

1 TERRY GODDARD
Attorney General
2 Firm No. 14000

3 ANN-MARIE ANDERSON
State Bar No. 016113
4 Assistant Attorney General
1275 West Washington, CIV/LES
5 Phoenix, Arizona 85007-2926
Telephone: (602) 542-7671
6 Fax: (602) 364-3202
Attorneys for the State
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8 BEFORE THE ARIZONA MEDICAL BOARD
OF THE STATE OF ARIZONA

9 In the Matter of:

10 **JEFFREY M. PONT, M.D.**

11 Holder of License No. 14308
12 For the Practice Medicine
13 In the State of Arizona,

Case No. MD-03-0121

**CONSENT AGREEMENT AND ORDER FOR
SURRENDER OF LICENSE**

14 **CONSENT AGREEMENT**

15 **RECITALS**

16 In the interest of a prompt and judicious settlement of the above-captioned matter before
17 the Arizona Medical Board ("Board") and consistent with the public interest, statutory
18 requirements and responsibilities of the Board and pursuant to A.R.S. § 41-1092.07(F)(5) and
19 A.R.S. § 32-1401 *et seq.*, Jeffrey M. Pont, M.D., holder of license number 14308 to practice
20 allopathic medicine in the State of Arizona ("Respondent") and the Board enter into the
21 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as
22 the final disposition of this matter.

23 1. Respondent acknowledges that he has read and understands everything contained
24 in this Consent Agreement and has had the opportunity to discuss this Consent Agreement with
25 an attorney and has done so or chooses not to do so. Respondent admits to all Findings of Fact
26 contained in the Consent Agreement. Respondent voluntarily enters into this Consent Agreement
for the purpose of avoiding the expense and uncertainty of an administrative hearing.

1 2. Respondent understands that he has a right to a public administrative hearing
2 concerning each and every allegation set forth in the above-captioned matter, at which
3 administrative hearing he could present evidence and cross-examine witnesses. By entering into
4 this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such an
5 administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial
6 review or any other administrative and/or judicial action, concerning the matters set forth herein.

7 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

8 3. Respondent understands that by entering into this Consent Agreement,
9 Respondent voluntarily relinquishes any rights to challenge in state or federal court this Consent
10 Agreement in its entirety or any portion thereof as issued by the Board and waives any other
11 cause of action related thereto or arising from the Consent Agreement.

12 4. Respondent acknowledges and understands that this Consent Agreement will not
13 become effective until approved by the Board and signed by the Board's Executive Director or
14 designee.

15 5. All admissions made by Respondent in regards to these matters are solely for final
16 disposition of these matters and any subsequently related administrative proceedings or civil
17 litigation involving the Board and Respondent. Therefore, admissions by Respondent are not
18 intended or made for any other use, such as in the context of another state or federal regulatory
19 agency proceeding, civil or criminal proceeding, in the State of Arizona or any other state or
20 federal court.

21 6. Respondent understands this Consent Agreement deals with Board Investigations
22 Case No. MD-03-0121 involving allegations of unprofessional conduct against Respondent.
23 The investigation into these allegations against Respondent shall be concluded upon the Board's
24 adoption of this Consent Agreement.

25 7. Respondent understands that this Consent Agreement does not constitute a
26 dismissal or resolution of other matters currently pending before the Board, if any, and does not

1 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
2 regarding any other pending or future investigation, action or proceeding. Respondent also
3 understands that acceptance of this Consent Agreement does not preclude any other agency,
4 subdivision or officer of this state from instituting any other civil or criminal proceedings with
5 respect to the conduct that is the subject of this Consent Agreement.

6 8. Respondent acknowledges and agrees that, upon signing this agreement and
7 returning this document to the Board's Executive Director, Respondent may not revoke his
8 acceptance of the Consent Agreement or make any modifications to the document, regardless of
9 whether the Consent Agreement has been issued by the Executive Director. Any modifications
10 to this original document are ineffective and void unless mutually approved in writing by the
11 parties.

