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

In The Matter of the License of:)	Complaint No. 99017-C, 0022-M & 0104-B
Elray Kizzar, D.P.M., License No. 442.)	CONSENT AGREEMENT AND ORDER
)	SURRENDER OF LICENSE

In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Podiatry Examiners ("Board") and pursuant to A.R.S. § 32-852.01, the undersigned parties enter into this Consent Agreement and Order as a final disposition of this matter.

CONSENT AGREEMENT

Elray Kizzar, D.P.M., ("Dr. Kizzar") understands that:


1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations and all related materials and exhibits may be retained in the Board's file pertaining to this matter.
2. Dr. Kizzar has the right to a formal public hearing at which he can present evidence and cross-examine any of the State's witnesses. Dr. Kizzar hereby irrevocably waives his right to such a hearing concerning the allegations and irrevocably waives his right to any rehearing or judicial review in Superior Court relating to the allegations contained in this Consent Agreement and Order.
3. Dr. Kizzar has the right to consult with an attorney prior to entering into this Consent Agreement and Order.
4. The Findings contained in the Findings of Fact and Conclusions of Law portion of this Consent Agreement and Order are conclusive evidence of the facts stated therein and may be

1 used for purposes of determining sanctions in any future disciplinary matter.

2 5. The Consent Agreement and Order shall be subject to the approval of the Board.
3 This Agreement will be effective only when the Board accepts it. In the event the Board in its
4 discretion does not approve this Consent Agreement, this Consent Agreement and Order is
5 withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any
6 disciplinary action by any party hereto except that Dr. Kizzar agrees that should the Board reject
7 this Consent Agreement and Order and this case proceeds to formal hearing, Dr. Kizzar will assert
8 no claim that the Board was prejudiced by its review and discussion of this document or of any
9 records relating thereto.

10 6. Dr. Kizzar further understands that this Consent Agreement and Order, once
11 approved by the Board and signed, shall constitute a public record which may be disseminated as
12 a formal action of the Board.

13 DATED this 31 day of January, 2002

14
15 
16 Elray Kizzar, D.P.M.,

17 The Board issues the following Findings of Fact, Conclusions of Law and Order:

18 **FINDINGS OF FACT**

19 1. The Arizona State Board of Podiatry Examiners ("Board") is that body politic
20 created and empowered pursuant to A.R.S. § 32-900 *et seq.* to administer the laws of the State of
21 Arizona relating to the practice of podiatry.

22 2. Dr. Kizzar is the holder of license number 442 for the practice of podiatry in the
23 State of Arizona.

24 3. Dr. Kizzar acknowledges that sufficient evidence exists for the Board to make the
25 following findings of fact in regard to complaint nos 99-17-C; 00-22-M; 01-04-B as follows:
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- a. 99-017-C: Failure to meet terms of probation as imposed by Board Order dated February 9, 2000 in that he failed to provide the Board with complete patient medical records and submit all surgical cases for Board review;
- b. 00-22-M: Practice below the standard of care as to patient DB treated on or about 1999, including but not limited to over prescribing of medications;
- c. On or about September 6, 2000, Dr. Kizzar performed an amputation on patient "R.L."

CONCLUSIONS OF LAW

4. The conduct and circumstances described above constitute violations of A.R.S. § 32-854.01, Unprofessional Conduct, specifically, but not limited to paragraph 20: "Any conduct or practice which is or might be harmful or dangerous to the health of the patient."

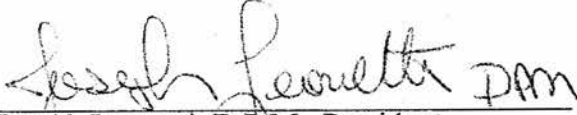
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the parties hereby agree that License No. 442 is **SURRENDERED**.

- 5. This Consent Agreement and Order shall be effective on the date of entry below.
- 6. This Consent Agreement and Order is conclusive evidence of the matters described herein.

DATED this 13th day of February, 2002

ARIZONA STATE BOARD OF
PODIATRY EXAMINERS



Joseph Leonetti, D.P.M., President
Arizona State Board of Podiatry Examiners

1 ORIGINAL of the foregoing filed
2 this 20th day of February, 2002 with:

3 Arizona State Board of Podiatry Examiners
4 1400 W. Washington Street, Suite 230
5 Phoenix, Arizona 85007

6 COPIES of the foregoing mailed this
7 20th day of February, 2002 to:

8 Elray Kizzar
9 300 South Willard, Suite 103
10 Cottonwood, AZ 86326-4160

11 Terrie Zenoff
12 Assistant Attorney General
13 1275 West Washington CIV/LES
14 Phoenix, Arizona 85007
15 Counsel for the Board

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