

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **CARLOS A. SUESCUN, M.D.**

4 Holder of License No. 35723  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-19-0827A

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

7 Carlos A. Suescun, M.D. ("Respondent") elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;  
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of  
10 this Order 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 license number 35723 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-0827A after receiving notification  
17 that Respondent may have a health condition that impacts Respondent's ability to safely  
18 practice medicine.

19 4. Based on information from the complaint, Board staff reviewed Respondent's  
20 Controlled Substance Prescription Monitoring Profiles ("CSPMP").

21 5. On September 16, 2019, the Executive Director issued Respondent an  
22 Interim Order for Biological Fluid Nail and/or Hair Testing requiring Respondent to  
23 complete the testing within 24 hours. Respondent provided documentation of flight  
24 itinerary for a pre-planned vacation beginning that same day, and was advised that the  
25 testing would need to be completed within 24 hours of his return. On September 23, 2019

1 Respondent presented for testing without sufficient hair or nails and was unable to  
2 complete the test.

3 6. Board staff interviewed a Former Employee of Respondent's practice, who  
4 stated that Respondent was undergoing a contentious divorce and expressed concern  
5 regarding conduct that the Former Employee believed may be attributable to a substance  
6 use disorder.

7 7. On October 2, 2019 Respondent appeared for an interview with Board staff.  
8 In response to an inquiry Respondent disclosed use of a controlled substance prescribed  
9 by a treating specialist, which was consistent with his CSPMP. Respondent also denied  
10 that an Immediate Family Member<sup>1</sup> was being prescribed the same medication. When  
11 discussing his marital situation, Respondent admitted an incident of assault by his spouse  
12 ("CS"), but denied that he had sustained any injury or that the police had been called.

13 8. Board staff reviewed the CSPMP of Respondent's Immediate Family  
14 Member and identified controlled substance prescriptions, including the same controlled  
15 substance being prescribed to Respondent by his treating specialist.

16 9. Board staff additionally obtained police reports from an incident occurring at  
17 Respondent's home on August 19-20, 2017 at Respondent's home as well as an incident  
18 occurring on December 25, 2019 in Park City, Utah. According to the 2017 Police Report,  
19 CS called 911 the morning of August 20 because she could not wake Respondent. CS  
20 reported that an argument led to a physical altercation, and that Respondent had taken a  
21 controlled substance prescribed to another Immediate Family Member and alcohol prior to  
22 going to sleep. CS denied causing injury to Respondent, who was transported to a  
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25 <sup>1</sup> A.R.S. § 32-1401(13).

1 Hospital and treated. Both Respondent and CS were cited with misdemeanors, but formal  
2 charges were not filed against either party.

3 10. According to the 2019 Utah Police Report, Police responded to a potential  
4 domestic violence call involving Respondent and CS at a hotel. Both parties described an  
5 argument leading to a physical altercation. Respondent was charged with a reportable  
6 misdemeanor, which was subsequently dismissed.

7 11. Respondent subsequently completed an Assessment with a PHP Assessor.  
8 During the course of the Assessment, Respondent disclosed that in addition to the  
9 controlled substance disclosed during his Board staff interview, he was self-prescribing  
10 and administering controlled substances that the Assessor confirmed were not previously  
11 disclosed to Respondent's treating specialist. The Assessor noted that the controlled  
12 substances Respondent self-prescribed and administered were also not present on  
13 Respondent's CSPMP. Additionally, the Assessor noted a number of discrepancies  
14 between information reported by Respondent and case file information. Based on the  
15 Assessment findings and results. The Assessor opined that Respondent was not safe to  
16 practice and recommended a more definitive in-patient evaluation.

17 12. Effective May 19, 2020, Respondent entered into an Interim Consent  
18 Agreement for Practice Limitation.

19 13. Respondent subsequently underwent an inpatient evaluation at a Board-  
20 approved Facility. Based on the evaluation findings, the Facility opined that Respondent  
21 was safe to practice, provided he enter into a monitoring agreement with the Board, and  
22 comply with recommendations for aftercare.

