

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **MICHAEL S. MARCH, M.D.**

4 Holder of Permit No. R78352
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-21-0136A

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

7 Michael S. March, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for a Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 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 Post Graduate Training Permit number R78352
15 for the practice of allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0136A after receiving a self-report
17 from Respondent that he was charged with two misdemeanor charges of violating A.R.S. §
18 13-3613(A) Contributing to the Delinquency of a Minor and A.R.S. § 13-1203(A)(3)
19 Assault. The self-report additionally included information indicating that Respondent may
20 have a health condition that affected his ability to safely practice medicine.

21 4. On March 1, 2021, Respondent entered into an Interim Consent Agreement
22 for Practice Limitation, wherein he agreed to cease practicing medicine

23 5. Respondent subsequently underwent and Evaluation and Assessment with a
24 Board approved Evaluator. Based on the Evaluation findings and results, the Evaluator
25 opined that Respondent was safe to return to the practice of medicine, provided he comply
with recommendations for treatment and monitoring.

1 6. On June 4-5, 2021, Respondent completed the Professional Boundaries and
2 Ethics Course- Extended Edition Continuing Medical Education ("CME") course offered by
3 Professional Boundaries, Inc. ("PBI") for a total of 34 hours of CME credit. Respondent
4 additionally enrolled in PBI's post-course Maintenance and Accountability Seminars.

5 7. As part of the PBI course, Respondent created a Personalized Protection
6 Plan and submitted it to Board staff for review, with stipulations including utilization of
7 chaperones as required for clinic patients, and ongoing accountability to direct supervision
8 of attending physicians.

9 8. Respondent has additionally engaged in treatment with a Board-approved
10 psychologist.

11 9. Respondent entered Interim Consent Agreement for Practice Restriction
12 effective July 21, 2021 that vacated the Interim Practice Limitation and required
13 Respondent to continue to comply with the Evaluator's recommendations for treatment
14 and monitoring, including completion of the Maintenance and Accountability Seminars, and
15 supervision of practice.

16 10. On August 30, 2021, respondent pled no contest to the charge of A.R.S. §
17 13-3613 (Contributing to the Delinquency of a Minor, Class 1 Misdemeanor) with a
18 sentence of 36 months of probation, 180 days in jail suspended upon completion of
19 probation, and payment of jail costs. The terms and conditions of Respondent's probation
20 required Respondent to provide the Court with progress reports regarding ongoing
21 treatment, and to comply with conditions imposed by the Board on his license.
22 Additionally, the probation prohibited Respondent from having contact with the minor
23 victim in the case ("Victim 1").

24 11. On October 14, 2021, Board staff received PBI's Accomplishments,
25 Impressions, and Recommendations ("AIR") Letter which stated that Respondent had

1 successfully completed the Professional Boundaries and Ethics Course: Extended Edition,
2 as well as the Maintenance and Accountability Seminars.

3 12. Respondent has provided proof of compliance with requirements for ongoing
4 treatment.

5 13. On March 25, 2022 the Evaluator provided an updated Evaluation Report
6 based upon review of additional information including records from Respondent's
7 treatment provider, PBI and newly disclosed text communications between Respondent
8 and Victim 1. The Evaluator provided recommendations for Respondent, to wit:

9 a. Respondent should continue treatment with his current provider;

10 b. Respondent should not act in unsupervised mentorship roles for adolescents
11 that would mix personal and professional boundaries; and

12 c. Respondent should continue to follow-up with supervision and training on
13 appropriate professional boundaries as recommended by the training
14 organizers or any other supervisor or mentor.

15 14. Respondent's Post Graduate Training Permit has expired, with expiration is
16 stayed pending completion of this investigation pursuant to A.R.S. § 32-3202.

17 CONCLUSIONS OF LAW

18 a. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 b. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws or rules
22 and regulations applicable to the practice of medicine."). Specifically, Respondent's
23 conduct violated A.R.S. § 32-3208(A) ("A health professional who has been charged with a
24 misdemeanor involving conduct that may affect patient safety or a felony after receiving or
25

1 renewing a license or certificate must notify the health professional's regulatory board in
2 writing within ten working days after the charge is filed.”).

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

6 **ORDER**

7 IT IS HEREBY ORDERED THAT:

8 1. Respondent is issued a Letter of Reprimand.

9
10 DATED AND EFFECTIVE this 5th day of August, 2022.

11 ARIZONA MEDICAL BOARD

12
13 By Patricia E. McSorley
14 Patricia E. McSorley
15 Executive Director

16 **CONSENT TO ENTRY OF ORDER**

17 1. Respondent has read and understands this Consent Agreement and the
18 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
19 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

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

3 5. All admissions made by Respondent in this Order are solely for final
4 disposition of this matter and any subsequent related administrative proceedings or civil
5 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
6 are not intended or made for any other use, such as in the context of another state or
7 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
8 State of Arizona or any other state or federal court.

9 6. Notwithstanding any language in this Order, this Order does not preclude in
10 any way any other State agency or officer or political subdivision of this state from
11 instituting proceedings, investigating claims, or taking legal action as may be appropriate
12 now or in the future relating to this matter or other matters concerning Respondent,
13 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
14 acknowledges that, other than with respect to the Board, this Order makes no
15 representations, implied or otherwise, about the views or intended actions of any other
16 state agency or officer or political subdivisions of the State relating to this matter or other
17 matters concerning Respondent

18 7. Upon signing this agreement, and returning this document (or a copy thereof)
19 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
20 the Order. Respondent may not make any modifications to the document. Any
21 modifications to this original document are ineffective and void unless mutually approved
22 by the parties.

23 8. This Order is a public record that will be publicly disseminated as a formal
24 disciplinary action of the Board and will be reported to the National Practitioner's Data
25 Bank and on the Board's web site as a disciplinary action.

1 9. If the Board does not adopt this Order, Respondent will not assert as a
2 defense that the Board's consideration of the Order constitutes bias, prejudice,
3 prejudgment or other similar defense.

4 10. *Respondent has read and understands the terms of this agreement.*

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6 

DATED: July 6, 2022

7 MICHAEL S. MARCH, M.D.

8 EXECUTED COPY of the foregoing mailed
9 this 5th day of August, 2022 to:

10 Michael S. March, M.D.
11 Address of Record

12 Anne E. McClellan, Esq.
13 Jennings, Strouss & Salmon, PLC
14 One East Washington Street, Suite 1900
15 Phoenix, Arizona 85004-2554
16 Attorney for Respondent

17 ORIGINAL of the foregoing filed
18 this 5th day of August, 2022 with:

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

22 

23 Board staff
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