

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3  
4 In the Matter of

5 **DARRYL MOHR, M.D.**

6 Holder of License No. 11224  
7 For the Practice of Medicine  
In the State of Arizona.

Case No. MD-01-0558

**CONSENT AGREEMENT FOR STAYED  
SUSPENSION AND PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Board of Medical  
10 Examiners ("Board") and Darryl Mohr, M.D. ("Respondent"), the parties agreed to the  
11 following disposition of this matter at the Board's public meeting on December 6, 2001.

12 1. Respondent acknowledges that he has read and understands this Consent  
13 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.  
14 Respondent acknowledges that he understands he has the right to consult with legal  
15 counsel regarding this matter and has done so or chooses not to do so.

16 2. Respondent understands that by entering into this Consent Agreement for  
17 the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or  
18 judicial review in state or federal court on the matters alleged, or to challenge this Consent  
19 Agreement and the Order in its entirety as issued by the Board, and waives any other  
20 cause of action related thereto or arising from said Order.

21 3. Respondent acknowledges and understands that this Consent Agreement  
22 and the Order will not become effective until approved by the Board and signed by its  
23 Executive Director.

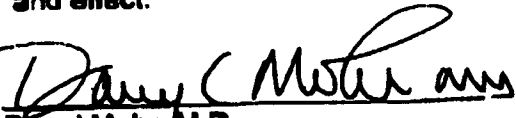
24 4. All admissions made by Respondent are solely for final disposition of this  
25 matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
2 or made for any other use, such as in the context of another state or federal government  
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
4 any other state or federal court.


5 5. Respondent acknowledges and agrees that, although the Consent  
6 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
7 upon signing this agreement, and returning this document (or a copy thereof) to the  
8 Board's Executive Director, Respondent may not revoke his acceptance of the Consent  
9 Agreement and Order. Respondent may not make any modifications to the document.  
10 Any modifications to this original document are ineffective and void unless mutually  
11 approved by the parties.

12 6. Respondent further understands that this Consent Agreement and Order,  
13 once approved and signed, shall constitute a public record document that may be publicly  
14 disseminated as a formal action of the Board.

15 7. If any part of the Consent Agreement and Order is later declared void or  
16 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force  
17 and effect.

18   
19 Darryl Mohr, M.D.

Reviewed and accepted this  
day of 27<sup>th</sup>, Nov., 2001.

20   
21 Holly Geizl, Attorney at Law  
22 (Counsel For Dr. Darryl Mohr)

Reviewed and approved as to  
form this 27<sup>th</sup> day of Nov., 2001.

## FINDINGS OF FACT

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

4           2.     Respondent is the holder of license number 11224 for the practice of  
5 allopathic medicine in the State of Arizona.

6           3.     The Board initiated case number MD-01-0558 upon receiving information  
7 that Respondent violated a Board order.

8           4.     On October 22, 1999, Respondent prescribed Viagra to Patient S.A. without  
9 conducting a physical examination and without establishing a previous doctor-patient  
10 relationship. Patient S.A. was an agent for the Federal Food and Drug Administration,  
11 who was investigating physician-prescribing practices.

12          5.     As a result of the above-described conduct, Respondent entered into a  
13 Consent Agreement and Order with the Board on November 11, 2000 ("November 2000  
14 Consent Agreement"). All terms of the November 2000 Consent Agreement are  
15 incorporated by reference.

16          4.     The November 2000 Consent Agreement, in part, ordered Respondent to  
17 pay a \$5,000 administrative fine and to complete 40 hours of Continuing Medical  
18 Education ("CME") in pharmacology by June 30, 2001.

19          5.     On March 5, 2001, Lynda Mottram, Board Compliance Officer, telephoned  
20 Respondent. During the telephone conversation, Respondent requested an extension for  
21 payment of the \$5,000.00 fine and information on CME courses. On March 19, 2001, Ms.  
22 Mottram sent Respondent information on Internet CME search links and other information  
23 pertinent to his order.

