppy seeds or alcohol.

23 b. Respondent shall not take any illegal drugs or mood altering medications.
24

25

¹ Respondent's probation shall be retroactive to May 27, 2020.

1 c. If not already completed, Respondent shall complete a minimum of 12 hours
2 of counseling with a PHP approved Provider as recommended by the Facility in its
3 discharge report and comply with any and all treatment recommendation.
4 Respondent shall instruct the provider to submit periodic written reports to the PHP
5 regarding diagnosis, prognosis, current medications, recommendation for continuing
6 care and treatment, and ability to safely practice medicine. The reports shall be
7 submitted to the PHP, the commencement and frequency of which to be determined
8 by the PHP Contractor. Respondent shall provide the Provider with a copy of this
9 Order. Respondent shall pay the expenses for treatment and be responsible for
10 paying for the preparation of any reports. Respondent may submit a written request
11 to the PHP Contractor requesting termination of the requirement that Respondent
12 remain in treatment. The decision to terminate will be based in part upon the treating
13 Provider's recommendation for continued care and treatment.
14

15 d. All prescriptions for controlled substances shall be approved by the PHP
16 prior to being filled except in an Emergency. Controlled substances prescribed and
17 filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall
18 take no Medication unless Respondent's Primary Care Physician ("PCP") or other
19 health care provider to whom the PCP refers Respondent prescribes and the PHP
20 approves the Medication. Respondent shall not self-prescribe any Medication.
21 "Medication" means a prescription-only drug, controlled substance, and over-the
22 counter preparation, other than plain aspirin, plain ibuprofen, and plain
23 acetaminophen. "Emergency" means a serious accident or sudden illness that, if not
24 treated immediately, may result in a long-term medical problem or loss of life.
25

1 e. Respondent shall submit to random biological fluid, hair and nail testing for
2 two years from the date of this Order (as specifically directed below) to ensure
3 compliance with PHP.

4 f. Respondent shall provide the PHP in writing with one telephone number that
5 shall be used to contact Respondent on a 24 hour per day/seven day per week basis
6 to submit to biological fluid, hair and/or nail testing to ensure compliance with PHP.
7 For the purposes of this section, telephonic notice shall be deemed given at the time
8 a message to appear is left at the contact telephone number provided by
9 Respondent. Respondent authorizes any person or organization conducting tests on
10 the collected samples to provide testing results to the PHP. Respondent shall comply
11 with all requirements for biological fluid, hair and/or nail collection. Respondent shall
12 pay for all costs for the testing.

13 g. Respondent shall provide the PHP with written notice of any plans to travel
14 out of state.

15 h. Respondent shall successfully complete a PHP approved 36 hour
16 alcohol/drug awareness education class.

17 i. Respondent provides full consent for the PHP to discuss the Respondent's
18 case with the Respondent's PCP or any other health care providers to ensure
19 compliance with PHP.
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21 j. The relationship between the Respondent and the PHP is a direct
22 relationship. Respondent shall not use an attorney or other intermediary to
23 communicate with the PHP on participation and compliance issues.
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1 k. Respondent shall be responsible for all costs, including costs associated with
2 participating in PHP, at the time service is rendered or within 30 days of each invoice
3 sent to the Respondent. An initial deposit of two months PHP fees is due upon
4 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60
5 days after invoicing will be reported to the Board by the PHP and may result in
6 disciplinary action up to and including revocation.

7
8 I. Respondent shall immediately provide a copy of this Order to all employers,
9 hospitals and free standing surgery centers where Respondent currently has or in the
10 future gains or applies for employment or privileges. Within 30 days of the date of this
11 Order, Respondent shall provide the PHP with a signed statement of compliance with
12 this notification requirement. Respondent is further required to notify, in writing, all
13 employers, hospitals and free standing surgery centers where Respondent currently
14 has or in the future gains or applies for employment or privileges of a violation of this
15 Order.

16 m. In the event Respondent resides or practices as a physician in a state other
17 than Arizona, Respondent shall participate in the rehabilitation program sponsored by
18 that state's medical licensing authority or medical society. Respondent shall cause
19 the monitoring state's program to provide written quarterly reports to the PHP
20 regarding Respondent's attendance, participation, and monitoring. The monitoring
21 state's program and Respondent shall immediately notify the PHP if Respondent is
22 non-compliant with any aspect of the monitoring requirements or is required to
23 undergo any additional treatment.
24
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1 n. The PHP shall immediately notify the Board if Respondent is non-compliant
2 with any aspect of the monitoring requirements or this Order.

3 o. In the event of the use of drugs or alcohol by Respondent in violation of this
4 Order, Respondent shall promptly enter into an Interim Consent Agreement for
5 Treatment at a PHP approved facility. Following the successful conclusion of
6 treatment, Respondent shall enter into an Interim Consent Agreement for full
7 participation in PHP. In no respect shall the terms of this paragraph restrict the
8 Board's authority to initiate and take disciplinary action for violation of this Order.
9

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

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

3 DATED AND EFFECTIVE this 8th day of April, 2021.

4 ARIZONA MEDICAL BOARD

5
6 By Patricia E. McSorley
7 Patricia E. McSorley
8 Executive Director

9 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

21 5. All admissions made by Respondent in this Order are solely for final
22 disposition of this matter and any subsequent related administrative proceedings or civil
23 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
24 are not intended or made for any other use, such as in the context of another state or
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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 thereof)
13 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
14 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 any part of the Order is later declared void or otherwise unenforceable, the
21 remainder of the Order in its entirety shall remain in force and effect.

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

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

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

6 

DATED: 3/11/2021

7 MICHAEL D. MORAN, M.D.

8
9 EXECUTED COPY of the foregoing mailed
this ~~11th~~ day of ~~March~~¹², 2021 to:

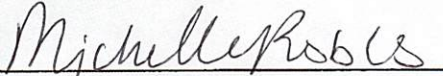
10 ~~8th~~ ~~April~~
11 Michael D. Moran, M.D.
Address of Record

12 Cal Raup, Esq.
13 Calvin L. Raup, PLLC
14 531 East Thomas Road, Suite 104
Phoenix, Arizona 85012
Attorney for Respondent

15 Physician Health Program
16 Address on File

17 ORIGINAL of the foregoing filed
this ~~8th~~ day of ~~April~~, 2021 with:

18 Arizona Medical Board
19 1740 West Adams Street, Suite 4000
20 Phoenix, Arizona 85007

21 
22 Board staff

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