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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

JEDIDIAH J. MALAN, M.D.

Holder of License No. 43272
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-21-0471A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

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INTERIM CONSENT AGREEMENT

Jedidiah J. Malan, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

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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. Respondent is the holder of License No. 43272 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-21-0471A after receiving Respondent's self-report that he had been arrested and charged with both felonies and misdemeanors. Respondent's self-report stated that he pled not guilty to the charges filed against him. Respondent additionally stated that he had voluntarily refrained from the practice of medicine, and had been admitted to an inpatient treatment facility.

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 the interim consent agreement to restrict Respondent's practice is appropriate.

5. The investigation into this matter is pending and will be forwarded to the Board promptly upon completion for review and action.

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1 **INTERIM CONCLUSIONS OF LAW**

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

4 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
5 enter into a consent agreement when there is evidence of danger to the public health and
6 safety.

7 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
8 interim consent agreement when there is evidence that a restriction is needed to mitigate
9 imminent danger to the public's health and safety. Investigative staff, the Board's medical
10 consultant and the lead Board member have reviewed the case and concur that an interim
11 consent agreement is appropriate.

12 **INTERIM ORDER**

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent is prohibited from engaging in the practice of medicine in the
15 State of Arizona as set forth in A.R.S. § 32-1401(22) until Respondent applies to the
16 Executive Director and receives permission to do so.

17 2. Respondent may request, in writing, release and/or modification of this
18 Interim Consent Agreement. Respondent's request must be accompanied by information
19 demonstrating that Respondent is safe to practice medicine. The Executive Director, in
20 consultation with and agreement of the lead Board member and the Chief Medical
21 Consultant, has the discretion to determine whether it is appropriate to release
22 Respondent from this Interim Consent Agreement.

23 3. The Board retains jurisdiction and may initiate new action based upon any
24 violation of this Interim Consent Agreement, including, but not limited to, summarily
25 suspending Respondent's license.

1 4. Because this is an Interim Consent Agreement and not a final decision by
2 the Board regarding the pending investigation, it is subject to further consideration by the
3 Board. Once the investigation is complete, it will be promptly provided to the Board for its
4 review and appropriate action.

5 5. This Interim Consent Agreement shall be effective on the date signed by the
6 Board's Executive Director.

7 DATED this 26 day of May, 2021.

8 ARIZONA MEDICAL BOARD

9 By Patricia E. McSorley

10 Patricia E. McSorley
11 Executive Director

12 **RECITALS**

13 Respondent understands and agrees that:

14 1. The Board, through its Executive Director, may adopt this Interim Consent
15 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
16 504.

17 2. Respondent has read and understands this Interim Consent Agreement as
18 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
19 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
20 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
21 by doing so agrees to abide by all of its terms and conditions.

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

3 4. Respondent understands that this Interim Consent Agreement does not
4 constitute a dismissal or resolution of this matter or any matters that may be currently
5 pending before the Board and does not constitute any waiver, express or implied, of the
6 Board's statutory authority or jurisdiction regarding this or any other pending or future
7 investigations, actions, or proceedings. Respondent also understands that acceptance of
8 this Interim Consent Agreement does not preclude any other agency, subdivision, or
9 officer of this State from instituting civil or criminal proceedings with respect to the conduct
10 that is the subject of this Interim Consent Agreement. Respondent further does not
11 relinquish Respondent's rights to an administrative hearing, rehearing, review,
12 reconsideration, judicial review or any other administrative and/or judicial action,
13 concerning the matters related to a final disposition of this matter, unless Respondent
14 affirmatively does so as part of the final resolution of this matter.
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16 5. Respondent acknowledges and agrees that upon signing this Interim
17 Consent Agreement and returning it to the Board's Executive Director, Respondent may
18 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
19 modifications to it. Any modification of this original document is ineffective and void unless
20 mutually approved by the parties in writing.

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

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

3 8. Respondent understands that this Interim Consent Agreement is a public
4 record that may be publicly disseminated as a formal action of the Board, and that it shall
5 be reported as required by law to the National Practitioner Data Bank.

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

17 10. Respondent understands that any violation of this Interim Consent
18 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) ("[v]iolating
19 a formal order, probation, consent agreement or stipulation issued or entered into by the
20 board or its executive director under this chapter.").

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23 JEDIDIAH MALAN, M.D.

DATED: 5/26/21

1 EXECUTED COPY of the foregoing e-mailed
this 26th day of May, 2021 to:

2 Jedidiah Malan, M.D.
3 Address of Record

4 ORIGINAL of the foregoing filed
this 26th day of May, 2021 with:

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

8 Michelle Rhodes
9 Board staff

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