

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-22-0883A

3 **FIRAS MARAYATI, M.D.**

**ORDER FOR DECREE OF CENSURE
AND PROBATION; AND CONSENT TO
THE SAME**

4 Holder of License No. 37014
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 Firas Marayati, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Decree of Censure and Probation; admits
9 the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this
10 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 37014 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-22-0883A after receiving a complaint
17 alleging that Respondent had been using another provider's DEA registration to prescribe
18 himself controlled substances. The complainant, a Nurse Practitioner ("NP") who had
19 formerly been employed at the same Clinic as Respondent, alleged that she received a
20 text message from Respondent's Medical Assistant ("MA") about a controlled substance
21 prescription supposedly written by the NP for Respondent. The NP denied writing the
22 prescription and reported that the text message exchange prompted her to review her
23 Controlled Substance Prescription Monitoring Profile ("CSPMP"). The NP identified
24 prescriptions attributed to her DEA registration number that she did not write. The NP
25 reported this information to a Police Department and the Clinic human resources
department.

1 4. The Board subsequently received a complaint from a Second Nurse
2 Practitioner (“NP2”) who was currently employed at the Clinic, alleging that he had also
3 discovered controlled substance prescriptions attributed to his DEA registration and issued
4 to Respondent and members of Respondent’s Immediate Family¹. NP2 denied issuing or
5 authorizing the prescriptions. NP2 reported authorizing one controlled substance
6 prescription for Respondent on August 9, 2021, but denying a subsequent request by
7 Respondent to issue a refill as well as a request from Respondent to authorize a refill for a
8 member of Respondent’s Immediate Family. NP2 alleged that he identified six
9 prescriptions attributed to his DEA registration number that NP2 did not authorize.

10 5. In his initial licensee response, Respondent denied knowing the NP’s DEA
11 registration number, and asserted that she called controlled substance prescriptions into
12 the pharmacy or authorized his MA to call the prescriptions in.

13 6. As a result of the NP’s complaint to the Clinic human resources department,
14 the Clinic conducted an investigation; and documented text message requests by
15 Respondent to Clinic staff asking Clinic staff members to authorize telephonic controlled
16 substance prescriptions, and a report from Respondent’s MA that Respondent instructed
17 her to call in controlled substance prescriptions for him using the NP’s DEA registration
18 number.

19 7. Respondent was referred for an assessment with the Board’s Physician
20 Health Program (“PHP”) Assessor which was completed on November 4, 2022. During
21 the Assessment, Respondent reported that he was suspended from the Clinic where he
22 practiced on September 16, 2022 and formally resigned on October 15, 2022.
23 Respondent denied calling in controlled substance prescriptions for himself or Immediate
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25 ¹ As defined by A.R.S. § 32-1401(8).

1 Family Members, but admitted that he had asked his MA to do so. Respondent stated that
2 he did not maintain medical records regarding these prescriptions, and that he was
3 unaware that he needed to do so. Further, Respondent indicated he was unaware that
4 prescribing controlled substances to Immediate Family Members was prohibited. Based
5 on the assessment results, the PHP Assessor opined that Respondent is safe to practice
6 medicine provided that he enter into the PHP with recommendations for monitoring and
7 treatment.

8 8. On December 6, 2022, Respondent entered into an Interim Consent
9 Agreement to Participate in the Physician Health Program (“Interim PHP Agreement”).
10 The Interim PHP Agreement required Respondent to comply with terms and conditions of
11 PHP monitoring, and to complete an intensive continuing medical education (“CME”)
12 course in ethics and boundaries.

13 9. On May 11-13, 2023, Respondent completed the Professional/Problem-
14 Based Ethics (“ProBE”) program offered by the Center for Personalized Education for
15 Physicians (“CPEP”) for Ethics and Boundaries. Based on his seminar participation,
16 Respondent received a score of ‘unconditional pass’ from CPEP.

17 10. On February 22, 2024, Respondent tested positive for controlled substances
18 on a drug screen conducted by the PHP. Respondent admitted to taking medication from
19 an old prescription. The PHP monitor determined that the use constituted a lapse in
20 judgment and did not recommend additional treatment.

21 11. On April 22, 2024, Respondent was indicted on felony charges related to his
22 alleged use of DEA registration numbers for NP and NP2 to issue controlled substance
23 prescriptions. Respondent failed to report the charges to the Board within 10 days.²
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25 ² Case CR2024-006847-001 remains pending in Maricopa County Superior Court. The Board reserves the right to take additional action based on information received regarding this case.

1 **CONCLUSIONS OF LAW**

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

4 b. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(a) (“Violating any federal or state laws or rules
6 and regulations applicable to the practice of medicine.”). Specifically, Respondent’s
7 conduct violated A.R.S. § 32-3208(A) (“A health professional who has been charged with a
8 misdemeanor involving conduct that may affect patient safety or a felony after receiving or
9 renewing a license or certificate must notify the health professional's regulatory board in
10 writing within ten working days after the charge is filed.”) and A.R.S. § 36-2606(F) (“[A
11 medical practitioner, before prescribing an opioid analgesic or benzodiazepine controlled
12 substance listed in schedule II, III or IV for a patient, shall obtain a patient utilization report
13 regarding the patient for the preceding twelve months from the controlled substances
14 prescription monitoring program's central database tracking system at the beginning of
15 each new course of treatment and at least quarterly while that prescription remains a part
16 of the treatment.”).

