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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MICHAEL S. YASINSKI, M.D.

Holder of License No. 44236
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-18-0737A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

INTERIM CONSENT AGREEMENT

Michael S. Yasinski, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM FINDINGS OF FACT

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. 44236 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-18-0737A on August 3, 2018 after receiving a self-report from Respondent that he had received a DUI in February, 2018 and some misdemeanor charges in March, 2018.

4. On February 1, 2018, Respondent was charged with speeding, failure to provide proof of insurance, DUI, DUI greater than .08 BAC, and illegal possession of a prescription drugs. Respondent subsequently entered into a plea agreement for a single DUI charge.

5. On March 9, 2018, Respondent was charged with misdemeanor charges arising out of a fight with his girlfriend at their residence. On August 11, 2018 the State's motion to dismiss the charges was granted without prejudice.

1 6. During the course of the Board's investigation, Respondent admitted to
2 prescribing controlled substances to a patient without maintaining adequate medical
3 records.

4 7. On August 23, 2018, Respondent was issued interim orders to complete an
5 assessment with the Board's Physician Health Program ("PHP") within 10 days, as well as
6 a neuropsychological evaluation within 60 days. The neuropsychological evaluation was
7 required to be scheduled within 14 days from the date of the Order.

8 8. On September 17, 2018, Respondent completed a PHP assessment.
9 Respondent admitted to having a substance use disorder. Respondent's urine drug
10 screen was positive for non-prescribed controlled substances. The Assessor opined that
11 Respondent was not safe to practice pending completion of an inpatient evaluation ad a
12 Board-approved facility.

13 9. Respondent did not timely schedule his neuropsychological evaluation, and
14 did not timely complete the PHP assessment.

15 10. The aforementioned information was presented to the investigative staff, the
16 medical consultant and the lead Board member. All reviewed the information and concur
17 that the interim consent agreement to restrict Respondent's practice is appropriate.

18 11. The investigation into this matter is pending and will be forwarded to the
19 Board promptly upon completion for review and action.

20 **INTERIM CONCLUSIONS OF LAW**

21 1. The Board possesses jurisdiction over the subject matter hereof and over
22 Respondent.

23 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
24 enter into a consent agreement when there is evidence of danger to the public health and
25 safety.

1 5. This Interim Consent Agreement shall be effective on the date signed by the
2 Board's Executive Director.

3
4 DATED this 27th day of September, 2018.

5 ARIZONA MEDICAL BOARD

6 By Patricia E. McSorley
7 Patricia E. McSorley
8 Executive Director

9 RECITALS

10 Respondent understands and agrees that:

11 1. The Board, through its Executive Director, may adopt this Interim Consent
12 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
13 504.

14 2. Respondent has read and understands this Interim Consent Agreement as
15 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
16 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
17 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
18 by doing so agrees to abide by all of its terms and conditions.

19 3. By entering into this Interim Consent Agreement, Respondent freely and
20 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
21 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
22 any other administrative and/or judicial action, concerning the matters related to the
23 Interim Consent Agreement.
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1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently
3 pending before the Board and does not constitute any waiver, express or implied, of the
4 Board's statutory authority or jurisdiction regarding this or any other pending or future
5 investigations, actions, or proceedings. Respondent also understands that acceptance of
6 this Interim Consent Agreement does not preclude any other agency, subdivision, or
7 officer of this State from instituting civil or criminal proceedings with respect to the conduct
8 that is the subject of this Interim Consent Agreement. Respondent further does not
9 relinquish Respondent's rights to an administrative hearing, rehearing, review,
10 reconsideration, judicial review or any other administrative and/or judicial action,
11 concerning the matters related to a final disposition of this matter, unless Respondent
12 affirmatively does so as part of the final resolution of this matter.
13

14 5. Respondent acknowledges and agrees that upon signing this Interim
15 Consent Agreement and returning it to the Board's Executive Director, Respondent may
16 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
17 modifications to it. Any modification of this original document is ineffective and void unless
18 mutually approved by the parties in writing.

19 6. Respondent understands that this Interim Consent Agreement shall not
20 become effective unless and until it is signed by the Board's Executive Director.

21 7. Respondent understands and agrees that if the Board's Executive Director
22 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
23 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
24 bias, prejudice, prejudgment, or other similar defense.
25

1 8. Respondent understands that this Interim Consent Agreement is a public
2 record that may be publicly disseminated as a formal action of the Board, and that it shall
3 be reported as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not
5 alleviate Respondent's responsibility to comply with the applicable license-renewal
6 statutes and rules. If this Interim Consent Agreement remains in effect at the time
7 Respondent's allopathic medical license comes up for renewal, Respondent must renew
8 the license if Respondent wishes to retain the license. If Respondent elects not to renew
9 the license as prescribed by statute and rule, Respondent's license will not expire but
10 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
11 final action in this matter. Once the Board takes final action, in order for Respondent to be
12 licensed in the future, Respondent must submit a new application for licensure and meet
13 all of the requirements set forth in the statutes and rules at that time.

14 10. Respondent understands that any violation of this Interim Consent
15 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
16 formal order, probation, consent agreement or stipulation issued or entered into by the
17 board or its executive director under this chapter.").

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20 _____
MICHAEL S. YASINSKI, M.D.

DATED: 9/27/18

21
22 EXECUTED COPY of the foregoing e-mailed
23 this 26th day of September, 2018 to:

24 Michael S. Yasinski, M.D.
25 Address of Record

1 ORIGINAL of the foregoing filed
this 27th day of September 2018 with:

2 Arizona Medical Board
3 1740 West Adams, Suite 4000
4 Phoenix, Arizona 85007

5 Mary Bolter
6 Board staff

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