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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LANCE A. MAY, M.D.

Holder of License No. 34267
For the Practice of Allopathic Medicine in the
State of Arizona

Docket No. **06A-34267-MDX**

Case No. MD-06-0164A

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR
REVOCATION OF LICENSE**

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On June 7, 2006 this matter came before the Arizona Medical Board ("Board") for oral argument and consideration of the Administrative Law Judge ("ALJ") Brian Brendan Tully's proposed Findings of Fact and Conclusions of Law and Recommended Order involving Lance A. May, M.D. ("Respondent"). Respondent was notified of the Board's intent to consider this matter at the Board's public meeting. Respondent did not appear and was not represented by counsel. The State was represented by Assistant Attorney General Dean E. Brekke. Christine Cassetta, of the Solicitor General's Section of the Attorney General's Office provided legal advice to the Board.

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The Board having considered the ALJ's report and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

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FINDINGS OF FACT

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1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
 2. Respondent is the holder of License No. 34267 for the practice of allopathic medicine in Arizona. Respondent's license was issued by the Board on June 27, 2005.
 3. According to the records of The Federation of State Medical Boards, Inc., Respondent is also licensed to practice allopathic medicine in California, Georgia, Pennsylvania, Texas and Washington.

1 4. After due consideration, on February 21, 2006 the Board voted to summarily
2 suspend Respondent's license as an emergency action necessary to protect the public health,
3 safety and welfare due to Respondent's violations of Arizona statutes. The Board had received
4 notification that the California Medical Board suspended Respondent's California medical
5 license after learning that the Texas Medical Board took the same action when Respondent
6 admitted to being unable to safely practice medicine.

7 5. The Board's investigation of Respondent revealed that on January 22, 2004 he
8 voluntarily surrendered his medical privileges with the United States Army after admitting in
9 writing to theft of Tylox, consumption of Tylox, and numerous instances of sexual molestation of
10 a minor. Respondent was convicted of child sexual abuse and diversion of opiates by the Seoul
11 Central District Court of South Korea while employed with the United States Army as a civil
12 service physician in South Korea. Respondent also admitted to being arrested and charged in
13 1998 for solicitation of a prostitute using a government credit card.

14 6. On March 2, 2005 Respondent appeared before the Texas Medical Board.

15 7. On June 3, 2005 the Texas Medical Board issued Findings of Fact that
16 included the following:

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- 18 a) Respondent was investigated by the South Korean Police and the
19 United States Military for allegations of sexual molestation of his
adopted child and allegations of chemical dependency.
 - 20 b) Treatment records document Respondent was voluntarily admitted for
21 relapse of sexual dependency and chemical dependency. The records
indicate Respondent admitted to fondling his son.
 - 22 c) The Seoul Central District Court, South Korea determined Respondent
committed "obscene acts."
 - 23 d) The United States Military determined Respondent committed larceny of
24 government property (wrongful possession of opiates taken from a
government facility).
 - 25 e) Respondent reported the intemperate use of drugs or alcohol that could
adversely affect the ability to practice medicine safely.

1 f) Respondent admitted he suffers from a potentially dangerous limitation
2 or inability to practice medicine with reasonable skill and safety by
3 reason of illness or as a result of a physical or mental condition.

4 8. On April 22, 2005 Respondent applied for an Arizona medical license.

5 9. In his application, Respondent answered "No" to Question No. 13, which read:
6 "Have you ever been found to be in violation of any statute, rule or regulation of any domestic or
7 foreign governmental agency? " In answering "No" Respondent failed to disclose his August
8 2004 conviction in the Seoul Central District Court of South Korea for child sexual abuse and for
9 diverting drugs from a United States Military hospital.

10 10. Respondent answered "No" to Question No. 15 of his application, which read:
11 "Are you currently under investigation by any medical board or peer review body?" In answering
12 "No" to that question, Respondent failed to disclose that he was under investigation by the
13 Washington Medical Board and the Texas Medical Board for his child sexual abuse and
14 diversion conviction.

15 11. Respondent answered "No" to Question No. 23 of his application, which read:
16 "Have you been found guilty or entered a plea of no contest to a felony or misdemeanor
17 involving moral turpitude in any state?" Respondent failed to disclose his August 2004
18 conviction.

19 12. Respondent answered "No" to Question No. 24, which read: "Do you have or
20 have you had within the last five years any medical condition that in any way impairs or limits
21 your ability to safely practice medicine?"¹ Respondent failed to disclose his sexual addiction
22 disorder and his illness or mental condition to the Board.

23 13. Respondent answered "No" to Question No. 25, which read: "Within the last
24 five years have you been diagnosed, treated or admitted to a hospital or other facility for the

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¹ The term "medical condition" is defined in the application as including mental or psychological conditions or disorders such as, but not limited to, emotional or mental illness.

1 treatment of bi-polar disorder, schizophrenia, paranoia or any psychotic disorder?" Respondent
2 failed to disclose a 2003 treatment in California for sexual addiction and chemical dependency.

