

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **STEPHEN J. GRAHAM, M.D.**

4 Holder of License No. 19987  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-19-0058A

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

7 Stephen J. Graham, 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 license number 19987 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-0058A after receiving notification  
17 that Respondent had violated his Board Order for Letter of Reprimand and Probation; and  
18 Consent to Same, entered in Case MD-16-1514A ("Original Order").

19 4. The Original Order defined "Current Employer" as the company where  
20 Respondent was employed that provided contract medical services for federal prisons.

21 5. Further, the Original Order includes a Practice Restriction that states  
22 "Respondent's practice is restricted in that he shall practice only in such settings as  
23 deemed appropriate by his Current Employer based on his health condition." See Original  
24 Order at paragraph 2(a).

25 6. The Original Order further states:

1 Any request for modification or termination of this Order shall be made  
2 in writing and will be considered by the Board at its next regularly scheduled  
3 meeting provided it is received no less than 30 days prior to the meeting.

4 If Respondent wishes to return to active clinical practice he must  
5 provide the Board with satisfactory evidence that he is safe to provide direct  
6 patient care. Additionally, Respondent must also agree to complete the CME  
7 as originally ordered by the Board after his October 4, 2017 Formal  
8 Interview.

9 When considering whether to modify or terminate this Order, the  
10 Board may require, at the Respondent's expense, any combination of staff  
11 approved assessments, evaluations, treatments, examinations or interviews  
12 it finds necessary to assist in determining whether Respondent is able to  
13 safely resume such practice or whether to grant Respondent's request for  
14 modification or termination. The Board has the sole discretion to determine  
15 whether to modify or terminate this Board Order or whether to take any other  
16 action that is consistent with its statutory and regulatory authority at the time  
17 of the request including ordering Respondent to complete the original CME  
18 prior to termination.

19 7. On or about September 26, 2018, Respondent notified the Board that his  
20 position with his Current Employer as defined by the Original Order had expired effective  
21 May 31, 2018, and he had been unemployed due to a health condition since that date.

22 8. On January 15, 2019, the Arizona Department of Gaming ("ADG"),  
23 specifically the Executive Director of the Boxing and Mixed Martial Arts Commission  
24 ("Commission") reported that Respondent sought and obtained licensure with the  
25 Commission as a ringside physician performing physicals and eye examinations for

1 fighters to clear them to compete. The Executive Director reported to the Board that the  
2 Commission had become aware of the Original Order and notified Respondent that his  
3 license to act as a ringside physician had been revoked. ADG provided records showing  
4 that Respondent ordered and read an MRI and EKG and provided medical clearance for  
5 fighter SB. Additionally, Respondent completed physical examinations for fighter JM on  
6 May 30, 2018, and fighter SC on October 9, 2019. For fighter JM, Respondent also  
7 performed an ophthalmological examination.

8 9. Respondent obtained employment with an Allergy Clinic in October, 2018,  
9 and provided direct care to patients of the Allergy Clinic.

10 10. Effective March 5, 2020, Respondent entered into an Interim Consent  
11 Agreement for Practice Limitation.

12 11. Respondent did not request modification or termination of the Original Order  
13 prior to returning to active clinical practice.

#### 14 CONCLUSIONS OF LAW

15 a. The Board possesses jurisdiction over the subject matter hereof and over  
16 Respondent.

17 b. The conduct and circumstances described above constitute unprofessional  
18 conduct pursuant to A.R.S. § 32-1401(27)(s) ("Violating a formal order, probation, consent  
19 agreement or stipulation issued or entered into by the board or its executive director under  
20 the provisions of this chapter.").

21 c. The conduct and circumstances described above constitute unprofessional  
22 conduct pursuant to A.R.S. § 32-1401(27)(ee) ("Failing to furnish information in a timely  
23 manner to the board or the board's investigators or representatives if legally requested by  
24 the board.").

25

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

- 3 1. Respondent is issued a Letter of Reprimand.

4  
5 DATED AND EFFECTIVE this 24<sup>th</sup> day of August, 2020.

6 ARIZONA MEDICAL BOARD

7  
8 By Patricia E. McSorley  
9 Patricia E. McSorley  
10 Executive Director

11 **CONSENT TO ENTRY OF ORDER**

12 1. Respondent has read and understands this Consent Agreement and the  
13 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
14 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

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

23 5. All admissions made by Respondent in this Order are solely for final  
24 disposition of this matter and any subsequent related administrative proceedings or civil  
25 litigation involving the Board and Respondent. Therefore, said admissions by Respondent  
are not intended or made for any other use, such as in the context of another state or

1 federal government regulatory agency proceeding, civil or criminal court proceeding, in the  
2 State of Arizona or any other state or federal court.

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

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

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

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

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

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STEPHEN J. GRAHAM, M.D.

DATED: 08-28-2020

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EXECUTED COPY of the foregoing mailed  
this 24<sup>th</sup> day of August, 2020 to:

David Williams, Esq.  
David Miles McGuire Gardner, PLLC  
40 East Rio Salado Parkway, Suite 425  
Tempe, Arizona 85281  
Attorney for Respondent

ORIGINAL of the foregoing filed  
this 24<sup>th</sup> day of August, 2020 with:

Arizona Medical Board  
1740 West Adams, Suite 4000  
Phoenix, Arizona 85007

Michelle Prodes  
Board staff