

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-18-1003A

3 **MICHAEL G. WATERS, M.D.**

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

4 Holder of License No. 49026
5 For the Practice of Allopathic Medicine
In the State of Arizona.

6 Michael G. Waters, M.D. ("Respondent") elects to permanently waive any right to a
7 hearing and appeal with respect to this Order for Letter of Reprimand; admits the
8 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
9 by the Board.

10 **FINDINGS OF FACT**

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

13 2. Respondent is the holder of license number 49026 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-18-1003A after receiving a renewal
16 application from Dr. Waters wherein he disclosed termination of employment, loss of
17 malpractice insurance, suspension of medical staff privileges, and board action in Virginia.

18 4. On September 17, 2020 in case number 189572, The Virginia Board of
19 Medicine ("Virginia Board") issued Respondent a Consent Order for a reprimand and
20 terms of probation, including a requirement that Respondent to complete continuing
21 medical education within nine months of the date of the Order ("Virginia Board's Order").
22 The Virginia Board's case arose out of allegations that Respondent violated Virginia opioid
23 regulations in the care and treatment of multiple chronic pain patients between
24 approximately 2015 and 2018.

25

1 **CONCLUSIONS OF LAW**

2 a. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 b. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(p) ("Action that is taken against a doctor of
6 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
7 physical inability to engage safely in the practice of medicine, the doctor's medical
8 incompetence or for unprofessional conduct as defined by that jurisdiction and that
9 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
10 paragraph. The action taken may include refusing, denying, revoking or suspending a
11 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
12 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
13 probation by that jurisdiction.").

14 **ORDER**

15 IT IS HEREBY ORDERED THAT:

16 1. Respondent is issued a Letter of Reprimand.

17 DATED AND EFFECTIVE this 16th day of February, 2021.

18 ARIZONA MEDICAL BOARD

19
20 By Patricia E. McSorley
21 Patricia E. McSorley
22 Executive Director

23 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

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

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

1 the Order. Respondent may not make any modifications to the document. Any
2 modifications to this original document are ineffective and void unless mutually approved
3 by the parties.

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

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

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

12 11. ***Respondent has read and understands the conditions of probation.***

13
14 Michael G. Waters MD
15 MICHAEL G. WATERS, M.D.

DATED: 2/4/2021

16
17 EXECUTED COPY of the foregoing mailed
18 this 11th day of February, 2021 to:

19 Michael G. Waters, M.D.
20 Address of Record

21 Kraig J. Marton, Esq.
22 Jaburg Wilk
23 3200 North Central Avenue, 20th Floor
24 Phoenix, Arizona 85012
25 Counsel for Respondent

1 ORIGINAL of the foregoing filed
2 this 11th day of February, 2021 with:

3 Arizona Medical Board
4 1740 West Adams, Suite 4000
5 Phoenix, Arizona 85007

6 Michelle Pecos
7 Board staff

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