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

20 d. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(f) (“Exhibiting a pattern of using or being under
22 the influence of alcohol or drugs or a similar substance while practicing medicine or to the
23 extent that judgment may be impaired and the practice of medicine detrimentally
24 affected.”).

1 e. The conduct and circumstances described above constitute unprofessional
2 conduct pursuant to A.R.S. § 32-1401(27)(g) (“Using controlled substances except if
3 prescribed by another physician for use during a prescribed course of treatment.”).

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

7 g. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(s) (“Violating a formal order, probation, consent
9 agreement or stipulation issued or entered into by the board or its executive director under
10 the provisions of this chapter.”).

11 h. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1401(27)(jj) (“Exhibiting a lack of or inappropriate
13 direction, collaboration or direct supervision of a medical assistant or a licensed, certified
14 or registered health care provider employed by, supervised by or assigned to the
15 physician.”).

16 i. The conduct and circumstances described above constitute unprofessional
17 conduct pursuant to A.R.S. § 32-1401(27)(kk) (“Knowingly making a false or misleading
18 statement to the board or on a form required by the board or in a written correspondence,
19 including attachments, with the board.”).

20 j. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(tt) (“Prescribing, dispensing or furnishing a
22 prescription medication or a prescription-only device as defined in section 32-1901 to a
23 person unless the licensee first conducts a physical examination of that person or has
24 previously established a doctor- patient relationship. The physical or mental health status
25 examination may be conducted through telehealth as defined in section 36-3601 with a

1 clinical evaluation that is appropriate for the patient and the condition with which the
2 patient presents, unless the examination is for the purpose of obtaining a written
3 certification from the physician for the purposes of title 36, chapter 28.1.”).

4 **ORDER**

5 IT IS HEREBY ORDERED THAT:

6 1. Respondent is issued a Decree of Censure.

7 2. Respondent is placed on Probation for a period of five years³ with the
8 following terms and conditions:

9 3. Respondent shall not consume alcohol or any food or other substance
10 containing poppy seeds or alcohol.

11 4. Respondent shall not take any illegal drugs or mood altering medications
12 unless prescribed for a legitimate therapeutic purpose.

13 5. Respondent shall continue to participate in any personalized aftercare
14 recommendations made by the Assessor including referral to a PHP approved specialist to
15 address his medical condition. Respondent shall report on those activities as requested
16 by the PHP, including executing any releases necessary to allow the PHP to monitor his
17 participation and communicate directly with and obtain records from the treating providers
18 for those aftercare activities. Respondent shall be responsible for all costs of aftercare,
19 including costs associated with compliance of this Board Order.

20 6. Respondent shall promptly obtain a Primary Care Physician (“PCP”) and
21 shall submit the name of the physician to the PHP Contractor in writing for approval.
22 Except in an Emergency, Respondent shall obtain medical care and treatment only from
23 the PCP and from health care providers to whom the PCP refers Respondent. Respondent
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³ Respondent’s probation shall be retroactive to February 29, 2024.

1 shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all
2 other health care providers who provide medical care or treatment that Respondent is
3 participating in the PHP. "Emergency" means a serious accident or sudden illness that, if
4 not treated immediately, may result in a long-term medical problem or loss of life.

5 7. All prescriptions for controlled substances shall be approved by the PHP
6 Contractor prior to being filled except in an Emergency. Controlled substances prescribed
7 and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall
8 take no Medication unless the PCP or other health care provider to whom the PCP refers
9 Respondent prescribes and the PHP Contractor approves the Medication. Respondent
10 shall not self-prescribe any Medication. "Medication" means a prescription-only drug,
11 controlled substance, and over-the counter preparation, other than plain aspirin, plain
12 ibuprofen, and plain acetaminophen.

13 8. Respondent shall participate in a 12-step recovery program or other self-help
14 program appropriate for substance abuse as recommended by the PHP. Respondent shall
15 attend a minimum of three 12-step or other self-help program meetings per week. Two
16 meetings per month must be Caduceus meetings. Respondent must maintain a log of all
17 self-help meetings.

18 9. Respondent shall submit to random biological fluid, hair and/or nail testing for
19 the remainder of this Order (as specifically directed below) to ensure compliance with the
20 PHP.

21 10. Respondent shall provide the PHP Contractor in writing with one telephone
22 number that shall be used to contact Respondent on a 24 hour per day/seven day per
23 week basis to submit to biological fluid, hair, and/or nail testing to ensure compliance with
24 the PHP. For the purposes of this section, telephonic notice shall be deemed given at the
25 time a message to appear is left at the contact telephone number provided by

1 Respondent. Respondent authorizes any person or organization conducting tests on the
2 collected samples to provide testing results to the PHP Contractor. Respondent shall
3 comply with all requirements for biological fluid, hair, and/or nail collection. Respondent
4 shall pay for all costs for the testing.

