

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **MICHAEL MAHL, M.D.**

5 Holder of License No. 12868
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-15-1470A

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

7 Michael Mahl, M.D. ("Respondent"), elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") and the facts stated herein; and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 12868 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-15-1470A after receiving a report from
17 Promises Treatment Centers ("Promises") that Respondent tested positive for
18 methamphetamine during an evaluation. Promises also reported that, based on the
19 results of their evaluation, Respondent was unsafe to practice medicine.

20 4. On August 9, 2002, Respondent entered into a Consent Agreement and
21 Order for Practice Restriction with Probation ("First Agreement"). The terms of the
22 Probation in the First Agreement required that Respondent participate in the Board's
23 Physician Health Program ("PHP") for a period of five (5) years. Additionally, the
24 Respondent's practice was restricted to only treating adults aged 18 years or older
25 ("Practice Restriction"). On August 9, 2007, Respondent successfully completed the

1 terms of his PHP Probation and the requirement for PHP participation was terminated.
2 The Practice Restriction remained in effect.

3 5. On July 18, 2008, the PHP Contractor reported to the Board that the PHP
4 received information from a confidential complainant that Respondent was very late for
5 his appointments at the office and was visibly impaired with slurred speech. Subsequent
6 hair testing confirmed the presence of marijuana metabolites, Cannabinoids and THC.
7 On July 29, 2008, Respondent entered into a Request for License Inactivation with Cause
8 and Order Inactivating License with Cause.

9 6. On June 9, 2009, Respondent entered into a Consent Agreement for
10 License Reactivation, Letter of Reprimand and Probation, for five (5) years PHP
11 participation among other requirements ("Second Agreement"). The PHP term was
12 retroactive to March 11, 2009. Respondent successfully completed the terms of his
13 Probation, and the Second Agreement requiring PHP participation was terminated on
14 March 10, 2014. The Practice Restriction from the First Agreement remained in effect.

15 7. On February 4, 2015, the Board considered Respondent's request to
16 terminate the Practice Restriction from the First Agreement. The Board denied the
17 request, but Board members suggested that Respondent consider obtaining an
18 assessment to assist the Board in evaluating whether Respondent was safe to practice
19 with minor patients. Pursuant to that suggestion, Respondent voluntarily appeared for a
20 psychosexual evaluation at Promises on December 7, 2015. Respondent tested positive
21 for methamphetamines on both hair and urine testing conducted as a part of that
22 evaluation. Respondent admitted during the evaluation that he occasionally consumes
23 alcohol, but Promises reported that the results of his testing suggests significant alcohol
24 consumption. Promises opined that Respondent's alcohol and methamphetamine
25 consumption constitutes a relapse and recommended that Respondent discontinue

1 practice immediately and seek a substance use disorder treatment program as soon as
2 possible. Promises further opined that if Respondent did resume practice, the Practice
3 Restriction should not be lifted.

4 8. Respondent denied use of methamphetamines and disputed the results of
5 the urine hair testing performed at Promises. An interview of Respondent and analysis of
6 the test results was conducted by Dr. Michael Sucher of the Board's PHP Program acting
7 as Medical Review Officer ("MRO"). Dr. Sucher opined that, to a reasonable degree of
8 medical probability, the test results were positive for methamphetamine.

9 9. On December 28, 2015, the Board held an Emergency Teleconference
10 Meeting and Respondent's license to practice medicine was summarily suspended.

11 10. Respondent admits that he is unable to safely engage in the practice of
12 medicine.

13 CONCLUSIONS OF LAW

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

16 2. The Board possesses statutory authority to enter into a consent agreement
17 with a physician and accept the surrender of an active license from a physician who
18 admits to being unable to safely engage in the practice of medicine or having committed
19 an act of unprofessional conduct. A.R.S. § 32-1451(T)(1) and (2).

20 ORDER

21 IT IS HEREBY ORDERED THAT:

22 1. Respondent immediately surrender License Number 12868, issued to
23 Michael Mahl, M.D., for the practice of allopathic medicine in the State of Arizona, and
24 return his certificate of licensure to the Board.
25

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

3 6. Upon signing this agreement, and returning this document (or a copy
4 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
5 entry of the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If the Board does not adopt this Order, Respondent will not assert as a
12 defense that the Board's consideration of the Order constitutes bias, prejudice,
13 prejudgment or other similar defense.

14 9. ***Respondent has read and understands the terms of this agreement.***

15 Michael Mahl MD
16 MICHAEL MAHL, M.D.

Dated: 7/7/16

18 EXECUTED COPY of the foregoing mailed by
19 US Mail this 5th day of August, 2016 to:

20 Michael Mahl, M.D.
21 Address of Record

22 ORIGINAL of the foregoing filed this
5th day of August, 2016 with:

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

Mary Barber

- 1 Board Staff
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