

BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of

Case No. MD-02-0422A

HOWARD H. ROBERTSON, M.D.

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION &
EVALUATIONS**

Holder of License No. 16275
For the Practice of Medicine
In the State of Arizona.

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Medical Examiners ("Board") and Howard H. Robertson, M.D. ("Respondent") the parties agree to the following disposition of this matter.

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

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

3. Respondent acknowledges and understands that this Interim Consent Agreement and the Order will not become effective until signed by the Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
 2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
 3 any other state or federal court.

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

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

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

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 18 _____
 19 Howard H. Robertson, M.D.

Dated: _____

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 21 *Paul Giancola*
 22 _____
 23 Paul Giancola, Esq.
 24 Approved as to Form

Dated: 6-28-02

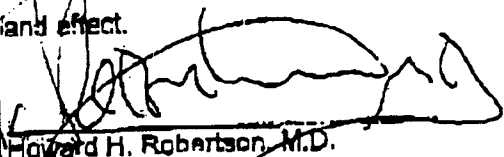
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 18 Howard H. Robertson, M.D.

Dated: 7/2/02

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 21 Paul Giancola, Esq
 22 Approved as to Form

Dated: _____

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FINDINGS OF FACT

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

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2. Respondent is the holder of License No. 16275 for the practice of allopathic medicine in the State of Arizona.

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3. The Board initiated an inquiry as a result of Respondent's hospitalization following his involvement in a motor vehicle accident while driving under the influence of alcohol.

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4. Respondent has agreed not to practice in accordance with the terms of this agreement and to undergo psychological and psychometric evaluations.

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CONCLUSIONS OF LAW

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

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2. The Executive Director may enter into an Interim Consent Agreement for a Practice Restriction if there is evidence that a restriction is needed to mitigate imminent danger to the public health and safety. A.R.S. § 32-1405(C)(25), A.A.C. R16-4-404.

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ORDER

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IT IS HEREBY ORDERED THAT:

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1. Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until Respondent meets with Board and affirmatively receives the Board's approval to return to the active practice of medicine. Respondent acknowledges that the Board may require any combination of staff approved physical examinations, substance abuse evaluations, psychiatric and/or psychological evaluations, or competency examinations or interview it finds necessary to assist it in determining Respondent's ability

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1 to return to the active practice of medicine.

2 2. Respondent shall submit to psychological/psychometric and psychiatric
3 evaluations by Board Staff designated evaluators within 30 days from the date of this order
4 at the Board's expense. The Board evaluator shall provide a written confidential
5 evaluation report to Board Staff. The Board evaluator and the evaluator's report are
6 prepared solely for the benefit of the Board. The Board evaluator is not treating
7 Respondent as a patient. Respondent shall authorize the release to Board Staff or Board
8 evaluator, upon request, all records relating to his previous medical or psychological
9 history.

10 3. This is an interim order and not a final decision by the Board regarding the
11 pending investigative file and as such is subject to modification and further consideration
12 by the Board.

13 DATED AND EFFECTIVE this 8 day of July, 2002.

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15 BOARD OF MEDICAL EXAMINERS
16 OF THE STATE OF ARIZONA

17 (SEAL)

18 By 
19 BARRY A. CASSIDY, Ph.D., PA-C
20 Executive Director

21 Original of the foregoing filed this
22 8th day of July, 2002 with

23 The Arizona Board of Medical Examiners
24 9545 East Doubletree Ranch Road
25 Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 8th day of July, 2002 to:

3 Paul J. Giancola, Esquire
4 Snell & Wilmer, LLP
5 400 E. Van Buren
6 Phoenix, AZ 85004

6 EXECUTED COPY of the foregoing mailed by
7 US Mail this 8th day of July, 2002 to:

8 Howard H. Robertson, M.D.
9 201 W. Guadalupe Rd., Suite 301
10 Gilbert, Arizona 85233

10 EXECUTED COPY of the foregoing
11 hand-delivered to each of the following
12 this 8th day of July, 2002, to :

13 Christine Cassetta, Assistant Attorney General
14 Sandra Waitt, Management Analyst
15 Lynda Mottram, Compliance Officer
16 Investigations, (Investigation File)
17 Arizona Board of Medical Examiners
18 9545 E. Doubletree Ranch Road
19 Scottsdale, AZ 85258

18 Shelly Semenzuk

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