

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **HABIB RATHLE, M.D.**

4 Holder of License No. 18663  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**Case No. MD-20-1090A**

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

7 Habib Rathle, 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 18663 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-20-1090A after receiving a complaint  
17 regarding Respondent's care and treatment of a 14 month-old male patient ("JR") alleging  
18 inappropriate and incorrect diagnosis of methicillin resistant staphylococcus aureus  
19 ("MRSA") cellulitis with subsequent treatment; failure to recognize traumatic injuries on a  
20 child's head and face; interfering with hospital pediatrician and staff with duty to report  
21 responsibilities; and inappropriate recommendation to a minor patient's mother to refuse  
22 medical evaluation and leave against medical advice ("AMA").

23 4. The Board subsequently received a Hospital review regarding Respondent's  
24 care of a 14 year-old female patient ("JK") alleging inadequate care and treatment of a  
25 patient with diabetic ketoacidosis ("DKA").

**Patient JR**

1  
2           5.     On December 4, 2020, Respondent treated JR for right eye and ear swelling  
3 and some redness and bruising. Respondent diagnosed cellulitis and prescribed oral  
4 antibiotics.

5           6.     On December 11, 2020, JR was admitted to the Hospital with similar  
6 symptoms. The attending pediatrician evaluated JR and was concerned about trauma and  
7 wanted to order an imaging study or studies to check for this possibility as an etiology for  
8 the swelling and bruising. The attending pediatrician discussed with JR's mother that he  
9 was concerned about an injury given his clinical findings. JR's mother refused to approve  
10 the testing unless Respondent approved.

11          7.     The clinical note from the attending pediatrician stated that he conversed  
12 with Respondent and informed him of his concern for possible injury. Respondent  
13 responded that there was no concern for injury, accidental or not. Respondent told the  
14 attending pediatrician that he believed JR's signs/symptoms were entirely related to a  
15 staphylococcal infection. Respondent asked the attending pediatrician not to obtain  
16 imaging studies and not to contact child protective services. The pediatrician explained to  
17 Respondent that it was not medically appropriate to delay imaging and it was noted that  
18 Respondent had called JR's mother and recommended that she refuse imaging studies.  
19 The pediatrician's note stated that he was on speaker phone with JR's mother and  
20 Respondent who told the mother that she should leave the hospital against medical  
21 advice.

22          8.     Thereafter, arrangement was made to transfer JR to a Second Hospital in  
23 Phoenix to consult with another pediatrician because JR's mom wanted a second opinion  
24 and there was no other hospital pediatrician at the Hospital. JR was transferred soon after  
25 and care resumed in Phoenix.





1 or surgical care or nourishment with the intent to cause or allow the death of an infant who  
2 is protected under section 36-2281 shall immediately report or cause reports to be made of  
3 this information to a peace officer, to the department of child safety or to a tribal law  
4 enforcement or social services agency for any Indian minor who resides on an Indian  
5 reservation, except if the report concerns a person who does not have care, custody or  
6 control of the minor, the report shall be made to a peace officer only.”).

7 **ORDER**

8 IT IS HEREBY ORDERED THAT:

- 9 1. Respondent is issued a Letter of Reprimand.  
10 2. Respondent is placed on Probation for a period of six months with the

11 following terms and conditions:

12 **a. Continuing Medical Education**

13 Respondent shall within 6 months of the effective date of this Order, complete the Medical  
14 Ethics and Professionalism (PB-15EX) course offered by Professional Boundaries, Inc.  
15 (“PBI”). Respondent shall within **thirty days** of the effective date of this Order submit  
16 satisfactory proof of enrollment with Board staff. Upon completion of the CME, Respondent  
17 shall provide Board staff with satisfactory proof of attendance. Respondent shall sign any  
18 and all consents or releases necessary to allow for PBI to communicate to the Board  
19 directly and furnish PBI’s “AIR” Letter after completion of the required CME. The CME  
20 hours shall be in addition to the hours required for the biennial renewal of medical  
21 licensure

22 **b. Obey All Laws**

23 Respondent shall obey all state, federal and local laws, all rules governing the  
24 practice of medicine in Arizona, and remain in full compliance with any court ordered  
25 criminal probation, payments and other orders.

1                   **b. Probation Termination**

2                   Prior to the termination of Probation, Respondent must submit a written request to  
3 the Board for release from the terms of this Order. Respondent's request for release will  
4 be placed on the next pending Board agenda, provided a complete submission is received  
5 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for  
6 release must provide the Board with evidence establishing that he has successfully  
7 satisfied all of the terms and conditions of this Order, and include an AIR Letter furnished  
8 by PBI. The Board has the sole discretion to determine whether all of the terms and  
9 conditions of this Order have been met or whether to take any other action that is  
10 consistent with its statutory and regulatory authority.

11                   3. The Board retains jurisdiction and may initiate new action against  
12 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

13                   DATED AND EFFECTIVE this 7<sup>th</sup> day of January, 2022.

14                   ARIZONA MEDICAL BOARD

15                   By Patricia E. McSorley  
16                   Patricia E. McSorley  
17                   Executive Director  
18

19                   **CONSENT TO ENTRY OF ORDER**

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

23                   2. Respondent acknowledges and agrees that this Order is entered into freely  
24 and voluntarily and that no promise was made or coercion used to induce such entry.  
25

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

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

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

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

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

1 modifications to this original document are ineffective and void unless mutually approved  
2 by the parties.

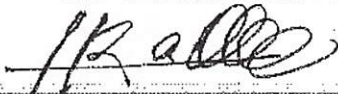
3 8. This Order is a public record that will be publicly disseminated as a formal  
4 disciplinary action of the Board and will be reported to the National Practitioner's Data  
5 Bank and on the Board's web site as a disciplinary action.

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

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

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

15 12. Respondent has read and understands the conditions of probation.

16 

16 DATED: 12-23-21

17 HABIB RATHLE, M.D.

18 EXECUTED COPY of the foregoing mailed  
19 this 23rd day of December 2021 to:  
7m January, 2022  
20 Habib Rathle, M.D.  
Address of Record

21 ORIGINAL of the foregoing filed  
22 this 7th day of January 2022 with:

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

25   
Board staff