

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

KEVIN S. LEWIS, M.D.

Holder of License No. 17850
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-15-0848A

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

The above-captioned matter came on for discussion before the Arizona Medical Board ("Board") at its emergency teleconference meeting scheduled for December 15, 2015. After reviewing relevant information and deliberating, the Board voted to consider proceedings for a summary action against Kevin S. Lewis, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending formal hearings or other Board action. A.R.S. § 32-1451(D).

INTERIM 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 No. 17850 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-15-0848A after receiving a report from Respondent's employer stating that on June 23, 2015, Respondent was found to be impaired at work while treating a patient. Respondent's employer reported to Board staff that his interaction with the patient did not cause any physical harm, though an argument did occur prior to the patient reporting Respondent's behavior to the Practice Administrator. Respondent was asked to undergo a breath test which was done twice, ten minutes apart, with readings of .073 and .071, respectively.

1 4. During his July 28, 2015 meeting with the Physician Health Program ("PHP")
2 Contractor, Respondent reported that he consumed a half pint of vodka while on duty,
3 requiring two trips out to his car. Respondent further reported that his last intake of alcohol
4 was on June 26, 2015, and that he used Valium, Percocet and methadone on July 2,
5 2015. Respondent also reported using marijuana occasionally over the years, with his last
6 use being on July 12, 2015. At the conclusion of the assessment, the PHP Contractor
7 found that Respondent was not safe to practice medicine and inpatient, residential
8 treatment was recommended. Review of a Controlled Substances Prescription Monitoring
9 ("CSPMP") query showed only one prescription filled by Respondent (Diazepam;
10 December 2014; prescriber not listed) since 2008.

11 5. On August 12, 2015, Respondent was arrested for driving under the
12 influence ("DUI") and for aggravated assault. Respondent did not report the arrest to the
13 Board within ten (10) days as required by statute.

14 6. On August 17, 2015, Respondent presented for inpatient treatment.
15 Respondent was diagnosed with alcohol use disorder and cannabis use disorder, as well
16 as secondary diagnoses of depression and anxiety along with other medical issues.
17 Respondent reported the August 12, 2015 arrest during his inpatient treatment.
18 Respondent was discharged from treatment with staff approval on September 16, 2015.

19 7. Respondent completed a post-treatment assessment with the PHP
20 Contractor on September 29, 2015. The PHP Contractor stated that Respondent was safe
21 to practice medicine if enrolled in the PHP for a period of five (5) years. Respondent
22 subsequently entered into an Interim Consent Agreement for participation in the PHP
23 which was executed on October 19, 2015.

24 8. On November 30, 2015, Respondent contacted Board staff and stated that
25 he would be retiring from medicine and that he would no longer be participating in the
PHP. Board staff informed Respondent that his license would not be allowed to expire

1 while he was under investigation or under a Board Order, and informed him that he may
2 instead request to surrender his license.

3 9. On December 11, 2015, Respondent stated that he did not wish to surrender
4 his license and also reported another DUI arrest that occurred on November 26, 2015
5 which was also not reported to the Board within ten (10) days as required by statute.

6 10. The aforementioned information was presented to the investigative staff, the
7 medical consultant and the lead Board member. All reviewed the information and
8 concurred that an interim consent agreement to restrict Respondent's practice would be
9 appropriate. Respondent was offered an interim consent agreement for a practice
10 restriction on December 14, 2015. Respondent failed to respond. Board staff contacted
11 Respondent telephonically to inquire regarding whether Respondent would agree to either
12 surrender or agree to a practice restriction. Respondent agreed to review the draft
13 restriction, but again failed to respond.

14 **INTERIM CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

17 2. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § 32-1401(27)(a) ("[V]iolating any federal or state laws, rules
19 or regulations applicable to the practice of medicine.") Specifically, Respondent's conduct
20 violates A.R.S. § 32-3208(A) - A health professional who has been charged with a
21 misdemeanor involving conduct that may affect patient safety or a felony after receiving or
22 renewing a license or certificate must notify the health professional's regulatory board in
23 writing within ten working days after the charge is filed.").

24 3. The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401(27)(f) ("[H]abitual intemperance in the use of
alcohol or habitual substance abuse.").

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EXECUTED COPY of the foregoing e-mailed
this 15th day of December, 2015 to:

Kevin S. Lewis, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 15th day of December 2015 with:

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

Mary Barber
Arizona Medical Board Staff