

1 BEFORE THE ARIZONA MEDICAL BOARD

2  
3 In the Matter of

Case No. MD-02-0827

4 **JAMES THOMAS, M.D.**

**INTERIM CONSENT AGREEMENT  
FOR PRACTICE RESTRICTION**

5 Holder of License No. 17089  
6 For the Practice of Medicine  
In the State of Arizona.

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8 **INTERIM CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Medical Board  
10 ("Board") and James Thomas, M.D. ("Respondent") the parties agree to the following  
11 interim disposition of this matter.

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

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


23 4. All admissions made by Respondent are solely for interim disposition of this  
24 matter and any subsequent related administrative proceedings or civil litigation involving  
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

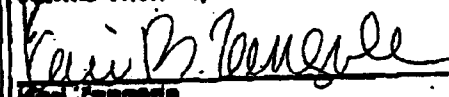
3 5. Respondent acknowledges and agrees that, although said Interim Consent  
4 Agreement and Order has not yet been issued by the Executive Director, Respondent may  
5 not make any modifications to the document. Upon signing this agreement, and returning  
6 this document (or a copy thereof) to the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

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

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

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18 James Thomas, M.D.

Dated: 2/18/2003

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20 \_\_\_\_\_  
21 Karl Langens  
22 Approved as to Form

Dated: 2/24/2003

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1 **FINDINGS OF FACT**

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 No. 17089 for the practice of allopathic  
5 medicine in the State of Arizona.

6 3. Sometime after December 25, 2002 the Board was informed that nursing  
7 staff at Flagstaff Medical Center believed that Respondent was under the influence of  
8 alcohol when he delivered a baby in the early morning hours of December 25, 2002.

9 4. Respondent subsequently underwent an evaluation for chemical  
10 dependency at the Betty Ford Center ("Betty Ford"). Betty Ford has recommended that  
11 Respondent undergo treatment for alcohol abuse.

12 5. There is a danger to the public health and safety if Respondent remains in  
13 practice before undergoing treatment.

14 6. Respondent has voluntarily agreed not to practice until completing treatment  
15 and receiving the Board's permission to do so.

16 **CONCLUSIONS OF LAW**

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

19 2. The Executive Director may enter into a consent agreement with a physician  
20 if there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25);  
21 A.A.C. R4-16-404.

22 **ORDER**

23 IT IS HEREBY ORDERED THAT:

24 1. Respondent shall not practice clinical medicine or any medicine involving  
25 direct patient care, and is prohibited from prescribing any form of treatment including

1 prescription medications, until Respondent affirmatively receives the Board's or the  
2 Executive Director's approval to return to the active practice of medicine. Respondent  
3 acknowledges that the Board or the Executive Director may require any combination of  
4 staff approved physical examinations, substance abuse evaluations, psychiatric and/or  
5 psychological evaluations, or competency examinations or interview it finds necessary to  
6 assist it in determining Respondent's ability to return to the active practice of medicine.

7 2. This is an interim order and not a final decision by the Board or the  
8 Executive Director regarding the pending investigative file and as such is subject to  
9 modification and further consideration by the Board or the Executive Director.

10 DATED AND EFFECTIVE this 24<sup>th</sup> day of February, 2003.



ARIZONA MEDICAL BOARD

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By *Barry A. Cassidy*  
BARRY A. CASSIDY, Ph.D., PA-C  
Executive Director

16 ORIGINAL of the foregoing filed this  
17 25<sup>th</sup> day of February, 2003 with:

18 The Arizona Medical Board  
19 9545 East Doubletree Ranch Road  
20 Scottsdale, AZ 85258

21 EXECUTED COPY of the foregoing mail by  
22 CERTIFIED US MAIL this 25<sup>th</sup> day of February  
23 2003 to:

24 Kari Zangerle  
25 Sanders & Parks PC  
3003 N Third St., Suite 1300  
Phoenix, AZ 85012-3099

1 EXECUTED COPY of the foregoing mail by  
US MAIL this ~~25~~ day of ~~FEBRUARY~~ 2003 to:

2

3 James R. Thomas, M.D.

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5

6

7 EXECUTED COPY of the foregoing  
hand-delivered to each of the following  
this ~~25~~ day of ~~FEBRUARY~~, 2003, to :

8

9 Christine Cassetta, Assistant Attorney General

10 Sandra Waitt, Management Analyst

11

12 Compliance Center

13 Investigations (Investigation File)

14

15 Arizona Medical Board

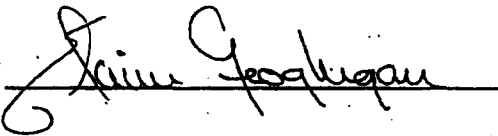
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18 Scottsdale, AZ 85258

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