12 9. Respondent further understands that this Consent Agreement, once approved and
13 signed by all parties, shall constitute a public record of disciplinary action against his license to
14 practice medicine, which may be publicly disseminated as a formal action of the Board, and shall
15 be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity
16 and Protection Data Bank

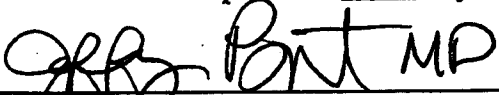
17 10. Respondent understands that any violation of this Consent Agreement constitutes
18 unprofessional conduct under A.R.S. § 32-1401(26)(r) ("Violating a formal order, probation,
19 consent agreement or stipulation issued or entered into by the board or its executive director
20 under the provisions of this chapter") and shall result in disciplinary action under A.R.S. § 32-
21 1451 *et seq.*

22 11. If any part of the Consent Agreement is later declared void or otherwise
23 unenforceable, the remainder of the Order in its entirety shall remain in full force and effect.

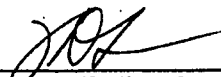
24 12. The parties mutually understand and agree that this order constitutes a final,
25 binding decision of this matter under investigation by the Board and referenced above.

26

1
2 Reviewed and Accepted this 17th day of March, 2004 by:

3 
4 Jeffrey M. Pent, M.D.
5 Respondent

6 Reviewed and Approved as to Form this 18th day of MARCH, 2004 by:

7 
8 Thomas D. Lawless, Esq.
9 Counsel for Respondent

10 **FINDINGS OF FACT**

11 **Case No. MD-03-0121**

- 12 1. The Board is the duly constituted authority for the regulation and control of the
13 practice of allopathic medicine in the State of Arizona.
- 14 2. Respondent is the holder of license number 14308 for the practice of allopathic
15 medicine in the State of Arizona.
- 16 3. The Board initiated investigation MD-03-0121 in December 2002, in response to
17 an inquiry from an outside public agency.
- 18 4. In January 2003, during a chemical dependency evaluation Respondent was
19 determined to have an opioid dependence by the Hazelden Springbrook chemical dependency
20 inpatient facility in Newberg, Oregon ("Springbrook").
- 21 5. Respondent executed a Request for Inactive Status with Cause and Order
22 Granting Inactive Status with Cause, dated January 31, 2003 ("Order") (EXHIBIT A).
- 23 6. The Order constitutes the Board's third disciplinary action against Respondent for
24 unprofessional conduct related to substance abuse.
- 25 7. The Order provides for, among other things, that Respondent's license to
26 practice allopathic medicine, License No. 14308, be inactivated on or about February 1, 2003.

1 The Order further provides that Respondent agrees not to practice medicine in the State of
2 Arizona or any other state while Respondent's Arizona license is inactive and Respondent shall
3 not request reactivation of his license until Respondent complies with all requests of the Board.
4 (EXHIBIT A, page 1, paragraph 2).

5 8. On or about October 2, 2003, pursuant to his delegated authority, the Board's
6 Executive Director referred this matter to Formal Hearing.

7 9. When determining appropriate disciplinary action against a licensee, "the
8 board shall consider all previous nondisciplinary and disciplinary actions against a licensee."
9 A.R.S. § 32-1451(U).

10 10. The Board has previously taken a total of four (4) disciplinary and three (3)
11 non-disciplinary actions against Respondent. The Board's prior disciplinary actions as related to
12 substance abuse are described below. (EXHIBIT B and EXHIBIT C).

13 11. The Board has two (2) times previously imposed upon Respondent a
14 Stipulation and Order, finding Respondent guilty of, among other things, "misuse of controlled
15 substances" and requiring Respondent's participation in rehabilitation and aftercare monitoring
16 programs, as described below. (EXHIBIT B and EXHIBIT C).

17 12. The Board imposed a Stipulation and Order, dated January 5, 1985, finding
18 Respondent guilty of "misuse of controlled substances" and ordering Respondent to, among other
19 things, "consult and counsel with his therapist" and "submit quarterly reports to the Board of
20 Medical Examiners regarding his diagnosis, prognosis . . ." (EXHIBIT B). This Stipulation and
21 Order was terminated on October 17, 1987. (EXHIBIT B)

22 13. The Board imposed a second Stipulation and Order, dated December 4,
23 1988, ordering Respondent to, among other things, participate in the Arizona Medical
24 Association Physician's Health Committee Program, submit quarterly reports regarding his
25 diagnosis, prognosis . . .", abstain from the use of all "drugs or medications . . . whether
26 controlled substances, prescription-only drugs or over-the-counter preparations . . . , and
"participate in an aftercare group . . ." (EXHIBIT C). This Stipulation and Order was terminated

1 on January 20, 1993. (EXHIBIT C).

