1 **BEFORE THE ARIZONA MEDICAL BOARD**

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In the Matter of **ERNEST BENSCH, M.D.** Holder of License No. **4617** For the Practice of Allopathic Medicine In the State of Arizona.	**Case No. MD-07-1006** **CONSENT AGREEMENT FOR PRACTICE LIMITATION** **NON-DISCIPLINARY**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Ernest Bensch, M.D. ("Physician") the parties agree to the following disposition of this matter.

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

2. By entering into this Consent Agreement, Physician 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 will not become effective until signed by the Executive Director.

4. All admissions made by Physician are solely for disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Physician. Therefore, said admissions by Physician 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.

5. Upon signing this Consent Agreement and returning it (or a copy thereof) to the Board, Physician may not revoke acceptance of the Consent Agreement. Physician may not make

any modifications to the Consent Agreement. Any modifications to this Consent Agreement are ineffective and void unless mutually approved by the parties.

6. This Consent Agreement, once approved and signed, is a public record that may be publicly disseminated as a formal non-disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and posted on the Arizona Medical Board web site as a voluntary non-disciplinary action.

7. 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.

Ernest J. Bensch MD Dated: 12-14-07
ERNEST BENSCH, M.D.

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. Physician is the holder of License No. 4617 for the practice of allopathic medicine in the State of Arizona.

3. Physician has recognized that he has a medical condition that may limit his ability to safely engage in the practice of medicine.

4. Because Physician has recognized that his medical condition may limit his ability to safely engage in the practice of medicine, the Board may enter into a consent agreement to limit Physician's practice. A.R.S. § 32-1451(F); A.A.C. R4-16-509. Physician and the Board entered into this Consent Agreement to resolve this matter with a final Board action.

5. There has been no finding of unprofessional conduct against Physician.

CONCLUSIONS OF LAW

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

2. The Executive Director may enter into a consent agreement with a physician to limit or restrict the physician's practice or to rehabilitate the physician, protect the public and ensure the physician's ability to safely engage in the practice of medicine. A.R.S. § 32-1451(F); A.A.C. R4-16-509.4

ORDER

IT IS HEREBY ORDERED THAT:

1. Physician's practice is limited in that he shall not practice clinical medicine or any medicine involving direct patient care and is prohibited from prescribing any form of treatment including prescription medications until applying for and receiving Board approval. The Board may require any combination of Staff approved assessments, evaluations, treatments, examinations or

interviews it finds necessary to assist it in determining Physician's ability to safely return to the active practice of medicine.

2. The Board retains jurisdiction and may initiate an action based on any violation of this Consent Agreement.

DATED and effective this 14th day of December, 2007.

(SEAL)

ARIZONA MEDICAL BOARD

By _____
AMANDA J. DIEHL, MPA, CPM
Deputy Executive Director

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

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing
Sent via facsimile this 14th day of December, 2007 to:

Ernest Bensch, M.D.
Address of Record

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