BEFORE THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

In the Matter of

ANDREW W. BAUKOL, PA-C

Holder of License No. 5322 For the Performance of Health Care Tasks In the State of Arizona. Case No. PA-20-0063A

ORDER FOR SURRENDER
OF LICENSURE AND
CONSENT TO THE SAME

Andrew W. Baukol, P.A. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of Licensure; admits the jurisdiction of the Arizona Regulatory Board of Physician Assistants ("Board") and findings of fact as stated herein; and consents to the entry of this Order by the Board.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of physician assistants in the State of Arizona.
- 2. Respondent was the holder of license number 5322 for the performance of health care tasks in the State of Arizona. Respondent's Arizona license expired on May 29, 2022. Respondent was notified in writing that the Board had initiated this case before his Arizona license expired, and the Board retains jurisdiction under A.R.S. § 32-3202.
- 3. The Board initiated case number PA-20-0063A after receiving a Disciplinary Action Report stating that the Idaho State Board of Medicine ("Idaho Board") had taken action against Respondent's Idaho Physician Assistant license.
- 4. By letter dated March 13, 2020, the Idaho Board notified Respondent that his Idaho license was under investigation. Respondent provided a response to the Idaho Board on March 30, 2020. On June 30, 2020, an Idaho Board staff member sent an email to Respondent confirming that his matter was still pending with the Idaho Board, which would consider a recommendation for discipline at its August meeting.

- 5. On July 7, 2020, Respondent made initial application for licensure with the Arizona Regulatory Board of Physician Assistants. On that July 2020 application, Respondent answered "No" to the following question: "Are you currently under investigation by any health profession regulatory authority, health care association, licensed health care institution, or are they any pending complaints or disciplinary actions against you?" Respondent failed to disclose the Idaho Board investigation and pending action on his application form. The Arizona Board issued Respondent a license on August 20, 2020.
- 6. September 1, 2020, Respondent entered into a Stipulation and Order with the Idaho Board reprimanding Respondent's Idaho license and placing it on probation for two years. The Idaho Stipulation and Order was based on findings that Respondent practiced as a physician assistant without a duly registered supervising physician, and that he failed to comply with the Idaho Board's rules for physician assistant practice and performed cosmetic procedures without physician supervision.
- 7. On September 17, 2020, the Arizona Board sent Respondent a letter notifying him that it had initiated an investigation.
- 8. On January 19, 2021, during the course of the Arizona Board's investigation, Respondent claimed that he had confirmed with the Idaho Board that he was not under investigation in Idaho and that he responded truthfully on the Arizona application.
 - 9. Respondent requests surrender of his license.

CONCLUSIONS OF LAW

- The Board possesses jurisdiction over the subject matter hereof and over Respondent.
- 2. The Board possesses statutory authority to enter into a consent agreement with a physician assistant and accept the surrender of an active license from a physician

assistant who admits to having committed an act of unprofessional conduct. A.R.S. § 32-2551(P)(2).

- 3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2501(18)(n) ("Procuring or attempting to procure a physician assistant license by fraud, misrepresentation or knowingly taking advantage of the mistake of another.").
- 4. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2501(18)(q) ("Having a certification license refused, revoked, suspended, limited or restricted by any other licensing jurisdiction for the inability to safely and skillfully perform health care tasks or for unprofessional conduct as defined by that jurisdiction that directly or indirectly corresponds to any act of unprofessional conduct as prescribed by this paragraph.").
- 5. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2501(18)(cc) ("Knowingly making a false or misleading statement on a form required by the board or in written correspondence or attachments furnished to the board.").

ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender license number 5322, issued to Andrew W. Baukol, P.A., for the performance of healthcare tasks in the State of Arizona, and return his certificate of licensure to the Board.

DATED AND EFFECTIVE this 22 nd day of February , 2023.

ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

- 1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.
- 2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.
- 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.
- 4. The Order is not effective until approved by the Board and signed by its Executive Director.
- 5. All admissions made by Respondent in this Order 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.
- 6. Notwithstanding any language in this Order, this Order does not preclude in any way any other State agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Order makes no representations, implied or otherwise, about the views or intended actions of any other

state agency or officer or political subdivisions of the State relating to this matter or other matters concerning Respondent.

- 7. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. 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. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.
- 9. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.
 - 10. Respondent has read and understands the terms of this agreement.

Andrew Baukol PA-C (Feb 21, 2023 12:39 MST)	DATED: _Feb 21, 2023
ANDREW W. BAUKOL, P.A.	

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2	this 22 day of 1000 of the foregoing mailed this 22 day of 1000 of the foregoing mailed
3	Andrew W. Baukol, P.A.
4	Address of Record
5	Sara Stark, Esq. Chelle Law
6	5425 E. Bell Road, Suite 107 Scottsdale, AZ 85254
7	Sara.Stark@chellelaw.com Attorney for Respondent
8	
9	ORIGINAL of the foregoing filed this 27 nd day of WWW 2023 with:
10	Arizona Regulatory Board
11	of Physician Assistants 1740 West Adams, Suite 4000
12	Phoenix, Arizona 85007
13	Board staff
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