

1                                    **BEFORE THE ARIZONA MEDICAL BOARD**

2    In the Matter of

Case No. MD-23-0396A

3    **ALBERT F. OLIVIER, M.D.**

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

4    Holder of License No. 9954  
5    For the Practice of Allopathic Medicine  
6    In the State of Arizona.

7            Albert F. Olivier, M.D. ("Respondent") elects to permanently waive any right to a  
8    hearing and appeal with respect to this Order for a Letter of Reprimand; admits the  
9    jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order  
10   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 9954 for the practice of  
15    allopathic medicine in the State of Arizona.

16            3.     The Board initiated case number MD-23-0396A after receiving a Disciplinary  
17    Alert Report indicating that the West Virginia Board of Medicine ("WV Board") took  
18    disciplinary action against Respondent's West Virginia medical license.

19            4.     Effective April 4, 2023, Respondent entered into a Consent Order with the  
20    WV Board issuing him a Public Reprimand, and requiring him to complete intensive, in-  
21    person courses in ethics and professionalism, as well as medical recordkeeping. The  
22    Consent Order was based on the WV Board's findings that Respondent failed to remove a  
23    tunneller at the conclusion of an axillofemoral bypass procedure for approximately 20 post-  
24    operative days, failed to adequately document the findings, and failed to properly  
25    communicate with the patient and medical staff regarding the incident.

5. On February 25-26, 2023, respondent completed PBI Education's Medical Ethics and Professionalism (ME-22EX) course for 22 Category I Continuing Medical Education ("CME") credit hours.

6. On March 25-26, 2023, Respondent completed PBI Education's Medical Recordkeeping (MR-17EX) course for 17 Category I CME credit hours.

### CONCLUSIONS OF LAW

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

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(p) ("Action that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor'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.").

1 ORDER

2 IT IS HEREBY ORDERED THAT:

- 3 1. Respondent is issued a Letter of Reprimand.

4  
5 DATED AND EFFECTIVE this 11<sup>th</sup> day of December, 2023.

6 ARIZONA MEDICAL BOARD

7  
8 By Patricia E. McSorley  
9 Patricia E. McSorley  
10 Executive Director

11 CONSENT TO ENTRY OF ORDER

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

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

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

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

23 5. All admissions made by Respondent in this Order are solely for final  
24 disposition of this matter and any subsequent related administrative proceedings or civil  
25 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

1 federal government regulatory agency proceeding, civil or criminal court proceeding, in the  
2 State of Arizona or any other state or federal court.

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

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

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

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

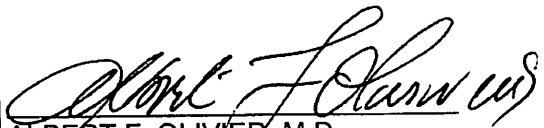
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10. Respondent has read and understands the terms of this agreement.

  
ALBERT F. OLIVIER, M.D.


DATED: November 14, 2023

EXECUTED COPY of the foregoing mailed  
this 11<sup>th</sup> day of December, 2023 to:

Albert F. Olivier, M.D.  
Address of Record

ORIGINAL of the foregoing filed  
this 11<sup>th</sup> day of December, 2023 with:

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

  
Board staff