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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of  
**HERBERT W. JONES, M.D.**  
Holder of License No. 29347  
For the Practice of Allopathic Medicine  
In the State of Arizona.

**Case No. MD-21-0543A**  
**INTERIM CONSENT AGREEMENT  
FOR PRACTICE RESTRICTION**

**INTERIM CONSENT AGREEMENT**

Herbert W. Jones, 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").

**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. 29347 for the practice of allopathic medicine in the State of Arizona.
3. Respondent's license is subject to an Order for Letter of Reprimand and Probation; and Consent to the Same in MD-19-0546A ("Prior Order"). The Prior Order required Respondent to participate in the Health Professionals Service Program ("HPSP") of the Minnesota Board of Medical Practice ("Minnesota Board").
4. The Board initiated case number MD-21-0543A after receiving notification from the HPSP that Respondent submitted a positive Phosphatidylethanol ("PEth") test on May 14, 2021 in violation of his participation agreement.
5. The Prior Order states in part at paragraph 5, "In the event of . . . Respondent's use of . . . alcohol in violation of this Order, Respondent shall promptly enter into an Interim Consent Agreement for Practice Restriction that requires, among other

1 things, that Respondent not practice medicine until such time as Respondent successfully  
2 completes long-term inpatient treatment designated by the PHP Contractor and obtains  
3 affirmative approval from the Executive Director . . . to return to the practice of medicine”.

4 6. The aforementioned information was presented to the investigative staff, the  
5 medical consultant and the lead Board member. All reviewed the information and concur  
6 that the interim consent agreement to restrict Respondent’s practice is appropriate.

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

9 **INTERIM CONCLUSIONS OF LAW**

10 1. The Board possesses jurisdiction over the subject matter hereof and over  
11 Respondent.

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

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

20 **INTERIM ORDER**

21 IT IS HEREBY ORDERED THAT:

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

25 2. Respondent may request, in writing, release and/or modification of this

1 Interim Consent Agreement. Respondent's request must be accompanied by information  
2 demonstrating that Respondent is safe to practice medicine including proof of compliance  
3 with paragraph 5 of the Prior Order. The Executive Director, in consultation with and  
4 agreement of the lead Board member and the Chief Medical Consultant, has the discretion  
5 to determine whether it is appropriate to release Respondent from this Interim Consent  
6 Agreement.

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

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

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

16  
17 DATED this 24<sup>th</sup> day of June, 2021.

18 ARIZONA MEDICAL BOARD

19 By Patricia E. McSorley  
20 Patricia E. McSorley  
21 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 that is the subject of this Interim Consent Agreement. Respondent further does not

1 relinquish Respondent's rights to an administrative hearing, rehearing, review,  
2 reconsideration, judicial review or any other administrative and/or judicial action,  
3 concerning the matters related to a final disposition of this matter, unless Respondent  
4 affirmatively does so as part of the final resolution of this matter.

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

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

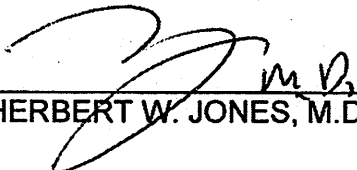
12 7. Respondent understands and agrees that if the Board's Executive Director  
13 does not adopt this Interim Consent Agreement, Respondent will not assert in any future  
14 proceedings that the Board's consideration of this Interim Consent Agreement constitutes  
15 bias, prejudice, prejudgment,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

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

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

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

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11   
12 HERBERT W. JONES, M.D.

DATED: 6/24/2021

13  
14 EXECUTED COPY of the foregoing e-mailed  
this 24<sup>th</sup> day of June, 2021 to:

15 Herbert W. Jones, M.D.  
16 Address of Record

17 ORIGINAL of the foregoing filed  
this 24<sup>th</sup> day of June, 2021 with:

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

21   
22 Board staff