

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ANDREW S. CRUZ, M.D.**

4 Holder of License No. 67258
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-23-0760A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Andrew S. Cruz, M.D. (“Respondent”) elects to permanently waive any right to a
9 hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction
10 and consents to the entry of this Order by the Arizona Medical Board (“Board”).

11 **INTERIM 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 No. 67258 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-23-0760A after receiving notification
17 that Respondent had consumed alcohol in violation of his confidential Board order for
18 monitoring.

19 4. Effective March 9, 2023 Respondent entered into a Stipulated Rehabilitation
20 Agreement (“SRA”) which required him to abstain from consumption of alcohol and comply
21 with monitoring.

22 5. On July 25, 2023, the Board was notified that Respondent had consumed
23 alcohol in violation of his monitoring requirements.

24 6. The SRA states in relevant part that in the event of a chemical dependency
25 relapse or use of alcohol in violation of the SRA, Respondent “shall promptly enter into an

1 Interim Order for Practice Restriction and Consent to Same” until Respondent successfully
2 completes appropriate treatment.

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

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

8 **INTERIM CONCLUSIONS OF LAW**

9 1. The Board possesses jurisdiction over the subject matter hereof and over
10 Respondent.

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

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

19 **INTERIM ORDER**

20 IT IS HEREBY ORDERED THAT:

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

24 2. Respondent may request, in writing, release and/or modification of this
25 Interim Consent Agreement. Respondent’s request must be accompanied by information

1 demonstrating that Respondent is safe to practice medicine. The Executive Director, in
2 consultation with and agreement of the lead Board member and the Chief Medical
3 Consultant, has the discretion to determine whether it is appropriate to release
4 Respondent from this Interim Consent Agreement.

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

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

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

14
15 DATED this 16th day of August, 2023.

16 ARIZONA MEDICAL BOARD

17 By 

18 _____
19 Patricia E. McSorley
Executive Director

20 **RECITALS**

21 Respondent understands and agrees that:

22 1. The Board, through its Executive Director, may adopt this Interim Consent
23 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
24 504.

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

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

11 4. Respondent understands that this Interim Consent Agreement does not
12 constitute a dismissal or resolution of this matter or any matters that may be currently
13 pending before the Board and does not constitute any waiver, express or implied, of the
14 Board's statutory authority or jurisdiction regarding this or any other pending or future
15 investigations, actions, or proceedings. Respondent also understands that acceptance of
16 this Interim Consent Agreement does not preclude any other agency, subdivision, or
17 officer of this State from instituting civil or criminal proceedings with respect to the conduct
18 that is the subject of this Interim Consent Agreement. Respondent further does not
19 relinquish Respondent's rights to an administrative hearing, rehearing, review,
20 reconsideration, judicial review or any other administrative and/or judicial action,
21 concerning the matters related to a final disposition of this matter, unless Respondent
22 affirmatively does so as part of the final resolution of this matter.
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1 5. Respondent acknowledges and agrees that upon signing this Interim
2 Consent Agreement and returning it to the Board's Executive Director, Respondent may
3 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
4 modifications to it. Any modification of this original document is ineffective and void unless
5 mutually approved by the parties in writing.

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


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

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

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

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

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8 
9 ANDREW S. CRUZ, M.D.

DATED: 8/14/23

10
11 EXECUTED COPY of the foregoing e-mailed
12 this 16th day of August, 2023 to:

13 Andrew S. Cruz, M.D.
14 Address of Record

15 ORIGINAL of the foregoing filed
16 this 16th day of August, 2023 with:

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

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21 Board staff
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