

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JOILO C. BARBOSA, M.D.**

4 Holder of License No. 41938
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-23-0384A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION; AND CONSENT TO
THE SAME**

7 Joilo C. Barbosa, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **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 number 41938 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-23-0384A after receiving notification of
17 a malpractice settlement regarding Respondent's care and treatment of a 76 year-old male
18 patient ("TP") alleging failure to diagnose a myocardial infarction resulting in death.

19 4. On December 11, 2019, at 0815, TP presented to a Hospital with complaints
20 of a productive cough and chest pain since the previous night. TP's blood pressure was
21 154/67. The triage nurse documented chest pain as present, 5/10 pain scale, mid-sternal
22 chest location with an aching quality and no relieving or exacerbating factors. TP had been
23 taking NyQuil and Sudafed. A chest x-ray and influenza swabs were negative. Respondent
24 diagnosed TP with viral syndrome and discharged him home with a prescription for
25 Tessalon Perles.

1 5. On December 12, 2019, TP expired. The cause of death was identified as
2 subacute myocardial infarction due to coronary artery disease.

3 6. The standard of care requires a physician to appropriately evaluate the
4 etiology of chest pain. Respondent deviated from this standard of care failing to
5 appropriately evaluate the etiology of acute chest pain.

6 7. Actual patient harm was identified in that TP expired from a subacute
7 myocardial infarction

8 **CONCLUSIONS OF LAW**

9 a. The Board possesses jurisdiction over the subject matter hereof and over
10 Respondent.

11 b. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1401(27)(e)(“Failing or refusing to maintain adequate
13 records on a patient.”).

14 c. The conduct and circumstances described above constitute unprofessional
15 conduct pursuant to A.R.S. § 32-1401(27)(r)(“Committing any conduct or practice that is or
16 might be harmful or dangerous to the health of the patient or the public.”).

17 **ORDER**

18 IT IS HEREBY ORDERED THAT:

19 1. Respondent is issued a Letter of Reprimand.

20 2. Respondent is placed on Probation for a period of six months with the
21 following terms and conditions:

22 **a. Continuing Medical Education**

23 Respondent shall within 6 months of the effective date of this Order obtain no less
24 than 10 hours of Board Staff pre-approved Category I Continuing Medical Education
25 (“CME”) in an intensive, in-person/virtual course regarding medical recordkeeping and no

1 less than the 5 hours of Board staff pre-approved Category I CME in in the evaluation and
2 treatment of chest pain. Respondent shall within **thirty days** of the effective date of this
3 Order submit his request for CME to the Board for pre-approval. Upon completion of the
4 CME, Respondent shall provide Board staff with satisfactory proof of attendance. The
5 CME hours shall be in addition to the hours required for the biennial renewal of medical
6 licensure. The Probation shall terminate upon Respondent's proof of successful
7 completion of the CME.

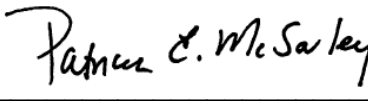
8 **b. Obey All Laws**

9 Respondent shall obey all state, federal and local laws, all rules governing the
10 practice of medicine in Arizona, and remain in full compliance with any court ordered
11 criminal probation, payments and other orders.

12 3. The Board retains jurisdiction and may initiate new action against
13 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

14 DATED AND EFFECTIVE this 7th day of November, 2024.

15 ARIZONA MEDICAL BOARD

16
17 By 

18 Patricia E. McSorley
19 Executive Director

20 **CONSENT TO ENTRY OF ORDER**

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

24 2. Respondent acknowledges and agrees that this Order is entered into freely
25 and voluntarily and that no promise was made or coercion used to induce such entry.

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

5 4. The Order is not effective until approved by the Board and signed by its
6 Executive Director.

7 5. All admissions made by Respondent in this Order are solely for final
8 disposition of this matter and any subsequent related administrative proceedings or civil
9 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
10 are not intended or made for any other use, such as in the context of another state or
11 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
12 State of Arizona or any other state or federal court.

13 6. Notwithstanding any language in this Order, this Order does not preclude in
14 any way any other State agency or officer or political subdivision of this state from
15 instituting proceedings, investigating claims, or taking legal action as may be appropriate
16 now or in the future relating to this matter or other matters concerning Respondent,
17 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
18 acknowledges that, other than with respect to the Board, this Order makes no
19 representations, implied or otherwise, about the views or intended actions of any other
20 state agency or officer or political subdivisions of the State relating to this matter or other
21 matters concerning Respondent.

22 7. Upon signing this agreement, and returning this document (or a copy thereof)
23 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
24 the Order. Respondent may not make any modifications to the document. Any
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1 modifications to this original document are ineffective and void unless mutually approved
2 by the parties.

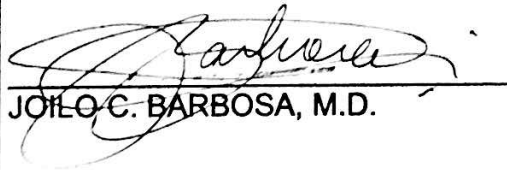
3 8. This Order is a public record that will be publicly disseminated as a formal
4 disciplinary action of the Board and will be reported to the National Practitioner's Data
5 Bank and on the Board's web site as a disciplinary action.

6 9. If any part of the Order is later declared void or otherwise unenforceable, the
7 remainder of the Order in its entirety shall remain in force and effect.

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

11 11. Any violation of this Order constitutes unprofessional conduct and may result
12 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,
13 consent agreement or stipulation issued or entered into by the board or its executive
14 director under this chapter.") and 32-1451.

15 12. ***Respondent has read and understands the conditions of probation.***

16
17 
18 JOILO C. BARBOSA, M.D.

DATED: 10/19/24

1 EXECUTED COPY of the foregoing
2 mailed this 7th day of November, 2024 to:

3 Scott Holden, Esq.
4 Holden and Armer, PC
5 4505 East Chandler Boulevard, Suite 210
6 Phoenix, Arizona 85048
7 Attorney for Respondent

8 ORIGINAL of the foregoing filed
9 this 7th day of November, 2024 with:

10 Arizona Medical Board
11 1740 West Adams, Suite 4000
12 Phoenix, Arizona 85007



13 Board staff

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