

1                   **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
2                                           **IN MEDICINE AND SURGERY**

3 In the Matter of

4 **Mark R. Fantauzzi, D.O.**

5 Holder of License No. 3209  
6 For the Practice of Osteopathic Medicine  
7 In the State of Arizona

Case No. DO-12-0051A

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

8           Mark R. Fantauzzi, D.O. (“Respondent”) elects to permanently waive any right to a  
9 hearing and appeal with respect to this Order for Surrender of License; admits the  
10 jurisdiction of the Arizona Board of Osteopathic Examiners in Medicine and Surgery  
11 (“Board”) and consents to the entry of this Order by the Board.

12                                           **CONSENT AGREEMENT**

13           1.     Respondent has read and understands this Consent Agreement and the  
14 stipulated Findings of Fact, Conclusions of Law and Order (“Consent Agreement”).  
15 Respondent acknowledges that he has the right to consult with legal counsel regarding this  
16 matter and has done so or chooses not to do so.

17           2.     By entering into this Consent Agreement, Respondent voluntarily relinquishes  
18 any rights to a hearing or judicial review in state or federal court on the matters alleged, or  
19 to challenge this Consent Agreement in its entirety as issued by the Board, and waives any  
20 other cause of action related thereto or arising from said Consent Agreement.

21           3.     This Consent Agreement is not effective until approved by the Board and  
22 signed by its Executive Director.

23           4.     Respondent admits to the statement of facts and conclusions of law contained  
24 in the Consent Agreement and Order.

25           5.     This Consent Agreement, or any part thereof, may be considered in any future  
26 disciplinary action against Respondent.

1           6.     This Consent Agreement does not constitute a dismissal or resolution of other  
2 matters currently pending before the Board, if any, and does not constitute any waiver,  
3 express or implied, of the Board's statutory authority or jurisdiction. The acceptance of this  
4 Consent Agreement does not preclude any other agency, subdivision or officer of this State  
5 from instituting other civil or criminal proceedings with respect to the conduct that is the  
6 subject of this Consent Agreement.

7           7.     All admissions made by Respondent are solely for final disposition of this  
8 matter and any subsequent administrative proceedings or litigation involving the Board,  
9 Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not  
10 intended for any other purpose or administrative regulatory proceeding or litigation in  
11 another state or federal court.

12           8.     Upon signing this agreement, and returning this document (or a copy thereof)  
13 to the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17           9.     If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20           10.    This Consent Agreement, once approved and signed, is a public record that  
21 will be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Board's website.

23           11.    If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

26   
27 Mark R. Fantauzzi, D.O.

DATED: 11/26/2013

1 **JURISDICTIONAL STATEMENTS**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of osteopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 3209 for the practice of  
5 osteopathic medicine in the State of Arizona.

6 **FINDINGS OF FACT**

7 3. The Board initiated case number DO-12-0051A after receiving notification  
8 that the Drug Enforcement Agency had immediately suspended Respondent's Certificate of  
9 Registration, the State Medical Board of Ohio had accepted the permanent surrender of  
10 Respondent's license to practice medicine and the State of Virginia's Board of Medicine  
11 had suspended Respondent's license to practice.

12 **CONCLUSIONS OF LAW**

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

15 2. The Board possesses statutory authority to enter into a consent agreement with  
16 a physician and accept the surrender of an active license from a physician who admits to  
17 having committed an act of unprofessional conduct or to having violated the Board's  
18 statutes. A.R.S. § 32-1855(M).

19 3. The conduct and circumstances described above constitute unprofessional  
20 conduct pursuant to A.R.S. § 32-1854(18) (“[t]he denial of or disciplinary action against a  
21 licensee by any other state, territory, district or country . . .”)

22 **ORDER**

23 IT IS HEREBY ORDERED THAT License Number 3209, issued to Mark R.  
24 Fantauzzi, D.O. for the practice of osteopathic medicine in the State of Arizona, is  
25 surrendered and that Mark R. Fantauzzi shall no longer engage in the practice of medicine  
26 in the State of Arizona after the effective date of this order.

27 ///

1 ISSUED THIS 28<sup>th</sup> DAY OF January, 2014.



STATE OF ARIZONA  
BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: Jenna Jones  
Jenna Jones, Executive Director

8  
9 EXECUTED COPY of the foregoing mailed  
this 28<sup>th</sup> day of January, 2014 to:

10 Mark R. Fantauzzi, D.O.  
11 Address of Record  
12 Respondent

13 Original "Consent for Surrender of License" filed this 28<sup>th</sup> day of  
14 January, 2014 with the:

15 Arizona Board of Osteopathic Examiners  
16 In Medicine and Surgery  
17 9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

18 Copy of the foregoing "Consent for Surrender of License" sent via electronic  
19 mail this 28<sup>th</sup> day of January, 2014 to:

20 Jeanne Galvin, Asst Attorney General  
21 Office of the Attorney General CIV/LES  
22 1275 West Washington  
Phoenix AZ 85007

23 JJ  
24  
25  
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