BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

PHILIP J. BERENT, M.D.
Holder of License No. 45421
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-17-0198A

INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE

INTRODUCTION

The above-captioned matter came for discussion before the Arizona Medical Board ("Board") at its June 23, 2017 meeting, where it had been placed on the agenda to consider possible summary action against Philip J. Berent, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending a formal hearing or other Board action. A.R.S. § 32-1451(D).

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 number 45421 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-17-0198A after receiving notification that Respondent’s Illinois medical license was suspended by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation ("Illinois Board").

4. On February 17, 2017, the Illinois Board summarily suspended Respondent’s Illinois medical license based on findings that the public interest, safety and welfare imperatively required emergency action. In its underlying Petition for Temporary Suspension, the Illinois Board alleged that Respondent voluntarily surrendered his DEA
Registration during a DEA investigation into allegations that Respondent inappropriately prescribed medications to an out of state patient who exhibited multiple warning signs of drug abuse and diversion.

5. During the Board's consideration of the above captioned matter on June 23, 2017, the Board voted unanimously to summarily suspend Respondent's license based on the evidence presented.

INTERIM CONCLUSIONS OF LAW

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

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(o) ("Action that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.").

3. A.R.S. § 32-1451.02(B) states, "The board shall order the summary suspension of a license pending proceedings for revocation or other action if a medical regulatory board in another jurisdiction in the United States has taken the same action because of its belief that the public health, safety or welfare imperatively required emergency action."

4. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).
ORDER

Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above,

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice allopathic medicine in the State of Arizona, License No. 45421, is summarily suspended. Respondent is prohibited from practicing medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medications or injections of any kind.

2. The Interim Findings of Fact and Conclusions of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against Respondent. Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this Order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this Order, unless stipulated and agreed otherwise by Respondent.

DATED AND EFFECTIVE this 23rd day of June, 2017.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Executive Director
EXECTED COPY of the foregoing mailed
this ___ day of ___une___, 2017 to:

Philip J. Berent, M.D.
Address of Record

Courtey Copy to:
Drew Balac, Esq.
Balac Law Group
70 West Madison St. Suite 5750
Chicago, IL 60602

ORIGINAL of the foregoing filed
this ___ day of ___une___, 2017 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

[Signature]
Board Staff