2
3 **MITIGATION**

4 14. In April 2003, Respondent completed his in-patient treatment at Springbrook, as
5 required pursuant to the Inactive Status with Cause and Order Granting Inactive Status with
6 Cause, dated January 31, 2003, by and between Respondent and the Board. (EXHIBIT A).

7 15. Respondent has fully cooperated with the Board and the Office of the Attorney
8 General in resolving this matter.

9 **CONCLUSIONS OF LAW**

10 16. The Board possesses statutory authority to enter into a consent agreement with a
11 physician and accept the surrender of an active license from a physician who admits to having
12 committed an act of unprofessional conduct as contemplated by A.R.S. § 32-1451(T)(2) and (3).

13 17. Pursuant to A.R.S. § 32-1452(G), the Board "shall revoke the license of a doctor
14 of medicine if that doctor is impaired by alcohol or drug abuse and was previously placed on
15 probation pursuant to subsection F of this section and the probation is no longer in effect. The
16 board may accept the surrender of the license if the doctor admits in writing to being impaired by
17 alcohol or drug abuse."

18 **ORDER**

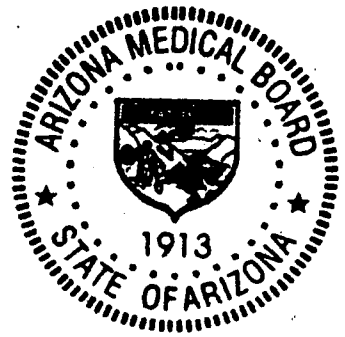
19 Based on the above Findings of Fact and Conclusions of Law and under the authority
20 granted to the Board by A.R.S. § 41-1092.07(F)(5) and A.R.S. § 32-1451(T)(2) and (3):

21 IT IS HEREBY ORDERED, that license number 14308, issued to Jeffrey M. Pont, M.D.
22 for the practice of allopathic medicine in the State of Arizona, is surrendered and that he shall
23 immediately return his license to the Board.

24
25 DATED AND EFFECTIVE this 15th day of APRIL, 2004.

26 BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

1 [SEAL]



By: Barry Cassidy
BARRY A. CASSIDY, Ph.D., P.A. -C
Executive Director

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6 **Original** of the foregoing filed this
16th day of April, 2004, with:

7 Arizona Medical Board
8 9545 East Doubletree Ranch Road
9 Scottsdale, Arizona 85258

9 **Executed copy** of the foregoing
10 mailed by U.S. Certified Mail
11 this 16th day of April, 2004, to:

11 Thomas D. Lawless, Esq.
12 4201 North 24th Street, Suite 100
13 Phoenix, Arizona 85016-0001
14 Counsel for Respondent

13 Jeffrey M. Pont, M.D.
14 10859 East Karen Drive
15 Scottsdale, Arizona 85255-1817
16 Respondent

16 **COPIES** of the foregoing mailed
17 this 16th day of April, 2004, to:

18 Ann-Marie Anderson
19 Assistant Attorney General
20 Attorney General's Office
21 1275 West Washington Avenue, CIV/LES
22 Phoenix, Arizona 85007
23 Attorneys for the State

21 Amanda Diehl
22 Arizona Board of Medical Examiners
23 9545 E. Doubletree Ranch Road
24 Scottsdale, Arizona 85258

24 Ann-Marie Anderson

25 Doc #415502

26

EXHIBIT A

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

JEFFREY M. PONT, M.D.

Holder of License No. 14308
For the Practice of Allopathic Medicine in
the State of Arizona.

BOMEX CASE No: MD-02-0760

REQUEST FOR INACTIVE STATUS
WITH CAUSE AND ORDER
GRANTING INACTIVE STATUS WITH
CAUSE.