23 14. Effective August 20, 2021 Respondent entered into an Interim Consent  
24 Agreement for PHP Participation that vacated the Interim Practice Limitation.

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1 e. The conduct and circumstances described above constitute unprofessional  
2 conduct pursuant to A.R.S. § 32-1401(27)(g) ("Using controlled substances except if  
3 prescribed by another physician for use during a prescribed course of treatment.").

4 f. The conduct and circumstances described above constitute unprofessional  
5 conduct pursuant to A.R.S. § 32-1401(27)(j) ("Prescribing, dispensing or administering any  
6 controlled substance or prescription-only drug for other than accepted therapeutic  
7 purposes.").

8 g. The conduct and circumstances described above constitute unprofessional  
9 conduct pursuant to A.R.S. § 32-1401(27)(kk) ("Knowingly making a false or misleading  
10 statement to the board or on a form required by the board or in a written correspondence,  
11 including attachments, with the board.").

12 **ORDER**

13 **IT IS HEREBY ORDERED THAT:**

- 14 1. Respondent is issued a Letter of Reprimand.  
15 2. Respondent is placed on Probation for a period of three years<sup>2</sup> with the  
16 following terms and conditions:

17 3. **PBI Ethics/Maintenance and Accountability Seminar**

18 Respondent shall within 6 months of the effective date of this Order, complete the  
19 Medical Ethics and Professionalism: Extended Edition (ME-22EX) course offered by  
20 Professional Boundaries, Inc. ("PBI"). Respondent shall within thirty days of the effective  
21 date of this Order submit satisfactory proof of enrollment with Board staff. Upon completion  
22 of the CME, Respondent shall provide Board staff with satisfactory proof of attendance.

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<sup>2</sup> Respondent's probation shall be retroactive to August 20, 2020.

1 The CME hours shall be in addition to the hours required for the biennial renewal of  
2 medical licensure

3       Within 30 days of successful completion of the PBI CME, Respondent shall enroll in  
4 the post-CME maintenance and accountability seminars and successfully complete them.  
5 Respondent shall comply with any and all requirements and practice recommendations  
6 made by his PBI faculty as well as follow any and all recommendations made for further  
7 education and/or remediation by PBI, subject to the approval of the Board or its staff.  
8 Respondent shall provide Board staff with proof that she successfully completed all  
9 seminars. Respondent shall sign any and all consents or releases necessary to allow for  
10 PBI to communicate to the Board directly and furnish PBI's "AIR" Letter after completion of  
11 the required CME. Respondent shall be responsible for the expenses of participation in the  
12 maintenance and accountability seminars, and shall notify the Board staff of enrollment in  
13 them. Respondent shall not revoke any release prior to successful completion of the CME  
14 and maintenance and accountability seminars.

15       4. Respondent shall not consume alcohol or any food or other substance  
16 containing poppy seeds or alcohol.

17       5. Respondent shall not take any illegal drugs or mood altering medications  
18 unless prescribed for a legitimate therapeutic purpose.

19       6. Respondent shall not self-prescribe any controlled substances.

20       7. Respondent shall continue to participate in any personalized aftercare  
21 programs or activities as recommended by the Facility in its discharge summary including,  
22 but not limited to individual therapy as approved by the PHP Assessor. Respondent shall  
23 report on those activities as requested by the PHP, including executing any releases  
24 necessary to allow the PHP to monitor his participation and communicate directly with and  
25 obtain records from the treating providers for those aftercare activities. Respondent shall

1 be responsible for all costs of aftercare, including costs associated with compliance of this  
2 Board Order.

3 8. Respondent shall promptly obtain a Primary Care Physician ("PCP") and  
4 shall submit the name of the physician to the PHP Contractor in writing for approval.  
5 Except in an Emergency, Respondent shall obtain medical care and treatment only from  
6 the PCP and from health care providers to whom the PCP refers Respondent. Respondent  
7 shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all  
8 other health care providers who provide medical care or treatment that Respondent is  
9 participating in the PHP. "Emergency" means a serious accident or sudden illness that, if  
10 not treated immediately, may result in a long-term medical problem or loss of life.