5 11. Respondent shall provide the PHP Contractor with written notice of any plans
6 to travel out of state.

7 12. If recommended by the PHP, Respondent shall successfully complete a PHP
8 approved 36 hour alcohol/drug awareness education class.

9 13. Respondent shall immediately notify the Board and the PHP Contractor in
10 writing of any change in office or home addresses and telephone numbers.

11 14. Respondent provides full consent for the PHP Contractor to discuss the
12 Respondent's case with the Respondent's PCP or any other health care providers to
13 ensure compliance with the PHP.

14 15. The relationship between the Respondent and the PHP Contractor is a direct
15 relationship. Respondent shall not use an attorney or other intermediary to communicate
16 with the PHP Contractor on participation and compliance issues. All inquiries must be
17 directed to Board staff.

18 16. Respondent shall be responsible for all costs, including costs associated with
19 participating in the PHP, at the time service is rendered or within 30 days of each invoice
20 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon
21 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days
22 after invoicing will be reported to the Board by the PHP Contractor and may result in
23 disciplinary action.

24 17. Respondent shall appear in person before with the PHP Contractor for
25 interviews upon request, upon reasonable notice.

1 18. Respondent shall immediately provide a copy of this Order to all employers,
2 hospitals and free standing surgery centers where Respondent currently has or in the
3 future gains or applies for employment or privileges. Within 30 days of the date of this
4 Order, Respondent shall provide the PHP with a signed statement of compliance with this
5 notification requirement. Respondent is further required to notify, in writing, all employers,
6 hospitals and free standing surgery centers where Respondent currently has or in the
7 future gains or applies for employment or privileges of a violation of this Order.

8 19. In the event Respondent resides or practices as a physician in a state other
9 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that
10 state's medical licensing authority or medical society. Respondent shall cause the
11 monitoring state's program to provide written quarterly reports to the PHP Contractor
12 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
13 program and Respondent shall immediately notify the PHP Contractor if Respondent is
14 non-compliant with any aspect of the monitoring requirements or is required to undergo
15 any additional treatment.

16 20. The PHP Contractor shall immediately notify the Board if Respondent is non-
17 compliant with any aspect of this Order or is required to undergo any additional treatment.

18 21. In the event of a chemical dependency relapse by Respondent or
19 Respondent's use of controlled substances or alcohol in violation of this Order,
20 Respondent shall promptly enter into an Interim Consent Agreement for Practice
21 Restriction that requires, among other things, that Respondent not practice medicine until
22 such time as Respondent successfully completes long-term inpatient treatment designated
23 by the PHP Contractor and obtains affirmative approval from the Executive Director, in
24 consultation with the Lead Board Member and Chief Medical Consultant, to return to the
25 practice of medicine. Prior to approving Respondent's request to return to the practice of

1 medicine, Respondent may be required to undergo any combination of physical
2 examinations, psychiatric or psychological evaluations. In no respect shall the terms of this
3 paragraph restrict the Board's authority to initiate and taken disciplinary action for any
4 violation of this Order.

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

8 23. Prior to the termination of Probation, Respondent must submit a written
9 request to the Board for release from the terms of this Order. Respondent's request for
10 release will be placed on the next pending Board agenda, provided a complete submission
11 is received by Board staff no less than 30 days prior to the Board meeting. Respondent's
12 request for release must provide the Board with evidence establishing that he/she has
13 successfully satisfied all of the terms and conditions of this Order. The Board has the sole
14 discretion to determine whether all of the terms and conditions of this Order have been
15 met or whether to take any other action that is consistent with its statutory and regulatory
16 authority.

17 24. This Order supersedes any and all Consent Agreements previously entered
18 into by Respondent and the Board regarding this matter.

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

21 DATED AND EFFECTIVE this 16th day of December, 2024.

22 ARIZONA MEDICAL BOARD

23 *Patricia McSorley*

24 By _____
25 Patricia E. McSorley
Executive Director

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2 **CONSENT TO ENTRY OF ORDER**

3 1. Respondent has read and understands this Consent Agreement and the
4 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
5 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

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

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

20 6. Notwithstanding any language in this Order, this Order does not preclude in
21 any way any other State agency or officer or political subdivision of this state from
22 instituting proceedings, investigating claims, or taking legal action as may be appropriate
23 now or in the future relating to this matter or other matters concerning Respondent,
24 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
25 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

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

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

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

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

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

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

20 12. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16),
21 Respondent cannot act as a supervising physician for a physician assistant while
22 Respondent's license is on probation.

23 13. ***Respondent has read and understands the conditions of Probation.***

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FIRAS MARAYATI, M.D.

DATED: 12/3/2024

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EXECUTED COPY of the foregoing
mailed this 16th day of December, 2024
to:

Firas Marayati, M.D.
Address of Record

Physician Health Program
Address on File

ORIGINAL of the foregoing filed
this 16th day of December, 2024 with:

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



Board staff