

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **RANDAL J. LEWIS, M.D.**

5 Holder of License No. 50616
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-15-1212A

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

7 Randal J. Lewis, M.D. ("Respondent"), elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and
10 consents to the entry of 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 50616 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-15-1212A after receiving a self-report
17 from Respondent that his medical license issued by the Division of Occupational and
18 Professional Licensing of the Department of Commerce of the State of Utah ("Utah
19 Medical Board") had been placed on Probation.

20 4. Respondent signed his initial application for licensure with the Board on
21 March 12, 2015, and his Arizona medical license was granted on August 8, 2015. On his
22 initial application, Respondent disclosed a malpractice settlement of \$200,000.00 which
23 was paid on his behalf arising out of a complaint that he failed to monitor a patient's
24 medication after the patient suffered from acute renal failure. Respondent also disclosed
25 that in January, 2013, the Utah Medical Board fined Respondent \$500.00 based on a

1 finding that he violated "the Modal policy for prescribing controlled substances for
2 treatment of pain" for failing to have signed pain contracts on file for all of his patients.
3 Respondent did not disclose any additional adverse information on his initial application.

4 5. On December 1, 2014, Respondent was served with a subpoena by the Utah
5 Medical Board for patient records relating to a pending investigation in Case No. DOPL
6 2015-224 ("Utah Matter").

7 6. On April 15, 2015, Respondent entered into a Stipulation and Order for
8 stayed revocation probation in the Utah Matter. In the Order, Respondent stipulated that
9 between December of 2014 and March of 2015, he overprescribed opioid controlled
10 substances for the treatment of pain to five patients in amounts and frequencies in excess
11 of that justified for the condition suffered by each of the patients, and failed to refer the
12 patients to a pain management specialist when the treatment exceeded his education and
13 experience. Additionally, Respondent stipulated that during the same time period, he
14 engaged in a sexual relationship with a female patient to whom he was prescribing
15 Adderall and prescribed medications to family members without appropriate
16 documentation. Respondent agreed to three years' stayed-revocation probation, including
17 requirements that he complete evaluations, continuing medical education, and practice
18 monitoring and supervision.

19 7. On October 14, 2015 Respondent met with Board staff for an investigational
20 interview where he admitted that on December 10, 2014, he was terminated by his
21 employer.

22 8. Respondent admits to the acts described above.

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CONCLUSIONS OF LAW

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

4 2. The Board possesses statutory authority to enter into a consent agreement
5 with a physician and accept the surrender of an active license from a physician who
6 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

7 3. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(o)("[a]ction that is taken against a doctor of
9 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
10 physical inability to engage safely in the practice of medicine, the doctor's medical
11 incompetence or for unprofessional conduct as defined by that jurisdiction and that
12 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
13 paragraph. The action taken may include refusing, denying, revoking or suspending a
14 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
15 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
16 probation by that jurisdiction.").

17 4. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § 32-1401(27)(aa)("[p]rocuring or attempting to procure a
19 license to practice medicine or a license renewal by fraud, by misrepresentation or by
20 knowingly taking advantage of the mistake of another person or an agency.").

21 5. The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § 32-1401(27)(jj)("[k]nowingly making a false or misleading
23 statement to the board or on a form required by the board or in a written correspondence,
24 including attachments, with the board.").

1 ORDER

2 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
3 Number 50616, issued to Randal J. Lewis, M.D., for the practice of allopathic medicine in
4 the State of Arizona, and return his certificate of licensure to the Board.

5 DATED and effective this 6th day of May, 2016.

6 ARIZONA MEDICAL BOARD

7 By: Patricia E. McSorley
8 Patricia E. McSorley
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 the Board does not adopt this Order, Respondent will not assert as a
12 defense that the Board's consideration of the Order constitutes bias, prejudice,
13 prejudgment or other similar defense.

14 9. ***Respondent has read and understands the terms of this agreement.***

15 R. Lewis
16 RANDAL J. LEWIS, M.D.

Dated: 4-9-2016

18 EXECUTED COPY of the foregoing mailed by
19 US Mail this 6th day of May, 2016 to:

20 Randal J. Lewis, M.D.
21 Address of Record

22 ORIGINAL of the foregoing filed this
6th day of May, 2016 with:

23 The Arizona Medical Board
24 9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

25 Mary Sobey
Board Staff