

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **GARY L. LOWERY, M.D.**

4 Holder of License No. 24907  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-05-0163A

**CONSENT AGREEMENT FOR  
SURRENDER OF LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and Gary L. Lowery, M.D. ("Respondent"), the parties agreed to the following  
10 disposition of this matter.

11 1. Respondent acknowledges that he has read and understands this Consent  
12 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent  
13 Agreement"). Respondent acknowledges that he has the right to consult with legal  
14 counsel regarding this matter and has done so or chooses not to do so.

15 2. Respondent understands that by entering into this Consent Agreement, he  
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on  
17 the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18 Board, and waives any other cause of action related thereto or arising from said Consent  
19 Agreement.

20 3. Respondent acknowledges and understands that this Consent Agreement is  
21 not effective until approved by the Board and signed by its Executive Director.

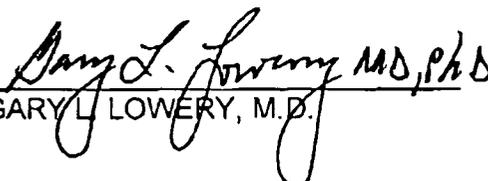
22 4. All admissions made by Respondent are solely for final disposition of this  
23 matter and any subsequent related administrative proceedings or civil litigation involving  
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
25 or made for any other use, such 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 5. Respondent acknowledges and agrees upon signing this Consent  
4 Agreement, and returning this document (or a copy thereof) to the Board's Executive  
5 Director, Respondent may not revoke acceptance of the Consent Agreement. Respondent  
6 may not make any modifications to the document. Any modifications to this original  
7 document are ineffective and void unless mutually approved by the parties.

8 6. Respondent further understands that this Consent Agreement, once  
9 approved and signed, is a public record that may be publicly disseminated as a formal  
10 action of the Board and will be reported to the National Practitioner Data Bank and to the  
11 Arizona Medical Board's website.

12 7. If any part of the Consent Agreement is later declared void or otherwise  
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
14 and effect.

15  
16  M.D., Ph.D.  
17 GARY L. LOWERY, M.D.

DATED: 5 January 2006

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1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of license number 24907 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. On March 17, 2004 the Respondent entered into an Amended Consent  
7 Agreement for Letter of Reprimand and Probation (March 2004 Order) with the Board.  
8 The terms of the probation included ten hours Category 1, Board Staff pre-approved  
9 Continuing Medical Education (CME) in spine surgery; five hours CME in medical ethics  
10 and five hours CME in record keeping. Respondent was also required to perform fifty  
11 hours community service.

12 4. Board Staff pre-approved five hours of CME in ethics and five hours of CME  
13 in medical record keeping at the University of Arizona, but Respondent did not attend.  
14 Respondent also received pre-approval for a conference on spine surgery, but did not  
15 attend. Respondent has not submitted a plan for performance of the community service  
16 requirement.

17 5. Respondent has failed to comply with the terms of the March 2004 Order.

18 6. Respondent admits that the above acts constitute unprofessional conduct.  
19 A.R.S. § 32-1401(27)(r) – (“[v]iolating a formal order, probation, consent agreement or  
20 stipulation issued or entered into by the board or its executive director under the provisions  
21 of this chapter.”)

22 **CONCLUSIONS OF LAW**

23 1. The Board possesses jurisdiction over the subject matter hereof and over  
24 Respondent.

1 2. The conduct and circumstances described above constitute unprofessional  
2 conduct pursuant to A.R.S. § 32-1401(27)(r) – (“[v]iolating a formal order, probation,  
3 consent agreement or stipulation issued or entered into by the board or its executive  
4 director under the provisions of this chapter.”)

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

8 **ORDER**

9 IT IS HEREBY ORDERED THAT:

10 License number 24907 issued to Gary L. Lowery, M.D. for the practice of allopathic  
11 medicine in the State of Arizona is surrendered and he shall immediately return his license  
12 to the Board.

13 DATED AND EFFECTIVE this 9<sup>th</sup> day of February, 2006.

14 [SEAL]



15 ARIZONA MEDICAL BOARD

16 By

17  
18 TIMOTHY C. MILLER, J.D.  
Executive Director

19 ORIGINAL of the foregoing filed this  
20 10<sup>th</sup> day of February, 2006 with:

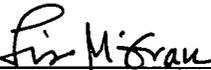
21 Arizona Medical Board  
22 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

23 EXECUTED COPY of the foregoing mailed  
24 this 10<sup>th</sup> day of February, 2006 to:

25 Mr. Stephen W. Myers  
Myers & Jenkins, P.C.  
3003 N. Central Ave., Suite 1900  
Phoenix, Arizona 85012-2910

1 EXECUTED COPY of the foregoing mailed  
2 this 10<sup>th</sup> day of February, 2006 to:

3 Gary L. Lowery, M.D.  
4 (Address of record)

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7 Investigational Review

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