1. I, JEFFREY M. PONT, M.D.; am the holder of License No. 14308 to practice allopathic medicine in the State of Arizona.

2. I hereby request that, effective at 12:01 p.m. on the date of the following order, the Arizona Medical Board (the "Board") inactivate with cause my license to practice allopathic medicine, number 14308 because I was previously under a Stipulated Rehabilitation Agreement for substance abuse that terminated on January 20, 1993 and I have relapsed. A.R.S. §32-1452(F).

3. I agree not to practice medicine in the State of Arizona or any other state, territory or district of the United States or a foreign country while my Arizona license is inactive. I understand that I may not hold or maintain a controlled substance certificate with the Drug Enforcement Administration or write or refill prescriptions as long as my license is inactive. I understand that if I practice medicine while my license is inactive I will be practicing medicine without a license and/or without being exempt from licensure, a felony.

4. I agree that I shall not request reactivation of my license to practice medicine in the State of Arizona until I comply with all requests of the Board, which may include, but are not limited to, long-term inpatient treatment, psychiatric and psychometric evaluations,

1 physical examination and testing, and written and/or oral competency examinations. I
2 understand that the Board will not reactivate my license until I present evidence
3 satisfactory to the Board, in its sole discretion, that I am medically competent and mentally
4 and physically able to safely practice medicine.

5 DATED this 23rd day of January, 2003.

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8 
9 JEFFREY M. PONT, M.D.

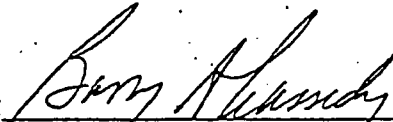
10 ORDER

11 It is hereby ordered that license number 14308 held by Jeffrey M. Pont, M.D. is
12 Inactive with Cause. A.R.S. §32-1452(F) and A.A.C. R4-16-403.

13 DATED this 31st day of JANUARY, 2003.



ARIZONA MEDICAL BOARD

20 By: 
21 Barry A. Cassidy, Ph.D., P.A.-C.
22 Executive Director

23 ORIGINAL of the foregoing filed this
24 3rd day of FEBRUARY, 2003 with:

25 Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
Certified Mail this 3rd day of FEBRUARY.

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2003 to:

Thomas D. Lawless
2575 E. Camelback Rd.
Phoenix, Arizona 85016-9225

EXECUTED COPY of the foregoing
mailed by U.S. Mail this 3~~rd~~ day of
FEBRUARY, 2003:

Jeffrey M. Pont, M.D.
10859 E. Karen Dr.
Scottsdale, Arizona 85255

EXECUTED COPY of the foregoing
hand delivered to each of the following this
3~~rd~~ day of FEBRUARY, 2003:

Christine Cassetta
Assistant Attorney General
Kathleen Muller, Senior Compliance Officer
Sandra Waitt, Management Analyst
Investigations (Investigation File)
Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona .85258

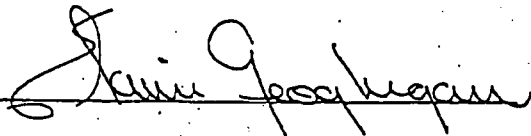


EXHIBIT B

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)
JEFFREY M. PONT, M.D.,)
Holder of License No. 14308)
For the Practice of Medicine)
In the State of Arizona.)

STIPULATION AND ORDER

In confirmation of the voluntary agreement made between JEFFREY M. PONT, M.D. and the BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA, in the course of the Informal Interview of JEFFREY M. PONT, M.D. on November 30, 1984 and stated on the record thereof,

IT IS STIPULATED and agreed by and between JEFFREY M. PONT, M.D., holder of License No. 14308 for the practice of medicine in the State of Arizona, and the BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA, that the accompanying Order shall be entered in the above-entitled matter and be deemed effective as of November 30, 1984. JEFFREY M. PONT, M.D. acknowledges he is aware that any violation of said Order constitutes unprofessional conduct within A.R.S. §32-1401(8)(p), and may result in disciplinary action pursuant to A.R.S. §32-1451.

DATED this 5th day of January, 1985.

