

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **MARK D. LOCKETT, M.D.**

4 Holder of License No. 30405
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-15-1439A

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

7 Mark D. Lockett, 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 and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 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 30405 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-15-1439A after receiving Respondent's
17 license renewal application wherein he disclosed that his temporary privileges were
18 revoked by a New Mexico Hospital where he held privileges ("Hospital") for failing to
19 disclose his participation in the Board's Physician Health Program ("PHP") during his
20 hospital credentialing.

21 4. The Board previously opened case MD-14-0652A based on Respondent's
22 self-report of a 2011 DUI conviction on his 2013 renewal application. In that same case,
23 Respondent entered into an Interim Consent Agreement to participate in PHP on August 5,
24 2014. The Board considered MD-14-0652A at a meeting on October 7, 2015 and voted to
25 terminate his PHP participation based on the recommendation of the PHP Contractor, and

1 issued an Advisory Letter for Respondent's failure to report the DUI to the Board in a
2 timely manner.

3 5. On his 2015 renewal application, Respondent disclosed that his temporary
4 privileges at the Hospital were revoked on October 8, 2015 for misstatements on his
5 credentialing application related to the pending Board investigation in MD-14-0652A.
6 Respondent also failed to disclose the pending investigation on a second New Mexico
7 Hospital ("Second Hospital") credentialing application. Respondent remains privileged in
8 good standing at the Second Hospital. The Interim Consent Agreement signed by
9 Respondent in MD-14-0652A predated the applications submitted to both Hospitals.

10 **CONCLUSIONS OF LAW**

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

13 b. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(t) ("Knowingly making any false or fraudulent
15 statement, written or oral, in connection with the practice of medicine or if applying for
16 privileges or renewing an application for privileges at a health care institution.").

17 **ORDER**

18 IT IS HEREBY ORDERED THAT:

- 19 1. Respondent is issued a Letter of Reprimand.
20 2. Respondent is placed on Probation for a period of six months with the
21 following terms and conditions:

22 a. **Continuing Medical Education**

23 Respondent shall within 6 months of the effective date of this Order obtain no less
24 than 10 hours of Board staff pre-approved Category I Continuing Medical Education
25 ("CME") in an intensive, in-person course regarding medical ethics. Respondent shall

1 within **thirty days** of the effective date of this Order submit his request for CME to the
2 Board for pre-approval. Upon completion of the CME, Respondent shall provide Board
3 staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours
4 required for the biennial renewal of medical licensure. The Probation shall terminate upon
5 Respondent's proof of successful completion of the CME.

6 **b. Obey All Laws**

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

10 **c. Tolling**

11 In the event Respondent should leave Arizona to reside or practice outside the
12 State or for any reason should Respondent stop practicing medicine in Arizona,
13 Respondent shall notify the Executive Director in writing within ten days of departure and
14 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
15 time exceeding thirty days during which Respondent is not engaging in the practice of
16 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
17 non-practice within Arizona, will not apply to the reduction of the probationary period.

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

20 DATED AND EFFECTIVE this 5th day of August, 2016.

22 ARIZONA MEDICAL BOARD

23 By Patricia E. McSorley
24 Patricia E. McSorley
25 Executive Director

CONSENT TO ENTRY OF ORDER

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

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

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

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

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

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

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

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

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

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

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

14 
15 _____
16 MARK D. LOCKETT, M.D.

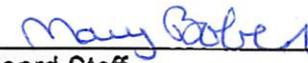
DATED: 6-6-16

17 EXECUTED COPY of the foregoing mailed
18 this 5th day of August, 2016 to:

19 Mark D. Lockett, M.D.
20 Address of Record

21 ORIGINAL of the foregoing filed
22 this 5th day of August, 2016 with:

23 Arizona Medical Board
24 9545 E. Doubletree Ranch Road
25 Scottsdale, AZ 85258



Board Staff