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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

PATRICK DONOVAN, M.D.

Holder of License No. 14106
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-20-0165A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

INTERIM CONSENT AGREEMENT

Patrick Donovan, 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").

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. 14106 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-20-0165A after receiving a complaint regarding Respondent's care and treatment of a 40 year-old female patient (Patient 1) alleging that Respondent touched her inappropriately during an examination.

4. During the course of the Board's investigation, Respondent completed a fitness for duty evaluation with a Board-approved facility ("Facility"). Based on the evaluation findings and testing results, Facility staff opined that Respondent was unfit to practice, pending completion of treatment.

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

1 6. The investigation into this matter is pending and will be forwarded to the
2 Board promptly upon completion for review and action.

3 **INTERIM CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter hereof and over
5 Respondent.

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

9 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
10 interim consent agreement when there is evidence that a restriction is needed to mitigate
11 imminent danger to the public's health and safety. Investigative staff, the Board's medical
12 consultant and the lead Board member have reviewed the case and concur that an interim
13 consent agreement is appropriate.

14 **INTERIM ORDER**

15 IT IS HEREBY ORDERED THAT:

16 1. Respondent is prohibited from engaging in the practice of medicine in the
17 State of Arizona as set forth in A.R.S. § 32-1401(22) until Respondent applies to the
18 Executive Director and receives permission to do so.

19 2. Respondent may request, in writing, release and/or modification of this
20 Interim Consent Agreement. Respondent's request must be accompanied by information
21 demonstrating that Respondent is safe to practice medicine, and has completed the
22 treatment recommended by the Facility in its January 15, 2021 report. The Executive
23 Director, in consultation with and agreement of the lead Board member and the Chief
24 Medical Consultant, has the discretion to determine whether it is appropriate to release
25 Respondent from this Interim Consent Agreement.

1 3. The Board retains jurisdiction and may initiate new action based upon any
2 violation of this Interim Consent Agreement, including, but not limited to, summarily
3 suspending Respondent's license.

4 4. Because this is an Interim Consent Agreement and not a final decision by
5 the Board regarding the pending investigation, it is subject to further consideration by the
6 Board. Once the investigation is complete, it will be promptly provided to the Board for its
7 review and appropriate action.

8 5. This Interim Consent Agreement shall be effective on the date signed by the
9 Board's Executive Director.

10
11 DATED this 26th day of January, 2021.

12 ARIZONA MEDICAL BOARD

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

16 **RECITALS**

17 Respondent understands and agrees that:

18 1. The Board, through its Executive Director, may adopt this Interim Consent
19 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
20 504.

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

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

8 4. Respondent understands that this Interim Consent Agreement does not
9 constitute a dismissal or resolution of this matter or any matters that may be currently
10 pending before the Board and does not constitute any waiver, express or implied, of the
11 Board's statutory authority or jurisdiction regarding this or any other pending or future
12 investigations, actions, or proceedings. Respondent also understands that acceptance of
13 this Interim Consent Agreement does not preclude any other agency, subdivision, or
14 officer of this State from instituting civil or criminal proceedings with respect to the conduct
15 that is the subject of this Interim Consent Agreement. Respondent further does not
16 relinquish Respondent's rights to an administrative hearing, rehearing, review,
17 reconsideration, judicial review or any other administrative and/or judicial action,
18 concerning the matters related to a final disposition of this matter, unless Respondent
19 affirmatively does so as part of the final resolution of this matter.
20

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

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

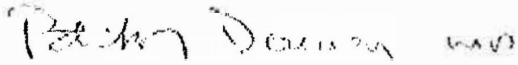
5 7. Respondent understands and agrees that if the Board's Executive Director
6 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
7 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
8 bias, prejudice, prejudgment, or other similar defense.

9 8. Respondent understands that this Interim Consent Agreement is a public
10 record that may be publicly disseminated as a formal action of the Board, and that it shall
11 be reported as required by law to the National Practitioner Data Bank.

12 9. Respondent understands that this Interim Consent Agreement does not
13 alleviate Respondent's responsibility to comply with the applicable license-renewal
14 statutes and rules. If this Interim Consent Agreement remains in effect at the time
15 Respondent's allopathic medical license comes up for renewal, Respondent must renew
16 the license if Respondent wishes to retain the license. If Respondent elects not to renew
17 the license as prescribed by statute and rule, Respondent's license will not expire but
18 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
19 final action in this matter. Once the Board takes final action, in order for Respondent to be
20 licensed in the future, Respondent must submit a new application for licensure and meet
21 all of the requirements set forth in the statutes and rules at that time.
22

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

3 

DATED: 1/22/21

4 PATRICK DONOVAN, M.D.

5
6 EXECUTED COPY of the foregoing e-mailed
7 this 26th day of January, 2021 to:

8 Steve W. Myers, Esq.
9 MITCHELL | STEIN | CAREY | CHAPMAN, PC
10 One Renaissance Square
11 2 North Central Avenue, Suite 1450
12 Phoenix, AZ 85004
13 Attorney for Respondent

14 ORIGINAL of the foregoing filed
15 this 26th day of January, 2021 with:

16 Arizona Medical Board
17 1740 West Adams, Suite 4000
18 Phoenix, Arizona 85007

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20 Michelle Roberts
21 Board staff
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