

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

EDGAR F. LIVINGSTONE, M.D.

License No. 31013
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-11-1443A

**ORDER FOR LETTER OF
REPRIMAND, PRACTICE
RESTRICTION AND PROBATION AND
CONSENT TO THE SAME CONSENT**

Edgar F. Livingstone, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 31013 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-11-1443A on October 17, 2011, after receiving a complaint from patient KD alleging that Respondent hugged her and made inappropriate comments of a sexual nature. Specifically, the complainant alleged that during the course of an examination on October 12, 2011, Respondent commented that she had "nice" and "delightful" cleavage and, while hugging her, commented on the fact the he loved feeling big firm breasts against his body.

4. In a telephone interview with Board staff Respondent admitted hugging KD and making "a comment about her breasts." Later, during an in-person interview Respondent did not recall hugging KD although he admitted to making a comment about her cleavage.

1 4. Probation

2 Respondent is placed on probation with the following terms and conditions:

3 a. Continuing Medical Education

4 Respondent shall within six months obtain of the effective date of this Order
5 obtain 15-20 hours of Board Staff pre-approved Category I Continuing
6 Medical Education (CME) boundaries course. The CME requirement may be
7 completed online. Respondent shall within **thirty days** of the effective date of
8 this Order submit his request for CME to the Board for pre-approval. Upon
9 completion of the CME, Respondent shall provide Board Staff with
10 satisfactory proof of attendance. The CME hours shall be in addition to the
11 hours required for the biennial renewal of medical license. The probation
12 shall terminate upon successful completion of the CME.

13 b. Obey All Laws

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

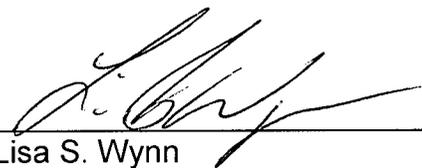
17 c. Tolling

18 In the event Respondent should leave Arizona to reside or practice outside
19 the State or for any reason should Respondent stop practicing medicine in
20 Arizona, Respondent shall notify the Executive Director in writing within ten
21 days of departure and return or the dates of non-practice within Arizona.
22 Non-practice is defined as any period of time exceeding thirty days during
23 which Respondent is not engaging in the practice of medicine. Periods of
24 temporary or permanent residence or practice outside Arizona or of non-
25

1 practice within Arizona, will not apply to the reduction of the probationary
2 period.

3 DATED AND EFFECTIVE this 7th day of June, 2012.

4 ARIZONA MEDICAL BOARD

5
6 By 
7 Lisa S. Wynn
8 Executive Director

9 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

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

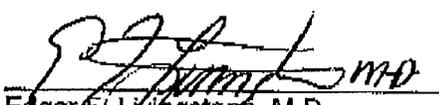
6 7. This Order is a public record that will be publicly disseminated as a formal
7 disciplinary action of the Board and will be reported to the National Practitioner's Data
8 Bank and on the Board's web site as a disciplinary action.

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

11 9. 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 10. Any violation of this Order constitutes unprofessional conduct and may result
15 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
16 consent agreement or stipulation issued or entered into by the board or its executive
17 director under this chapter") and 32-1451.

18 11. ***Respondent has read and understands the conditions of probation.***

19
20 
21 Edgar F. Livingstone, M.D.

DATED: 5/5/12

22 EXECUTED COPY of the foregoing mailed
23 this 5th day of June, 2012 to:

24 Dee Dee Holden, Esq.
25 Holden & Armer PC
6101 South Rural Road, Suite 112
Tempe, AZ 85283

1 ORIGINAL of the foregoing filed
2 this 7th day of June, 2012 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

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7 Arizona Medical Board Staff

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