11 9. All prescriptions for controlled substances shall be approved by the PHP  
12 Contractor prior to being filled except in an Emergency. Controlled substances prescribed  
13 and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall  
14 take no Medication unless the PCP or other health care provider to whom the PCP refers  
15 Respondent prescribes and the PHP Contractor approves the Medication. Respondent  
16 shall not self-prescribe any Medication. "Medication" means a prescription-only drug,  
17 controlled substance, and over-the counter preparation, other than plain aspirin, plain  
18 ibuprofen, and plain acetaminophen.

19 10. If recommended by the PHP Contractor, Respondent shall attend a relapse  
20 prevention outpatient program for a duration and frequency recommended by the PHP  
21 Contractor, unless Respondent is excused by the relapse program facilitator for good  
22 cause. The relapse prevention group facilitators shall submit monthly reports to the PHP  
23 regarding Respondent's attendance and progress.

24 11. Respondent shall enter treatment with a PHP Contractor approved  
25 psychiatrist as recommended by the Facility and shall comply with any and all treatment

1 recommendations, including taking any and all prescribed medications. Respondent shall  
2 instruct the treating psychiatrist to submit quarterly written reports to the PHP regarding  
3 diagnosis, prognosis, current medications, recommendation for continuing care and  
4 treatment, and ability to safely practice medicine. The reports shall be submitted quarterly  
5 to the PHP, the commencement of which to be determined by the PHP Contractor.  
6 Respondent shall provide the psychiatrist with a copy of this Order. Respondent shall pay  
7 the expenses for treatment and be responsible for paying for the preparation of the  
8 quarterly reports. At the expiration of one year or anytime thereafter, Respondent may  
9 submit a written request to the PHP Contractor requesting termination of the requirement  
10 that Respondent remain in treatment with a psychiatrist. The decision to terminate will be  
11 based in part upon the treating psychiatrist's recommendation for continued care and  
12 treatment.

13       12. Respondent shall submit to random biological fluid, hair and/or nail testing for  
14 the remainder of this Order (as specifically directed below) to ensure compliance with the  
15 PHP. Respondent shall at all times maintain hair and nails sufficient for testing.

16       13. Respondent shall provide the PHP Contractor in writing with one telephone  
17 number that shall be used to contact Respondent on a 24 hour per day/seven day per  
18 week basis to submit to biological fluid, hair, and/or nail testing to ensure compliance with  
19 the PHP. For the purposes of this section, telephonic notice shall be deemed given at the  
20 time a message to appear is left at the contact telephone number provided by  
21 Respondent. Respondent authorizes any person or organization conducting tests on the  
22 collected samples to provide testing results to the PHP Contractor. Respondent shall  
23 comply with all requirements for biological fluid, hair, and/or nail collection. Respondent  
24 shall pay for all costs for the testing.

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1           14.    Respondent shall provide the PHP Contractor with written notice of any plans  
2 to travel out of state.

3           15.    If requested by the PHP, Respondent shall successfully complete a PHP  
4 approved 36 hour alcohol/drug awareness education class.

5           16.    Respondent shall immediately notify the Board and the PHP Contractor in  
6 writing of any change in office or home addresses and telephone numbers.

7           17.    Respondent provides full consent for the PHP Contractor to discuss the  
8 Respondent's case with the Respondent's PCP or any other health care providers to  
9 ensure compliance with the PHP.

10          18.    The relationship between the Respondent and the PHP Contractor is a direct  
11 relationship. Respondent shall not use an attorney or other intermediary to communicate  
12 with the PHP Contractor on participation and compliance issues. All inquiries must be  
13 directed to Board staff.

14          19.    Respondent shall be responsible for all costs, including costs associated with  
15 participating in the PHP, at the time service is rendered or within 30 days of each invoice  
16 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon  
17 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days  
18 after invoicing will be reported to the Board by the PHP Contractor and may result in  
19 disciplinary action.

