

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JEDIDIAH J. MALAN, M.D.**

4 Holder of License No. 43272
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-24-0648A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Jedidiah J. Malan, M.D. (“Respondent”) elects to permanently waive any right to a
9 hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction
10 and consents to the entry of this Order by the Arizona Medical Board (“Board”).

11 **INTERIM FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of License No. 43272 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. Respondent’s license is subject to Findings of Fact, Conclusions of Law and
17 Order for Decree of Censure and Probation issued by the Board in case MD-21-0471A
18 (“Original Order”). The Original Order required Respondent to participate in the Board’s
19 Physician Health Program (“PHP”) and prohibiting him from consuming alcohol. The
20 Original Order also included a term extending an Interim Practice Restriction pending
21 Respondent’s enrollment in the PHP and obtaining Board approval for a Proctor.
22 Respondent has not enrolled in the PHP or obtained a Proctor.

23 4. The Board initiated case number MD-24-0648A after receiving notification
24 from Respondent that he had experienced a relapse.

25

INTERIM ORDER

IT IS HEREBY ORDERED THAT:

1. The Original Order is tolled pending the outcome of the Board's investigation in MD-24-0648A.

2. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until Respondent applies to the Executive Director and receives permission to do so.

3. Respondent may request, in writing, release and/or modification of this Interim Consent Agreement. Respondent's request must be accompanied by information demonstrating that Respondent is safe to practice medicine. The Executive Director, in consultation with and agreement of the lead Board member and the Chief Medical Consultant, has the discretion to determine whether it is appropriate to release Respondent from this Interim Consent Agreement.

4. The Board retains jurisdiction and may initiate new action based upon any violation of this Interim Consent Agreement, including, but not limited to, summarily suspending Respondent's license.

4. Because this is an Interim Consent Agreement and not a final decision by the Board regarding the pending investigation, it is subject to further consideration by the Board. Once the investigation is complete, it will be promptly provided to the Board for its review and appropriate action.

1 5. This Interim Consent Agreement shall be effective on the date signed by the
2 Board's Executive Director.

3
4 DATED this 26th day of _____ July, 2024.

5 ARIZONA MEDICAL BOARD

6 By Patricia E. McSorley
7 Patricia E. McSorley
8 Executive Director

9 **RECITALS**

10 Respondent understands and agrees that:

11 1. The Board, through its Executive Director, may adopt this Interim Consent
12 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
13 504.

14 2. Respondent has read and understands this Interim Consent Agreement as
15 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
16 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
17 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
18 by doing so agrees to abide by all of its terms and conditions.

19 3. By entering into this Interim Consent Agreement, Respondent freely and
20 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
21 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
22 any other administrative and/or judicial action, concerning the matters related to the
23 Interim Consent Agreement.
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1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently
3 pending before the Board and does not constitute any waiver, express or implied, of the
4 Board's statutory authority or jurisdiction regarding this or any other pending or future
5 investigations, actions, or proceedings. Respondent also understands that acceptance of
6 this Interim Consent Agreement does not preclude any other agency, subdivision, or
7 officer of this State from instituting civil or criminal proceedings with respect to the conduct
8 that is the subject of this Interim Consent Agreement. Respondent further does not
9 relinquish Respondent's rights to an administrative hearing, rehearing, review,
10 reconsideration, judicial review or any other administrative and/or judicial action,
11 concerning the matters related to a final disposition of this matter, unless Respondent
12 affirmatively does so as part of the final resolution of this matter.
13

14 5. Respondent acknowledges and agrees that upon signing this Interim
15 Consent Agreement and returning it to the Board's Executive Director, Respondent may
16 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
17 modifications to it. Any modification of this original document is ineffective and void unless
18 mutually approved by the parties in writing.

19 6. Respondent understands that this Interim Consent Agreement shall not
20 become effective unless and until it is signed by the Board's Executive Director.

21 7. Respondent understands and agrees that if the Board's Executive Director
22 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
23 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
24 bias, prejudice, prejudgment, or other similar defense.
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1 8. Respondent understands that this Interim Consent Agreement is a public
2 record that may be publicly disseminated as a formal action of the Board, and that it shall
3 be reported as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not
5 alleviate Respondent's responsibility to comply with the applicable license-renewal
6 statutes and rules. If this Interim Consent Agreement remains in effect at the time
7 Respondent's allopathic medical license comes up for renewal, Respondent must renew
8 the license if Respondent wishes to retain the license. If Respondent elects not to renew
9 the license as prescribed by statute and rule, Respondent's license will not expire but
10 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
11 final action in this matter. Once the Board takes final action, in order for Respondent to be
12 licensed in the future, Respondent must submit a new application for licensure and meet
13 all of the requirements set forth in the statutes and rules at that time.

14 10. Respondent understands that any violation of this Interim Consent
15 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) ("[v]iolating
16 a formal order, probation, consent agreement or stipulation issued or entered into by the
17 board or its executive director under this chapter.").

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20 
21 JEDIDIAH J. MALAN, M.D.

DATED: 7/23/24

1 EXECUTED COPY of the foregoing e-
mailed this 26th day of July, 2024 to:

2 Melissa Cuddington, Esq.
3 Goldberg Law Group, LLC
4 602 East Rio Salado Parkway, Suite 900
5 Tempe, Arizona 85281
Attorney for Respondent

6 ORIGINAL of the foregoing filed
7 this 26th day of July, 2024 with:

8 Arizona Medical Board
9 1740 West Adams, Suite 4000
Phoenix, Arizona 85007

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11 Board staff

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