24          6.     On June 7, 2001, Mike Zakrewski, Board Compliance Officer, phoned  
25 Respondent and reiterated that his failure to comply with the November 2000 Consent

1 Agreement by June 30, 2001, would result in additional Board action. On July 9, 2001,  
2 Respondent sent a fax to the Board stating that severe financial problems and his inability  
3 to obtain steady employment prevented him from complying with the November 2000  
4 Consent Agreement.

5 7. On September 10-12, 2001, Respondent completed 20.5 hours of staff pre-  
6 approved CME in physician prescribing.

7 8. Respondent's failure to comply with the order by June 30, 2001 constitutes  
8 unprofessional conduct.

9 **CONCLUSIONS OF LAW**

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

12 2. The conduct and circumstances described above in paragraphs 3 to 8  
13 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r)("[v]iolating a formal  
14 order, probation, consent agreement or stipulation issued or entered into by the board or  
15 its executive director under the provisions of this chapter.")

16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent is suspended for a period of 12 months. However, the  
19 suspension is stayed and Respondent is place on probation with the following terms and  
20 conditions. Upon any violation of the probationary terms, after giving notice and the  
21 opportunity to be heard, the Board shall suspend Respondent's license for the period  
22 stated above. If an investigation involving an alleged violation of the probation is initiated  
23 but not resolved prior to the termination of the probation, the Board shall have continuing  
24 jurisdiction and the period of probation shall extend until the matter is final.

25 2. Respondent is placed on probation with the following terms and conditions:

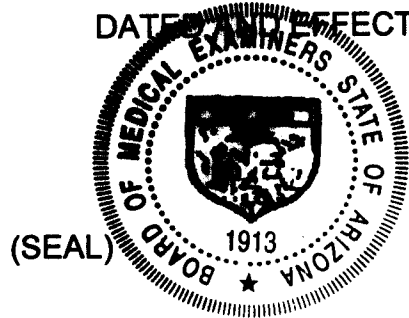
1 (a) Respondent shall pay a fine in the amount of \$5,000.00 within 2 years from  
2 the effective date of this Order.

3 (b) Respondent shall obtain the remaining 19.5 hours of Board staff pre-  
4 approved CME in pharmacology and provide Board staff satisfactory proof of attendance  
5 by June 30, 2002. The CME hours shall be in addition to the hours required for biennial  
6 renewal of medical license.

7 3. The Board retains jurisdiction and may initiate new action based upon any  
8 violation of this order.

9 4. This Order is the final disposition of case number MD-01-0558.

10 DATE OF EFFECTIVE this 6<sup>th</sup> day of December, 2001.



11  
12 BOARD OF MEDICAL EXAMINERS  
13 OF THE STATE OF ARIZONA

14 By Claudia Foutz  
15 CLAUDIA FOUTZ, Executive Director  
16 TOM ADAMS, Deputy Director

17 ORIGINAL of the foregoing filed this  
18 6 day of December, 2001 with:

19 The Arizona Board of Medical Examiners  
20 9545 E. Doubletree Ranch Road  
21 Scottsdale, AZ 85258

22 EXECUTED COPY of the foregoing mailed by  
23 Certified Mail this 6 day of December 2001 to:

24 Holly R. Gieszl, Esq.  
25 Kimerer & Derrick, PC  
221 E. Indianola Ave.  
Phoenix, AZ 85012-2002

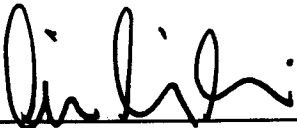
1 EXECUTED COPY of the foregoing mailed  
2 this 6 day of ~~December~~ 2001 to:

3 Darryl J. Mohr, M.D.  
4 15501 N. Scottsdale Road  
5 Scottsdale, AZ 85254-2100

6 EXECUTED COPY of the foregoing  
7 hand-delivered this 6 day of  
8 ~~December~~, 2001, to:

9 Christine Cassetta, Assistant Attorney General  
10 Sandra Waitt, Management Analyst  
11 Lynda Mottram, Compliance Officer  
12 Lisa Maxie-Mullins, Legal Coordinator (Investigation File)  
13 c/o Arizona Board of Medical Examiners  
14 9545 E. Doubletree Ranch Road  
15 Scottsdale, AZ 85258

16  
17  
18  
19  
20  
21  
22  
23  
24  
25



---