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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
DAVID E. SMOCK, M.D.
Holder of License No. 24675
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-21-1137A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

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INTERIM CONSENT AGREEMENT

In lieu of summary suspension pursuant to A.R.S. § 32-1451.02(B), David E. Smock, 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. 24675 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-21-1137A after receiving notification from the Missouri State Technical Assistance Team that a warrant had been issued in Greene County Missouri Court for Respondent's arrest in Missouri Court case number 2321-CR05461.

4. On or about December 21, 2021, a Felony Complaint was filed in the Circuit Court of Cedar County Case 21CD-CR00485, charging Respondent with eight felonies including sexual misconduct involving a child, statutory sodomy of a child and child molestation.

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1 INTERIM ORDER

2 IT IS HEREBY ORDERED THAT:

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

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

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

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

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

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22 DATED this 1st day of February, 2023.

23 ARIZONA MEDICAL BOARD

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

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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 A.A.C. R4-16-504.

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 this or 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

1 that is the subject of this Interim Consent Agreement. Respondent further does not
2 relinquish Respondent's rights to an administrative hearing, rehearing, review,
3 reconsideration, judicial review or any other administrative and/or judicial action,
4 concerning the matters related to a final disposition of this matter, unless Respondent
5 affirmatively does so as part of the final resolution of this matter.

6 5. Respondent acknowledges and agrees that upon signing this Interim
7 Consent Agreement and returning it to the Board's Executive Director, Respondent may
8 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
9 modifications to it. Any modification of this original document is ineffective and void unless
10 mutually approved by the parties in writing.

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

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

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

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

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

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13 DAVID E. SMOCK, M.D.


DATED: 1/30/23

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15 EXECUTED COPY of the foregoing e-mailed
16 this 1st day of february, 2023 to:

17 David E. Smock, M.D.
18 Address of Record

19 ORIGINAL of the foregoing filed
20 this 1st day of february, 2023 with:

21 Arizona Medical Board
22 1740 West Adams, Suite 4000
23 Phoenix, Arizona 85007

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25 Board staff