

## *The Medical Practice Act (MPA) And what it means to you.*

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The Medical Practice Act (MPA) is a law created by the State Legislature to license and regulate Arizona physicians. It is an act of unprofessional conduct to violate the MPA.

At the conclusion of a thorough investigation, including analysis of the facts by staff and medical consultants, the Arizona Medical Board reviews the case and determines whether a physician has violated the MPA.

While there are things like rude behavior or a poor bedside manner that are not conducive to a good doctor-patient relationship, they are not violations of the MPA.

To view the MPA in its entirety, visit the Arizona Medical Board's website at [www.azmdboard.org](http://www.azmdboard.org).

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### *Arizona Medical Board*

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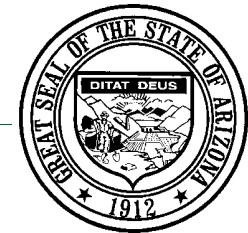
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## *Adjudication Process*

A 3-Stage Guide:

From complaint to  
outcome.



# Adjudication Process

## –Stage One–

Complaints against doctors are received from several sources, including patients, other agencies, and medical malpractice insurers. The Board may also initiate a complaint on its own motion if it becomes aware of potential unprofessional conduct.

Medical consultants review the complaints and the complaints are then assigned to investigators who review case materials and contact the physician and complainant. If necessary, the investigators may conduct investigational interviews and obtain additional medical consultant opinions.

### Stage One Outcomes

There are two directions a case may take at the conclusion of Stage One. The case may be forwarded to the Staff Investigational Review Committee (SIRC) for further review or it may be forwarded to the Executive Director for action. The Executive Director may dismiss the case, enter into an agreement for practice limitation, enter into an interim agreement while the case proceeds, or issue an interim investigative order.

## –Stage Two–

Stage two consists of the Staff Investigational Review Committee (SIRC). SIRC is comprised of three members: the Board's Medical Consultant, an outside medical consultant, and the Assistant Director of Enforcement. Additional Board staff are also present to provide background information about the cases.

SIRC reviews cases to ensure that the alleged conduct would be a violation of Medical Practice Act and that there has been a complete investigation. SIRC then prepares a factual analysis of the issues presented and makes recommendations for Board consideration.

### Stage Two Outcomes

SIRC may forward the case packet and any recommendation to the Board for action. SIRC may refer the case to the Executive Director for any of the actions described in Stage One Outcomes or may refer the case back to investigations. The Executive Director may decide the case requires an evidentiary hearing and will then refer the case for a formal hearing.

*Formal hearings* are sent to an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH). It is a full evidentiary hearing, like in civil courts.

## –Stage Three–

Consideration of the case at a Board meeting is the final stage in the adjudication process. The majority of the cases on the Board's agenda are formal interviews.

*Formal interviews* are not full evidentiary hearings. A formal interview is a forum for the physician to appear before the Board and discuss the facts of the case. A physician may choose whether to attend a formal interview or have the case heard at a formal hearing. At the conclusion of a formal interview, the Board may request that a Board Order be drafted reflecting its decision.

The Board also decides the appropriate sanction in cases that were heard at a formal hearing; hears appeals of Executive Director actions; and considers consent agreements.

### Stage Three Outcomes

The Board has several options after a formal interview. It may dismiss a case that is without merit; it may issue a non-disciplinary advisory letter; or it may issue a non-disciplinary action, such as a practice limitation. The Board can also opt to take disciplinary action ranging from a Letter of Reprimand to a Decree of Censure, and may impose probationary terms. If a case has gone to formal hearing, the Board may also revoke a physician's license or impose a suspension greater than one year.