BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **ERNEST BENSCH, M.D.** Holder of License No. 4617 For the Practice of Medicine In the State of Arizona.	Case No. MD-08-0035 **CONSENT AGREEMENT FOR SURRENDER OF LICENSE NON-DISCIPLINARY**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Ernest Bensch, M.D. ("Physician"), the parties agreed 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 has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

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 is not effective until approved by the Board and signed by its Executive Director.

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

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 Physician are solely for final 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.

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

Dated: 1-24-08

ERNEST BENSCH, M.D.

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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 number 4617 for the practice of allopathic medicine in the State of Arizona.

3. Physician admits he is no longer able to safely practice medicine due to a medical condition.

4. Physician requests that the Board accept the surrender of his license.

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 Board possesses statutory authority to enter into a consent agreement with a physician and accept the non-disciplinary surrender of an active license from a physician who is unable to safely engage in the practice of medicine. A.R.S. § 32-1451(T)(1).

ORDER

IT IS HEREBY ORDERED THAT License Number 4617 issued to Ernest Bensch, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered and that Ernest Bensch, M.D. immediately return his wallet card and certificate of licensure to the Board.

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DATED and effective this 7TH day of FEB., 2008.

ARIZONA MEDICAL BOARD

(SEAL)

By: _____
Lisa Wynn
Executive Director

ORIGINAL of the foregoing filed
this 7th day of Feb., 2008 with:

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

EXECUTED COPY of the foregoing mailed
this 7th day of Feb., 2008 to:

ATTORNEY – IF THERE IS ONE

EXECUTED COPY of the foregoing mailed
this 7th day of Feb., 2008 to:

Ernest Bensch, M.D.
Address of Record

_____
Investigational Review