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## BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LAURA K. SHERMAN, M.D.

Holder of License No. 34716 For the Practice of Medicine In the State of Arizona. Case No. MD-16-0059A

ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME

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

- 1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- 2. Respondent is the holder of License No. 34716 for the practice of allopathic medicine in the State of Arizona.
- 3. The Board initiated case number MD-16-0059A after receiving a complaint from a health care provider alleging that Respondent had been impaired at work while seeing patients on multiple occasions between August 2015 and January 2016.
- 4. Along with the complaint, the Board received witness statements supporting the allegation that Respondent was impaired while treating patients and had an ongoing substance abuse problem.
- 5. Respondent presented for an assessment with the Board's Physician Health Program ("PHP") Contractor on January 21, 2016 and was found to be unsafe to practice with treatment recommended.

- 6. Respondent entered into an Interim Consent Agreement for Practice Restriction which was executed on January 28, 2016.
- 7. Respondent entered into inpatient treatment on February 19, 2016 and was discharged with staff approval on March 9, 2016.
- 8. The PHP Contractor subsequently recommended that Respondent enter into the Board's PHP for five years' monitoring with the additional requirement that Respondent engage in psychiatric care on an ongoing basis. On April 19, 2016, Respondent entered into an Interim Consent Agreement for participation in the Board's PHP and on April 25, 2016, the Interim Consent Agreement for Practice Restriction was vacated.
- 9. During the course of the investigation, it was noted that Respondent failed to disclose an arrest for driving under the influence that occurred in 2011 within ten (10) working days as required by law.
- 10. On November 28, 2016 Respondent contacted the Board to inform Board staff that she no longer wishes to participate in the Board's PHP program and wishes to surrender her Arizona medical license. Board staff subsequently confirmed with the PHP Contractor that Respondent was non-compliant with the program.

# **CONCLUSIONS OF LAW**

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

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ([v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter.").

## **ORDER**

### IT IS HEREBY ORDERED THAT:

- Respondent immediately surrender License Number 34716, issued to Laura
  K. Sherman, M.D., for the practice of allopathic medicine in the State of Arizona, and
  return her certificate of licensure to the Board.
- 2. This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent, and is the final resolution of this matter.

DATED and effective this \_\_\_\_\_ day of \_\_\_\_\_ day of \_\_\_\_\_\_, 2016.

ARIZONA MEDICAL BOARD

By:

Patricia E. McSorley
Executive Director

## **CONSENT TO ENTRY OF ORDER**

- 1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges she has the right to consult with legal counsel regarding this matter.
- 2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.
- 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.
- 4. The Order is not effective until approved by the Board and signed by its Executive Director.
- 5. 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 or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.
- 6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

- 7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.
- 8. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.
  - 9. Respondent has read and understands the terms of this agreement.

	Dated: _	December 3,2016	
LAURA K. SHERMAN, M.D.	_		

EXECUTED COPY of the foregoing mailed by US Mail this Atlantage day of Occember, 2016 to:

Laura K. Sherman, M.D. Address of Record

ORIGINAL of the foregoing filed this \_\_\_\_\_\_ 2016 with:

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

May Paley Board Staff)