

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **MICHAEL W. CARLTON, M.D.**

6 Holder of License No. **21360**
7 For the Practice of Medicine
8 In the State of Arizona.

INVESTIGATION NO. 12113

**CONSENT AGREEMENT
TO LETTER OF REPRIMAND**

9 MICHAEL W. CARLTON, M.D., holder of License No. 21360, and the Arizona
10 Board of Medical Examiners (Board) hereby agree as follows:

11 1. Pursuant to A.R.S. § 32-1451(F), Dr. Carlton agrees that the Board shall
12 adopt the following Findings of Fact, Conclusions of Law, and Order, as set forth hereafter.
13 Dr. Carlton agrees that the Board has substantial evidence in support of the Findings of
14 Fact and Conclusions of Law. He agrees not to contest the accuracy of the Findings of
15 Fact and Conclusions of Law.

16 2. By entering into this Consent Agreement, Dr. Carlton freely and voluntarily
17 relinquishes all rights to an Informal Interview before the Board, a hearing before an
18 administrative law judge and before the Board, and relinquishes all rights of rehearing,
19 review, reconsideration, appeal, judicial review or any other judicial action concerning the
20 matter set forth herein. Dr. Carlton affirmatively agrees that the Order shall be irrevocable.

21 3. Dr. Carlton has read and understands the Consent Agreement, Findings of
22 Fact, Conclusions of Law, and Order and voluntarily enters into this the Consent
23 Agreement. Dr. Carlton understands that he may consult legal counsel regarding this
24 matter and agrees that he has done so or affirmatively declines to do so.

25 . . .

1 4. The Consent Agreement, Findings of Fact, Conclusions of Law, and Order
2 constitute a resolution of Investigation No. 12113. The Consent Agreement, Findings of
3 Fact, Conclusions of Law, and Order do not constitute a dismissal or resolution of any
4 other matter currently pending and do not constitute any waiver, express or implied, of the
5 Board's statutory authority or jurisdiction regarding any other pending or future
6 investigation, action or proceeding.

7 5. The Consent Agreement, Findings of Fact, Conclusions of Law, and Order
8 shall not become effective until adopted by the Board and signed by the Board's Executive
9 Director. However, upon signing and returning the Consent Agreement, you may not
10 rescind or otherwise nullify your acceptance of the Consent Agreement, in its entirety or in
11 part, unless expressly approved by the Board.

12 6. Dr. Carlton understands that if the Board does not adopt the Consent
13 Agreement, Findings of Fact, Conclusions of Law, and Order, the case listed in paragraph
14 4 above will be decided by the Board pursuant to the Medical Practice Act, A.R.S. § 32-
15 1401 et seq. Dr. Carlton agrees that he will not assert as a defense that the Board's
16 consideration of the Consent Agreement, Findings of Fact, Conclusions of Law constitutes
17 bias, prejudice, prejudgment or other similar defenses.

18 7. The Consent Agreement, Findings of Fact, Conclusions of Law, and Order,
19 is a public record and shall be reported, as required by law, to the National Practitioner
20 Data Bank and the Federation of State Medical Boards.

21 8. The Consent Agreement, Findings of Fact, Conclusions of Law and Order
22 constitutes the entire agreement of the parties.

23 9. Any violation of this Consent Agreement constitutes unprofessional conduct
24 pursuant to A.R.S. § 32-1401(25)(r) (violating a formal order, probation or stipulation
25 issued or entered into by the board or its executive director under the provisions of this

1 chapter) and may result in disciplinary action pursuant to A.R.S. § 32-1451.

2 

3 Dated: 5/7/99

4 MICHAEL W. CARLTON, M.D.

5 **FINDINGS OF FACT**

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

8 2. Dr. Carlton is the holder of License No. 21360 for the practice of medicine in
9 the State of Arizona.

10 3. On July 28, 1998, Board staff mailed Dr. Carlton a letter informing him that a
11 letter of complaint had been filed against him. The letter also instructed him to provide
12 Board staff with a narrative statement, a complete copy of the patient's medical records
13 and billings and any other supporting documentation. Dr. Carlton did not respond.

14 4. On August 15, 1998, Board staff telephoned Dr. Carlton's office and advised
15 his office manager that Dr. Carlton's response was required and that it was late. Dr.
16 Carlton did not respond.

17 5. On September 3, 1998, a follow-up letter was sent by certified mail to Dr.
18 Carlton. Dr. Carlton did not respond.

19 6. On November 3, 1998, a subpoena was sent to Dr. Carlton requiring him to
20 appear for an investigational interview. Dr. Carlton complied with the subpoena and
21 appeared for an investigational interview on November 16, 1998. Dr. Carlton's explanation
22 for not responding to the Board was that he was angry about the complaint.

23 **CONCLUSIONS OF LAW**

24 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
25 Carlton.

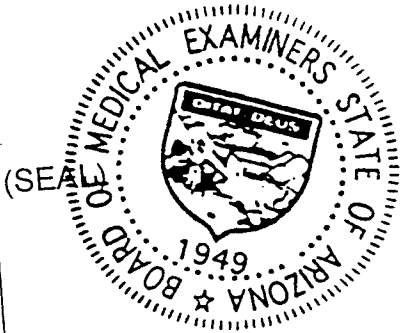
1 2. The conduct and circumstances described above in paragraphs 3 through 6
2 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(dd)(failing to furnish
3 information in a timely manner to the board or its investigators or representatives if legally
4 requested by the board).

ORDER

5 IT IS HEREBY ORDERED THAT based on the foregoing Findings of Fact and
6 Conclusions of Law, Michael W. Carlton, M.D., be issued a Letter of Reprimand.

7 DATED this 17th day of May, 1999.

8 BOARD OF MEDICAL EXAMINERS
9 OF THE STATE OF ARIZONA



11 By Claudia Foutz
12 CLAUDIA FOUTZ
13 Executive Director
14 MELISSA CORNELIUS
15 Deputy Director

16 ORIGINAL of the foregoing filed this
17 15th day of JUNE, 1999 with:

18 The Arizona Board of Medical Examiners
19 1651 East Morten, Suite 210
Phoenix, Arizona 85020

20 EXECUTED COPY of the foregoing mailed by
21 Certified Mail this 15th day of JUNE, 1999 to:

22 Michael W. Carlton, M.D.
23 10827 S. 51st Avenue, Suite 101
24 Phoenix, AZ 85044

25 Board Operations
991040012

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PS Form 3800, April 1995
INV# 12113