

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **STEWART C. MANN, M.D.**

4 Holder of License No. 13248
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-10-0533A

**ORDER FOR SURRENDER OF LICENSE
AND CONSENT TO SAME**

7 Stewart Conrad Mann, M.D. ("Respondent") elects to permanently waive any right
8 to a hearing and appeal with respect to this Order for Surrender of License; 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 The Board is the duly constituted authority for the regulation and control of the practice of
13 allopathic medicine in the State of Arizona.

14 1. Respondent is the holder of license number 13248 for the practice of
15 allopathic medicine in the State of Arizona.

16 2. The Board initiated case MD-09-0357A after receiving a patient complaint,
17 but administratively closed the case pending action taken by the Office of the Inspector
18 General/U.S. Department of Health and Human Services (OIG HHS). The OIG HHS
19 investigated and substantiated the patient's claims and determined that between March
20 2005 and January 2009, Dr. Mann billed Medicare Part B for at least \$480,000 worth of
21 malignant lesion excisions, some of which were not removed. The Board initiated case
22 number MD-10-0533A after receiving a press release from the U.S. Attorney General's
23 Office that Dr. Mann had been charged with and pled guilty to one count of health care
24 fraud.

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1 3. On April 18, 2010, Respondent entered into a Plea Agreement with the
2 United States District Court, District of Arizona. The Plea Agreement indicated that during
3 visits for unrelated conditions, Respondent told several of his patients that they had
4 lesions on their backs that may be, or may become, cancerous and needed to be
5 removed. Several of the Respondent's patients then returned to his office for the removal
6 of purported lesions by curetting or shaving. Rather than bill Medicare for curetting or
7 shaving, Respondent billed for excisions, because they yielded more pay. Respondent
8 also falsely diagnosed most of the lesions as malignant because Respondent received
9 more money when malignancy was found. Additionally, Respondent billed Medicare for
10 excisions on dates when many of the patients had not been seen by Respondent.
11 Respondent also falsified his medical records to make his billings appear legitimate.

12 4. On August 2, 2010, Respondent was sentenced by the United States District
13 Court, District of Arizona, to 18 months of imprisonment. The court also required
14 Respondent to pay \$480,000.00 in restitution, \$100.00 in criminal penalties and sentenced
15 him to three years of supervised release following imprisonment.

16 5. The standard of care requires a physician to perform only those procedures
17 that are necessary.

18 6. Respondent deviated from the standard of care by performing unnecessary
19 procedures for financial gain.

20 7. Patients undergoing unnecessary procedures are placed at risk for
21 complications of those procedures.

22 8. Respondent admits to the acts described above and that they constitute
23 unprofessional conduct pursuant A.R.S. §32-1401(27)(d) ("[c]ommitting a felony, whether
24 or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either
25 case, conviction by any court of competent jurisdiction or a plea of no contest is conclusive

1 evidence of the commission; A.R.S. §32-1401(27)(q) – (“[a]ny conduct that is or might be
2 harmful or dangerous to the health of the patient or the public.); and A.R.S. §32-
3 1401(27)(a) (“[v]iolating any federal or state laws or rules and regulations applicable to the
4 practice of medicine.”) United States Code Title 18, Section 1347- Whoever knowingly and
5 willfully executes, or attempts to execute, a scheme or artifice- (1) to defraud any health
6 care benefit program; or (2) to obtain, by means of false or fraudulent pretenses,
7 representations, or promises, any of the money or property owned by, or under the
8 custody or control of, any health care benefit program, in connection with the delivery of or
9 payment for health care benefits, items, or services, shall be fined under this title or
10 imprisoned not more than 10 years, or both. If the violation results in serious bodily injury
11 (as defined in section 1365 of this title), such person shall be fined under this title or
12 imprisoned not more than 20 years, or both; and if the violation result in death, such a
13 person shall be fined under this title, or imprisoned for any term of years, or for life, or
14 both.

15 **CONCLUSIONS OF LAW**

- 16 1. The Board possesses jurisdiction over the subject matter hereof and over
17 Respondent.
- 18 2. The Board possesses statutory authority to enter into a consent agreement
19 with a physician and accept the surrender of an active license from a physician who
20 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

21 **ORDER**

22
23 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
24 Number 13248 issued to Stewart C. Mann, M.D. for the practice of allopathic medicine in
25 the State of Arizona, and return his wallet card and certificate of licensure to the Board.

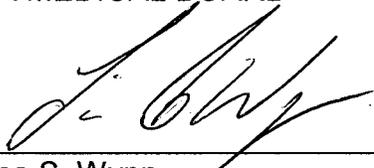
1 DATED and effective this 15th day of October, 2010.

2
3 ARIZONA MEDICAL BOARD

4
5 (SEAL)



6 By:

7 
8 Lisa S. Wynn
9 Executive Director

10 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

22 5. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

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

3 6. Upon signing this agreement, and returning this document (or a copy
4 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
5 entry of 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 7. 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 8. 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 9. 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 
17 STEWART C. MANN, M.D.

Dated: 8/12/10

18 EXECUTED COPY of the foregoing mailed by
19 US Mail this 15th day of October, 2010 to:

20 Steven Myers
21 One E. Camelback Rd. Ste. 500
22 Phoenix AZ 85012
23 RESPONDENT'S ATTORNEY

24 ORIGINAL of the foregoing filed this
25 15th day of August, 2010 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

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Chris Bump
Arizona Medical Board Staff