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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
SHERMAN WASHINGTON JR., M.D.,
Holder of License No. 48291
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No.24A-48291-MDX

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

On October 9, 2024, this matter came before the Arizona Medical Board (“Board”) for consideration of Administrative Law Judge’s (“ALJ”) proposed Findings of Fact, Conclusions of Law and Recommended Order with regard to Sherman Washington, Jr., M.D., (“Respondent”).

The Board, having considered the ALJ’s Decision and the entire record in this matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Arizona Medical Board (“Board”) is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Sherman Washington Jr., M.D., (Respondent) was the holder of License No. 48291 for the practice of allopathic medicine in Arizona. On February 23, 2022, Respondent’s license expired.
3. On July 3, 2024, the Board issued a Complaint and Notice of Hearing to Respondent alleging Respondent had engaged in unprofessional conduct pursuant to A.R.S. § 32-1401(27)(p) and A.R.S. § 32-1401(27)(ee).
4. A copy of the Complaint and Notice of Hearing was e-mailed, sent via Certified mail and regular mail to Respondent at his addresses of record.
5. The hearing was held at the Office of Administrative Hearings (OAH) on August 16, 2024. Respondent did not request to appear telephonically at the duly noticed

1 hearing and did not request that the hearing be continued. Although the start of the hearing
2 was delayed approximately 15 minutes to allow Respondent additional travel time, he did
3 not appear, personally or through an attorney, and did not contact the OAH to request
4 that the start of the hearing be further delayed. Consequently, Respondent did
5 not present any evidence to defend his license.

6 6. The Board presented the testimony Raquel Rivera, Deputy Director of the
7 Arizona Medical Board and Regulatory Board of Physician Assistants.

8 7. Ms. Rivera testified as to the following:

9 a. On December 3, 2021, Respondent entered into a Settlement
10 Agreement with the Nevada Board. In connection with the Settlement Agreement,
11 Respondent admitted to aiding the unlicensed practice of medicine, engaging in conduct
12 that violated pharmacy board regulations, unsafe or unprofessional conduct, and
13 fraudulent, illegal, unauthorized and otherwise inappropriate prescribing of controlled
14 substances. Respondent's Nevada license was placed on 24 months of probation, he
15 was assessed a fine of \$5,000, he was required to complete continuing medical education
16 ("CME") in medical ethics and professionalism, and the Nevada Board imposed a Public
17 Letter of Reprimand.¹ Ms. Rivera testified that Arizona had the same or
18 substantially similar statutes as to what Nevada had.

19 b. On December 15, 2021, the Arizona Board received notification from
20 the Federation of State Medical Boards that Respondent's Nevada license had been
21 disciplined effective December 3, 2021.²

22 c. By letter dated December 16, 2021. Respondent was notified of the
23 pending investigation in Board case number MD-21-1118A.³

24 _____
25 ¹ See Board Hearing Exhibit 6.

² See Board Hearing Exhibit 1.

1 d. On January 5, 2022, the Board sent Respondent a letter instructing
2 him to provide a written narrative explaining the Nevada Board's action no later than
3 January 19, 2022.⁴

4 e. Respondent failed to provide a written narrative explaining the
5 Nevada Board's action, however, he provided correspondence from PBI Education,
6 explaining that he completed the required CME courses.⁵

7 f. Ms. Rivera also testified that she completed her Investigative Report
8 on May 13, 2022.⁶

9 8. At the conclusion of testimony counsel for the Board recommended that a
10 Letter of Reprimand be issued and that Respondent be ordered to pay the Board's costs
11 in this matter.

12 . 13 **CONCLUSIONS OF LAW**

14 1. The Board has jurisdiction over Respondent and the subject matter in this
15 case.

16 2. Pursuant to A.R.S. § 41-1092.07(G)(2) and A.A.C. R2-19-119(B), the Board
17 has the burden of proof in this matter. The standard of proof is by clear and convincing
18 evidence. A.R.S. § 32-1451.04.

19 3. The legislature created the Board to protect the public. See Laws 1992, Ch.
20 316, § 10.

21 4. A.R.S. § 32-1401(27)(p) and A.R.S. § 32-1401(27)(ee) provide that:

22 27. "Unprofessional conduct" includes the following, whether occurring in
23 this state or elsewhere:

24 ³ See Board Hearing Exhibit 2.

25 ⁴ See Board Hearing Exhibit 3.

⁵ See Board Hearing Exhibit 4.

⁶ See Board Hearing Exhibit 5.

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...

(p) Having action taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor of medicine's mental or physical inability to engage safely in the practice of medicine or the doctor of medicine's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.

...

(ee) Failing to furnish information in a timely manner to the board or the board's investigators or representatives if legally requested by the board.

5. The weight of the evidence presented established by clear and convincing evidence that Respondent's license was disciplined in Nevada, and that Respondent failed to provide relevant information to the Board as requested, and therefore he violated the above statutes.

6. Pursuant to A.R.S. § 32-1451(M), "...[t]he board may charge the costs of formal hearings to the licensee who it finds to be in violation of this chapter."

ORDER

Based on the foregoing, **IT IS ORDERED** that the Board issue a Letter of Reprimand to Sherman Washington, Jr., MD, holder of License No. 48291.

IT IS FURTHER ORDERED that, pursuant to A.R.S. § 32-1451(M),⁷ Respondent be charged \$462.43 for the cost of the formal hearing. Respondent shall pay the Board \$462.43 by certified funds within 90 days of the effective date of this Order.

...

...

⁷ A.R.S. § 32-1451(M) provides, in pertinent part, as follows: "The board may charge the costs of formal hearings to the licensee who it finds to be in violation of this chapter"

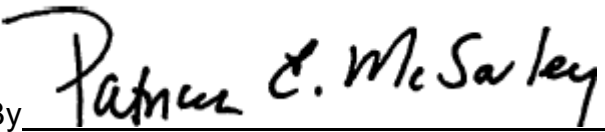
1 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2 Respondent is hereby notified that he has the right to petition for a rehearing or
3 review. The petition for rehearing or review must be filed with the Board's Executive
4 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
5 petition for rehearing or review must set forth legally sufficient reasons for granting a
6 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days
7 after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not
8 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
9 Respondent.

10 Respondent is further notified that the filing of a motion for rehearing or review is
11 required to preserve any rights of appeal to the Superior Court.

12 **DATED** this 10th day of October 2024.

13 THE ARIZONA MEDICAL BOARD

14
15 By 
16 Patricia E. McSorley
17 Executive Director
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1 ORIGINAL of the foregoing filed this
2 10th day of October, 2024 with:

3 Arizona Medical Board
4 1740 W. Adams, Suite 4000
5 Phoenix, Arizona 85007

6 COPY of the foregoing filed
7 this 10th day of October, 2024 with:

8 Tammy Eigenheer, Interim Director
9 Office of Administrative Hearings
10 1740 W. Adams
11 Phoenix, AZ 85007

12 Executed copy of the foregoing
13 mailed by U.S. Mail and emailed
14 this 10th day of October 2024 to:

15 Sherman Washington, Jr., M.D.
16 Address of Record

17 Elizabeth A. Campbell
18 Assistant Attorney General
19 Office of the Attorney General
20 SGD/LES
21 2005 N. Central Avenue
22 Phoenix, AZ 85004

23 By: 
24 _____
25 Arizona Medical Board