Jeffrey M. Pont M.D.
JEFFREY M. PONT, M.D.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONABy *Douglas N. Cerf*
DOUGLAS N. CERF
Executive DirectorORDER

Pursuant to the foregoing Stipulation, and good cause appearing therefor, it is ORDERED as follows:

1. That JEFFREY M. PONT, M.D. shall continue with care and treatment for misuse of controlled substances from a therapist acceptable to the Board of Medical Examiners. JEFFREY M. PONT, M.D. shall consult and counsel with his therapist as often as said therapist deems necessary or advisable, follow all medical advice and instructions rendered by said therapist, and continue such care and treatment until discharged by such therapist. JEFFREY M. PONT, M.D. shall also instruct his therapist to release to the Board of Medical Examiners upon its request any and all records relating to his treatment and to submit quarterly reports to the Board of Medical Examiners regarding his diagnosis, prognosis and recommendations for the continuing care, treatment and supervision of JEFFREY M. PONT, M.D.; said reports to be submitted on or before the 15th days of February, May, August and November of each year, commencing on or before the 15th day of February, 1985.

EXHIBIT C

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)
)
 JEFFREY M. PONT, M.D.)
)
 Holder of License No. 14308)
 For the Practice of Medicine)
 In the State of Arizona.)

STIPULATION AND ORDER

In confirmation of the voluntary agreement made between JEFFREY M. PONT, M.D., and the BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA ("Board"), by and through its Executive Director,

IT IS HEREBY STIPULATED AND AGREED by and between JEFFREY M. PONT, M.D., holder of License No. 14308 and the Board, pursuant to A.R.S. §32-1451(F)(5), that the accompanying Order shall be entered in the above-entitled matter and be effective upon execution by the parties. JEFFREY M. PONT, M.D. acknowledges that any violation of said Order constitutes unprofessional conduct within A.R.S. §32-1401(12)(r), and may result in disciplinary action pursuant to A.R.S. §32-1451.

DATED this 4th day of December, 1988.

Jeffrey M. Pont MD

JEFFREY M. PONT, M.D.

Social Security Number

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

BY *Douglas N. Cerf*

DOUGLAS N. CERF
Executive Director

Pursuant to the foregoing Stipulation and upon completion of JEFFREY M. PONT, M.D.'s rehabilitation treatment program recognized by the Board; and, in order to protect the public and ensure the physician's ability safely to engage in the practice of medicine, the Board enters the following Order:

ORDER

1. JEFFREY M. PONT, M.D. will immediately participate in the Arizona Medical Association Physician's Health Committee Program. JEFFREY M. PONT, M.D. shall instruct his therapist from the Program to release to the Board of Medical Examiners upon its request, any and all records relating to his treatment and to submit quarterly reports to the Board of Medical Examiners regarding his diagnosis, prognosis and recommendations for the continuing care, treatment and supervision of JEFFREY M. PONT, M.D.; said reports to be submitted on or before the 15th days of March, May, September and December of each year, commencing on or before the 15th day of March, 1988.

2. JEFFREY M. PONT, M.D. shall obtain a sole treating physician who shall be approved by the Board. JEFFREY M. PONT, M.D. shall advise his treating physician of his rehabilitation efforts.

3. JEFFREY M. PONT, M.D. shall abstain completely from the consumption of alcoholic beverages.

~~4. JEFFREY M. PONT, M.D. shall take no drugs or~~
medications whatever (except for plain aspirin and/or plain acetaminophen), whether controlled substances, prescription-only drugs or over-the-counter preparations,

unless such drug or medication was prescribed for him by his treating physician.

5. JEFFREY M. PONT, M.D. shall comply immediately with requests from the Board, its agents or designees, including but not limited to his therapist, to submit to witnessed random biological fluid testing.

6. JEFFREY M. PONT, M.D. shall submit to mental, physical or medical competency examinations, or any combination thereof, at such times and under such conditions as directed by the Board to assist the Board in monitoring his ability to safely engage in the practice of medicine, or his compliance with the terms of this Order.

7. JEFFREY M. PONT, M.D. shall submit to any therapy ordered by the Board, or recommended by his therapist from the Arizona Medical Association Physician's Health Committee Program.

8. JEFFREY M. PONT, M.D. shall participate in an aftercare group such as Alcoholics Anonymous or Caduceus Club, as determined by his treating therapist, and attend a minimum of three (3) weekly meetings.

