

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **JAMES C. BARSZ, M.D**

5 Holder of License No. 12365
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-17-1144A

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

7 James C. Barsz, 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") as well as 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 12365 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-17-1144A after receiving a complaint
17 regarding Respondent's care and treatment of a 36 year-old female patient ("LCM")
18 alleging inappropriate language, showing inappropriate material to a patient, and
19 inappropriate prescribing.

20 4. During the course of the Board's investigation, Board Medical Consultants
21 ("MCs") reviewed Respondent's care and treatment of LCM and three other patients.

22 5. MCs who reviewed Respondent's care of EP, GM and CP noted deviations
23 from the standard of care including failing to query the Controlled Substances Prescription
24 Monitoring Program ("CSPMP") for a patient prior to prescribing controlled substances,
25 failing to perform adequate urine drug screens or monitor patient compliance by

1 addressing red flag behavior and by prescribing Suboxone to patients without adequate
2 justification or a comprehensive treatment plan.

3 6. There was the potential for patient harm in that patients were at risk of
4 abuse, overdose or diversion.

5 7. Effective May 13, 2019 Respondent entered into an Interim Consent
6 Agreement for Practice Restriction ("Practice Restriction") prohibiting him from prescribing
7 controlled substances pending the outcome of the Board's investigation.

8 8. After the effective date of the Practice Restriction, Respondent continued to
9 write prescriptions for controlled substances to patients.

10 9. On May 17, 2019, Board staff contacted Respondent and advised
11 Respondent that he was in violation of the Practice Restriction by writing prescriptions
12 after the effective date of the order. Respondent responded via email on May 18, 2019
13 and reported that he had ceased prescribing. However, Respondent continued to write
14 prescriptions for controlled substances in violation of the Board order. Respondent
15 subsequently ceased responding to Board staff's attempt to contact him regarding the
16 investigation.

17 10. During the Board's consideration of the above captioned matter on June 17,
18 2019, Board staff presented the foregoing. Board members found that Respondent was
19 not compliant with the limited restriction. Further, Board members noted the lack of
20 explanation for Respondent's failure to respond to the Board's investigation, and observed
21 that Respondent is not able to be regulated at this time. Based on the evidence
22 presented, the Board voted unanimously to summarily suspend Respondent's license.

23 11. Respondent disclosed that he has a health condition that may impair his
24 ability to safely practice medicine, and has requested surrender of his license.

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CONCLUSIONS OF LAW

1. 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. A.R.S. § 32-1451(T)(1).

ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender License Number 12365, issued to James C. Barsz, M.D., for the practice of allopathic medicine in the State of Arizona, and return his certificate of licensure to the Board.

DATED and effective this 13th day of September, 2019.

ARIZONA MEDICAL BOARD

By: Patricia E. McSorley
Patricia E. McSorley
Executive Director

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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 he 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.

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

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

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

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10 *James C. Barsz, M.D.*
11 JAMES C. BARSZ, M.D.

Dated: *8/5/2019*

12 EXECUTED COPY of the foregoing mailed by
13 US Mail this *13th* day of *September*, 2019 to:

14 James C. Barsz, M.D.
15 Address of Record

16 ORIGINAL of the foregoing filed this
17 *13th* day of *September*, 2019 with:

18 The Arizona Medical Board
19 1740 West Adams, Suite 4000
20 Phoenix, Arizona 85007

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Michelle Probus
Board staff