20          20.    Respondent shall appear in person before with the PHP Contractor for  
21 interviews upon request, upon reasonable notice.

22          21.    Respondent shall immediately provide a copy of this Order to all employers,  
23 hospitals and free standing surgery centers where Respondent currently has or in the  
24 future gains or applies for employment or privileges. Within 30 days of the date of this  
25 Order, Respondent shall provide the PHP with a signed statement of compliance with this

1 notification requirement. Respondent is further required to notify, in writing, all employers,  
2 hospitals and free standing surgery centers where Respondent currently has or in the  
3 future gains or applies for employment or privileges of a violation of this Order.

4       22. In the event Respondent resides or practices as a physician in a state other  
5 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that  
6 state's medical licensing authority or medical society. Respondent shall cause the  
7 monitoring state's program to provide written quarterly reports to the PHP Contractor  
8 regarding Respondent's attendance, participation, and monitoring. The monitoring state's  
9 program and Respondent shall immediately notify the PHP Contractor if Respondent is  
10 non-compliant with any aspect of the monitoring requirements or is required to undergo  
11 any additional treatment.

12       23. The PHP Contractor shall immediately notify the Board if Respondent is non-  
13 compliant with any aspect of this Order or is required to undergo any additional treatment.

14       24. In the event of a chemical dependency relapse by Respondent or  
15 Respondent's use of controlled substances or alcohol in violation of this Order,  
16 Respondent shall promptly enter into an Interim Consent Agreement for Practice  
17 Restriction that requires, among other things, that Respondent not practice medicine until  
18 such time as Respondent successfully completes long-term inpatient treatment designated  
19 by the PHP Contractor and obtains affirmative approval from the Executive Director, in  
20 consultation with the Lead Board Member and Chief Medical Consultant, to return to the  
21 practice of medicine. Prior to approving Respondent's request to return to the practice of  
22 medicine, Respondent may be required to undergo any combination of physical  
23 examinations, psychiatric or psychological evaluations. In no respect shall the terms of this  
24 paragraph restrict the Board's authority to initiate and taken disciplinary action for any  
25 violation of this Order.



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

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

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

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

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

24          7.     Upon signing this agreement, and returning this document (or a copy thereof)  
25 to the Board's Executive Director, Respondent may not revoke the consent to the entry of

1 the Order. Respondent may not make any modifications to the document. Any  
2 modifications to this original document are ineffective and void unless mutually approved  
3 by the parties.

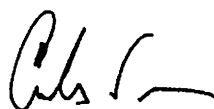
4 8. This Order is a public record that will be publicly disseminated as a formal  
5 disciplinary action of the Board and will be reported to the National Practitioner's Data  
6 Bank and on the Board's web site as a disciplinary action.

7 9. If any part of the Order is later declared void or otherwise unenforceable, the  
8 remainder of the Order in its entirety shall remain in force and effect.

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

12 11. Any violation of this Order constitutes unprofessional conduct and may result  
13 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,  
14 consent agreement or stipulation issued or entered into by the board or its executive  
15 director under this chapter.") and 32-1451.

16 12. ***Respondent has read and understands the conditions of Probation.***

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18 DATED: 7/2/21

19 CARLOS A. SUESCUN, M.D.

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1 EXECUTED COPY of the foregoing mailed  
2 this 24<sup>th</sup> day of August, 2021 to:

3 Carlos A. Suescun, M.D.  
4 Address of Record

5 Heather Macre, Esq.  
6 Fennemore Craig, P.C.  
7 2394 East Camelback Road, Suite 600  
8 Phoenix, Arizona 85016  
9 Attorney for Respondent

10 Physician Health Program  
11 Address on File

12 ORIGINAL of the foregoing filed  
13 this 24<sup>th</sup> day of August, 2021 with:

14 Arizona Medical Board  
15 1740 West Adams, Suite 4000  
16 Phoenix, Arizona 85007

17 Michelle Rodas  
18 Board staff

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