

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-21-0286A__

3 **JOHN A. EELKEMA, M.D.**

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

4 Holder of License No. 28986
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

6 **INTRODUCTION**

7 The above-captioned matter came for discussion before the Arizona Medical Board
8 (“Board”) at its December 22, 2021 meeting, where it had been placed on the agenda to
9 consider possible summary action against John A. Eelkema, M.D. (“Respondent”). Having
10 considered the information in the matter and being fully advised, the Board enters the
11 following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension
12 of License, pending a formal hearing or other Board action. A.R.S. § 32-1451(D).

13 **INTERIM FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control of
15 the practice of allopathic medicine in the State of Arizona.

16 2. Respondent is the holder of license number 28986 for the practice of
17 allopathic medicine in the State of Arizona.

18 3. The Board initiated case number MD-21-0286A after receiving a complaint
19 alleging that Respondent had been exhibiting behaviors that may impact his ability to
20 safely practice medicine.

21 4. In his initial response to the Board, Respondent denied the allegations in the
22 complaint regarding his conduct.

23 5. Respondent subsequently underwent an Assessment with a Board-approved
24 Assessor. During the Assessment, Respondent informed the Assessor regarding recent
25 use if a controlled substance that was not prescribed to him. Additionally, Respondent

1 admitted to allowing a visitor into his practice's offices after the office was closed. The
2 Assessor noted that the visitor could have been able to access confidential patient
3 information. The Assessor opined that Respondent met the criteria for a health condition
4 that may impair his ability to safely practice medicine, and recommended further
5 evaluation regarding conduct that may impact patient safety. Based on the Assessment
6 findings and results, the Assessor opined that Respondent was safe to practice, provided
7 he enter into a monitoring agreement with the Board, and comply with recommendations
8 for aftercare.

9 6. Effective September 23, 2021, Respondent entered into an Interim Consent
10 Agreement for PHP Participation ("Interim Consent"). The Interim Consent included terms
11 and conditions of monitoring with a PHP Contractor consistent with the Assessor's
12 recommendations including requirements for random biological fluid and/or nail testing.

13 7. On December 13, 2021, the PHP Contractor notified the Board that
14 Respondent was non-compliant with the Interim Consent, and missed daily check-ins
15 beginning on December 8, 2021. The Contractor stated that Respondent missed two urine
16 drug screens and a PEth test that was scheduled for December 13, 2021. The Contractor
17 noted that several attempts to contact Respondent via text and voicemail were
18 unsuccessful. The Contractor opined that Respondent was not safe to practice until
19 contact can be made with further assessment and planning for his level of care.

20 8. During the Board's consideration of the above captioned matter on
21 December 22, 2021, Board staff presented the foregoing, and the Board heard statements
22 from Respondent and his counsel. In addition to other statements, Respondent reported
23 that he had retired from the practice of medicine, and did not see the need for further
24 board action. Board members pointed out that an unrestricted license would allow
25 Respondent to practice medicine at any time, and noted the Board's concerns for

1 protection of the public. Board members further expressed concern for Respondent's
2 ability to be regulated based on his non-compliance with the investigative process and
3 Interim Consent. Based on the evidence presented, the Board voted unanimously to
4 summarily suspend Respondent's license.

5 **INTERIM CONCLUSIONS OF LAW**

6 1. The Board possesses jurisdiction over the subject matter hereof and over
7 Respondent.

8 2. The conduct and circumstances described above constitute unprofessional conduct
9 pursuant to A.R.S. § 32-1401(27)(f) ("Exhibiting a pattern of using or being under the
10 influence of alcohol or drugs or a similar substance while practicing medicine or to the
11 extent that judgment may be impaired and the practice of medicine detrimentally
12 affected.").

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

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

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

23 6. The conduct and circumstances described above constitute unprofessional conduct
24 pursuant to A.R.S. § 32-1401(27)(kk) (" Knowingly making a false or misleading statement
25

1 to the board or on a form required by the board or in a written correspondence, including
2 attachments, with the board.”).

3 7. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public
4 health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

5 **ORDER**

6 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
7 above,

8 IT IS HEREBY ORDERED THAT:

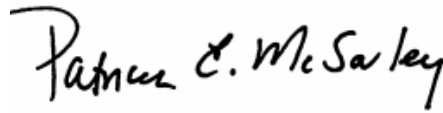
9 1. Respondent’s license to practice allopathic medicine in the State of Arizona,
10 License No. 28986, is summarily suspended. Respondent is prohibited from practicing
11 medicine in the State of Arizona and is prohibited from prescribing any form of treatment
12 including prescription medications or injections of any kind.

13 2. The Interim Findings of Fact and Conclusions of Law constitute written notice
14 to Respondent of the charges of unprofessional conduct made by the Board against
15 Respondent. Respondent is entitled to a formal hearing to defend these charges as
16 expeditiously as possible after the issuance of this Order.

17 3. The Board’s Executive Director is instructed to refer this matter to the Office
18 of Administrative Hearings for scheduling of an administrative hearing to be commenced
19 within sixty days from the date of the issuance of this Order, unless stipulated and agreed
20 otherwise by Respondent. A.R.S. § 32-1451(D).

21 DATED AND EFFECTIVE this 23rd day of December, 2021.

22 ARIZONA MEDICAL BOARD

23 By 

24 Patricia E. McSorley
25 Executive Director

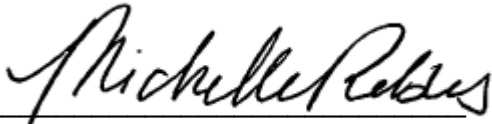
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EXECUTED COPY of the foregoing mailed
this 23rd day of December, 2021 to:

Colin Bell, Esq.
Stewart Law Group
777 E. Thomas, Ste. 210
Phoenix, AZ 85014
Address of Record

ORIGINAL of the foregoing filed
this 23rd day of December, 2021with:

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



Board staff