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**BEFORE THE ARIZONA STATE BOARD OF
PODIATRY EXAMINERS**

In the Matter of:)	CASE NO. 15-23-C
)	
JON DAVID BROWN, DPM)	
Holder of License No. 0383)	CONSENT AGREEMENT AND
)	ORDER
For the Practice of Podiatry)	
In the State of Arizona)	

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Podiatry Examiners ("Board"), and in the interest of protecting the people of the State of Arizona, consistent with the statutory requirements and responsibilities of the Board pursuant to A.R.S. § 32-801, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Jon David Brown, DPM ("Respondent"), holder of license number 0383 to practice podiatry in the State of Arizona, and the Board enter into the following Consent Agreement for Findings of Fact, Conclusions of Law, and Order for Voluntary Surrender of License ("Consent Agreement") as the final disposition of this matter.

1. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter, at which time Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative

1 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or
2 any other administrative, and/or judicial action concerning the matters set forth herein.
3 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and any
4 modifications to this original document are ineffective and void unless mutually approved by
5 the parties in writing.

6 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
7 of this agreement under A.R.S. §§ 32-852 and 32-852.01. Respondent understands that the
8 Board may consider this Consent Agreement or any part of it in any future disciplinary action
9 against him.

10 4. Respondent understands that this Consent Agreement does not constitute a
11 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
12 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
13 regarding any other pending or future investigation, action, or proceeding.

14 5. All admissions Respondent makes in this Consent Agreement are made solely
15 for the final disposition of investigation number 15-23-C, and any related administrative
16 proceedings or civil litigation involving the Board and Respondent. Respondent further
17 understands that acceptance of the Consent Agreement does not preclude any other agency,
18 subdivision, or officer of this state from instituting other civil or criminal proceedings with
19 respect to the conduct that is the subject of this Consent Agreement.

20 6. The Consent Agreement shall be subject to adoption by the Board and shall be
21 effective only when signed by the President of the Board, or the Executive Director of the
22 Board, on behalf of the President. In the event that the Board does not adopt this Consent
23 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
24 introduced in any action by any party. The parties agree that if the Board rejects this Consent
25 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board
26 was prejudiced by its review and discussion of this document or any other records relating
thereto.

1 the documentation that was present did not support the quantities of narcotics prescribed to
2 Respondent's podiatric patients.

3 5. Respondent's disciplinary history with the Board includes previous discipline.
4

5 CONCLUSIONS OF LAW

6 1. The Board possesses jurisdiction over the subject matter hereof and over Respondent
7 pursuant to A.R.S. § 32-801, *et seq.*

8 2. The conduct and circumstances in the Factual Allegations above constitute
9 unprofessional conduct pursuant to A.R.S. § 32-854.01(11), ("[f]ailing or refusing to maintain
10 adequate records on a patient for at least seven years or failing or refusing to make the records
11 available to a physician or another podiatrist within twenty-one days after request and receipt of
12 proper authorization.")

13 3. The conduct and circumstances in the Factual Allegations above constitute
14 unprofessional conduct pursuant to A.R.S. § 32-854.01(20), ("[a]ny conduct or practice that is or
15 might be harmful or dangerous to the health of the patient.")

16 ORDER

17 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
18 **ORDERED THAT** license number 0383 issued to Jon David Brown, DPM shall be
19 **SURRENDERED** to the Board effective July 31, 2017. At that time, Respondent shall not
20 practice podiatry in the State of Arizona.

21 **FURTHERMORE**, Respondent agrees, effective immediately and until July 31, 2017,
22 to immediately notify the Board if he prescribes more than 10 Class II medications at a time for
23 minor procedures or more than 20 Class II medications at a time for major procedures.

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Add or insert
"on or before"
July 31st
JDM

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DATED THIS 12 DAY OF April 2017.

ARIZONA BOARD OF PODIATRY EXAMINERS

By: Barbara A. Campbell, D.P.M.
Barbara A. Campbell, D.P.M., Board President

Original Consent Agreement for
Voluntary Surrender of License filed this
12th day of APRIL 2017 with the:

Arizona State Board of Podiatry Examiners
1400 West Washington Street, Suite 201
Phoenix, Arizona 85007

Jon David Brown DPM

Jon David Brown, DPM

Copy of the foregoing sent by Electronic,
Certified and Regular mail this 12 day
of April 2017 to:

7016 1370 0000 4697 044

Dr. Jon David Brown, DPM
Address of Record

Copy of the foregoing sent by inter-~~agency~~ ELECTRONIC
Agency mail this 12th day of
APRIL 2017 to:

Scott Donald, Assistant Attorney General
Office of Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007

Bruce D. Crawford, Esq.
Crawford & Kline, PLC
1920 East Southern Avenue, Suite 101
Tempe, AZ 85282

BY: [Signature]