9. JEFFREY M. PONT, M.D. shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Arizona.

10. JEFFREY M. PONT, M.D. shall appear in person before the Board for interviews upon request, at various intervals and with reasonable notice. ~~He shall immediately~~ advise the Board of any change in his office or home

addresses, and shall further immediately advise the Board of any plans he makes to be away from his office or home for more than five (5) days.

11. JEFFREY M. PONT, M.D. shall maintain a log of any and all medications whatever (including plain aspirin and/or plain acetaminophen); whether controlled substances, prescription-only drugs or over-the-counter preparations prescribed for him by his treating physician and shall make such log available to the Board, its agents or designees upon request. Such log, at a minimum, shall include the following:

- (a) The medication taken;
- (b) The date and time the medication was taken;
- (c) The name of the prescribing physician;
- (d) The reason for the medication.

ENTERED this 6 day of December, 1988.



BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA

By *Douglas N. Cerf*
DOUGLAS N. CERF
Executive Director

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)
)
JEFFREY MARK PONT, M.D.)
)
Holder of License No. 14308)
For the Practice of Medicine)
In the State of Arizona.)

ORDER TERMINATING
STIPULATION AND ORDER

This matter came on before the Board of Medical Examiners of the State of Arizona for review on the 24th day of October, 1992. Upon consideration of the successful rehabilitation of JEFFREY MARK PONT, M.D.,

IT IS HEREBY ORDERED that no further monitoring by the Arizona Board of Medical Examiners is necessary; and,

IT IS FURTHER ORDERED that the Stipulation and Order effective December 6, 1988 be and hereby is terminated; said termination to be effective January 20, 1993.

DONE IN OPEN MEETING this 24th day of October, 1992.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[S E A L]

By *Douglas N. Cere*
DOUGLAS N. CERE
Executive Director

2. JEFFREY M. PONT, M.D. shall abstain completely from the consumption of alcoholic beverages.

3. JEFFREY M. PONT, M.D. shall take no drugs or medications whatever, whether controlled substances, prescription-only drugs or over-the-counter preparations, unless such drug or medication was prescribed for him by his treating physician.

4. JEFFREY M. PONT, M.D. shall comply immediately with requests from the Board, its agents or designees, including but not limited to his therapist, to submit to random biological fluid testing.

5. JEFFREY M. PONT, M.D. shall submit to mental, physical or medical competency examinations, or any combination thereof, at such times and under such conditions as directed by the Board to assist the Board in monitoring his ability to safely engage in the practice of medicine.

6. JEFFREY M. PONT, M.D. shall participate in an aftercare group such as Alcoholics Anonymous and/or Zebra Club, as determined by his treating therapist, and regularly attend the meetings thereof.

7. JEFFREY M. PONT, M.D. shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Arizona.

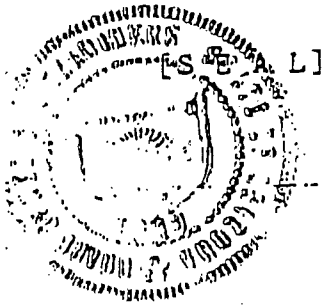
8. JEFFREY M. PONT, M.D. shall appear in person before the Board for interviews upon request, at various intervals and with reasonable notice. He shall immediately

advise the Board of any change in his address, and shall further immediately advise the Board of any plans he makes to leave the State of Arizona for longer than one (1) week.

ENTERED this 7 day of January, 1985.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By *Douglas N. Cerf*
DOUGLAS N. CERF
Executive Director



BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)
)
 JEFFREY M. PONT, M.D.,)
)
 Holder of License No. 14308)
 For the Practice of Medicine)
 In the State of Arizona.)
 _____)

ORDER TERMINATING
STIPULATION AND ORDER

This matter having come before the Board of Medical
Examiners of the State of Arizona for review on the 17th day
of October, 1987 and upon consideration of the information
presented, it is

ORDERED that the Stipulation and Order entered
January 7, 1985 be and hereby is terminated.

DONE IN OPEN MEETING this 17th day of October, 1987.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By *Douglas N. Cerf*
DOUGLAS/N. CERF
Executive Director