BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **ANGELO L. CHIRBAN, M.D.** Holder of License No. 27055 For the Practice of Allopathic Medicine In the State of Arizona	Case No. MD-06-0655A **CONSENT AGREEMENT FOR LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Angelo L. Chirban, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

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

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

4. The Board may adopt this Consent Agreement of any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding. The acceptance of this Consent Agreement does not preclude any other agency, subdivision or officer of this State from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

6. 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.

7. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of the Consent Agreement. 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.

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

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

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

11. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the Board or its Executive Director under this chapter") and 32-1451.

Angelo L. Chirban M.D.

ANGELO L. CHIRBAN, M.D.

DATED: 11-5-07

APPROVED AS TO FORM

Don Awerkamp

DON AWERKAMP, ESQ.

DATED: 11/14/07

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 27055 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-06-0655A while conducting a related investigation. Board Staff discovered that Respondent delegated health care tasks to a physician assistant ("PA") prior to submitting a Notice of Supervision ("NOS") application and obtaining Board approval.

4. On May 27, 2006, PA submitted his 2006 NOS application to the Arizona Regulatory Board of Physician Assistants requesting that Respondent be added as a supervising physician. Board Staff sent PA's NOS application to Respondent for his approval as PA's supervising physician. Respondent returned the NOS application to the Board for approval on July 28, 2006. A PA is prohibited by law from performing health care tasks until the Supervising Physician receives notification of approval of the NOS.

5. Respondent provided treatment to patients at two Arizona offices located in Phoenix and Mesa. On February 14, 2006 and July 27, 2006, PA prescribed Percocet and Duragesic patches of Oxycodone for patients at the Phoenix office. PA treated the patients prior to Respondent submitting the NOS application on July 28, 2006. The prescriptions contained Respondent's signature.

6. From July 1, 2005 through May 27, 2006, Respondent allowed PA to treat patients at the Phoenix clinic and he also delegated prescribing duties to PA prior to submitting the NOS application to the Board on July 28, 2006. Also, from July 1, 2005 through May 27, 2006, Respondent had not submitted the statutorily required system for Recordation and Review of fourteen day prescribing of schedule II and III controlled

substances by PA that would have been submitted at the same time as the NOS application. Respondent relied upon his office manager to submit these to the Board without following up to assure that Board approval had been obtained.

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)(cc) ("[m]aintaining a professional connection with or lending one's name to enhance or continue the activities of an illegal practitioner of medicine."); A.R.S. § 32-1401 (27)(ii) ("[l]ack of or inappropriate direction, collaboration or direct supervision of a medical assistant or a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician.").

ORDER

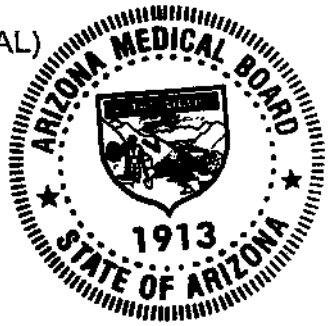
IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to appropriately supervise a physician assistant, for failure to file a Notice of Supervision application, and for failure to obtain Board approval for prescribing schedule II and III controlled substances by a physician assistant.

2. This Order is the final disposition of case number MD-06-0655A.

DATED AND EFFECTIVE this 14th day of December, 2007.

(SEAL)



ARIZONA MEDICAL BOARD

By _____
AMANDA DIEHL
Deputy Executive Director

ORIGINAL of the foregoing filed
this 14th day of December 2007 with:

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

EXECUTED COPY of the foregoing mailed
this 14th day of December, 2007 to:

Don Awerkamp
Raven, Awerkamp & Clancy, P.C.
313 S. Convent Ave.
Tucson, AZ 85701-2267

EXECUTED COPY of the foregoing mailed
this 14th day of December, 2007 to:

Angelo L. Chirban, M.D.
Address of Record

Chris Sanyo
Investigational Review