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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MORTON I. HYSON, M.D.

Holder of License No. 49700
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-22-0504A

**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), Morton I Hyson, 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. 49700 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 Same entered in case MD-20-1072 ("Prior Order"). The Prior Order arose out of a report of disciplinary action taken by the Nevada State Board of Medical Examiners ("Nevada Board") against Respondent's Nevada medical license based on a finding that he violated a Stipulation and Order requiring a female chaperone for all medical encounters with female patients ("First Nevada Order"). The First Nevada Order imposed a restriction requiring Respondent to utilize a chaperone for all female patient encounters.

1 4. The Board initiated case number MD-22-0504A after receiving notification
2 from the Nevada Board that Respondent's license had been summarily suspended based
3 on a finding that Respondent's acts put the health, safety or welfare of the public at risk of
4 imminent harm.

5 5. Effective May 12, 2022, the Nevada Board issued an Order of Summary
6 Suspension and Notice of Hearing in Case No.: 22-8616-1 ("Second Nevada Order"). The
7 Second Nevada Order stated that on June 4, 2021 Respondent requested termination of
8 the First Nevada Order. The Nevada Board granted the request and articulated an
9 expectation that Respondent would continue to voluntarily utilize a female chaperone. The
10 Second Nevada Order stated that on February 9, 2022 Respondent examined a female
11 patient without a chaperone and engaged in "unlawful and unsolicited sexual touching
12 without Patient A's consent." Based on this finding, the Nevada Board summarily
13 suspended Respondent's Nevada medical license.

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

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

19 **INTERIM CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over
21 Respondent.

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

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2 DATED this 27th day of May, 2022.

3 ARIZONA MEDICAL BOARD

4 By Patricia E. McSorley
5 Patricia E. McSorley
6 Executive Director

7 **RECITALS**

8 Respondent understands and agrees that:

9 1. The Board, through its Executive Director, may adopt this Interim Consent
10 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
11 504.

12 2. Respondent has read and understands this Interim Consent Agreement as
13 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
14 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
15 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
16 by doing so agrees to abide by all of its terms and conditions.

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

22 4. Respondent understands that this Interim Consent Agreement does not
23 constitute a dismissal or resolution of this matter or any matters that may be currently
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1 pending before the Board and does not constitute any waiver, express or implied, of the
2 Board's statutory authority or jurisdiction regarding this or any other pending or future
3 investigations, actions, or proceedings. Respondent also understands that acceptance of
4 this Interim Consent Agreement does not preclude any other agency, subdivision, or
5 officer of this State from instituting civil or criminal proceedings with respect to the conduct
6 that is the subject of this Interim Consent Agreement. Respondent further does not
7 relinquish Respondent's rights to an administrative hearing, rehearing, review,
8 reconsideration, judicial review or any other administrative and/or judicial action,
9 concerning the matters related to a final disposition of this matter, unless Respondent
10 affirmatively does so as part of the final resolution of this matter.

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

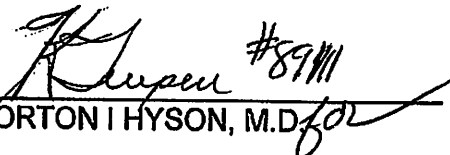
16 6. Respondent understands that this Interim Consent Agreement shall not
17 become effective unless and until it is signed by the Board's Executive Director.

18 7. Respondent understands and agrees that if the Board's Executive Director
19 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
20 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
21 bias, prejudice, prejudgment, or other similar defense.
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1 8. Respondent understands that this Interim Consent Agreement is a public
2 record that may be publicly disseminated as a formal action of the Board, and that it shall
3 be reported as required by law to the National Practitioner Data Bank.

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

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

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19  #89111
20 MORTON HYSON, M.D.

DATED: 5/27/22

1 EXECUTED COPY of the foregoing e-mailed
this 27th day of May, 2022 to:

2 Morton I Hyson, M.D.
3 Address of Record

4 ORIGINAL of the foregoing filed
this 27th day of May, 2022 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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