3 14. On his Arizona application Respondent swore under oath that all the
4 information contained in his application was true and correct. Respondent also acknowledged
5 that falsification or misrepresentation of any item or response on his application was adequate
6 to deny his application or to hold a hearing to revoke his license if one were issued based on the
7 application.

8 15. On November 30, 2005 the Texas Medical Board suspended Respondent's
9 Texas medical license due to his admission that he was unable to safely practice medicine.

10 16. On December 9, 2005, the Washington Department of Health notified
11 Respondent of disciplinary action proposed against his Washington medical license. The facts
12 alleged by the Washington Department of Health included the following: that in May 2003 and
13 for sometime thereafter Respondent, by his own admission, was self-treating with Percocet and
14 Tylox for his Charcot-Marie tooth disease, a congenital foot deformity, and tension headaches;
15 that in January 2004 Respondent's adopted son was removed from his home by South Korean
16 child protective services and criminal charges were brought against him; and, Respondent's
17 August 2004 conviction.

18 17. On January 27, 2006 the California Medical Board notified Respondent that his
19 California medical license was suspended based upon the action taken by the Texas Medical
20 Board.

21 18. On February 16, 2006 Vicki Johansen, Senior Medical Investigator for the
22 Board, contacted Respondent to verify which state(s) took action against licenses he held and
23 why. Respondent informed Ms. Johansen he "was wondering when [they] were going to contact
24 [him]." Respondent reported his license was suspended in California and Texas for an
25 investigation that began March 2004 in Washington for his conviction in South Korea for child

1 sexual abuse and drug diversion. Respondent stated that his 2004 criminal sentence included
2 three years probation. Respondent denied being ordered to attend any type of counseling or
3 education as part of his probation. Respondent indicated that he was allowed to leave South
4 Korea once he was convicted and sentenced.

5 19. Respondent indicated that in 2003 while working in a South Korea hospital he
6 was caught diverting Tylox through the Pyxis system in the hospital. Respondent stated he
7 diverted 30 tablets and took one to two tablets, but not on a daily basis. Respondent stated he
8 disclosed to the hospital administration that he had previously been in a sexual addiction
9 treatment program in 1998 and, according to Respondent, the hospital considered the diversion
10 a relapse, and sent him back to Del Amo Hospital in Torrance, California for a twenty-eight day
11 rehabilitation program. Respondent stated after he completed the program he returned to South
12 Korea.

13 20. According to Respondent, he was charged with child sexual abuse after the
14 contents of a journal he kept during treatment was turned over to the Seoul Police Department.
15 He was charged with child sexual abuse for "retracting the foreskin of his eighteen month old
16 adopted son during a bath." According to Respondent, that procedure of bathing a child is not
17 acceptable in South Korea.

18 21. Respondent also reported that in order to have charges of solicitation of a
19 prostitute dropped and avoid any disciplinary action against his medical license he was required
20 to complete a sexual addiction program. Respondent stated he met with the Washington
21 Physician Health Program for evaluation of impairment and narcotic or alcohol addiction.
22 Respondent reported that he was not found to be chemically dependent or addicted to drugs or
23 alcohol.
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1 either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive
2 evidence of the commission").

3 5. The conduct and circumstances described in the above Findings constitute
4 unprofessional conduct by Respondent in violation of A.R.S. § 32-1401(27)(f) ("[h]abitual
5 intemperance in the use of alcohol or habitual substance abuse").

6 6. The conduct and circumstances described in the above Findings constitute
7 unprofessional conduct by Respondent in violation of A.R.S. § 32-1401(27)(o) ("[a]ction taken
8 against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's
9 mental or physical inability to safely engage in the practice of medicine, the doctor's medical
10 incompetence or for professional conduct as defined by that jurisdiction and that corresponds
11 directly or indirectly to an act of unprofessional conduct prescribed by this paragraph...").

12 7. The conduct and circumstances described in the above Findings constitute
13 unprofessional conduct by Respondent in violation of A.R.S. § 32-1401(27)(p) ("[s]anctions
14 imposed by an agency of the federal government, including restricting, suspending, limiting or
15 removing a person from the practice of medicine or restricting that person's ability to obtain
16 financial remuneration").

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

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

1 Original of the foregoing filed this
2 12th day of June, 2006, with:

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

6 Copy of the foregoing filed this
7 12th day of June, 2006, with:

8 Cliff J. Vanell, Director
9 Office of Administrative Hearings
10 1400 W. Washington, Ste. 101
11 Phoenix, AZ 85007

12 Executed copy of the foregoing mailed
13 by Certified Mail this 12th day of June,
14 2006, to:

15 Lance A. May, M.D.
16 (Address of record)

17 Executed copy of the foregoing mailed
18 this 12th day of June, 2006, to:

19 Dean Brekke
20 Assistant Attorney General
21 Office of the Attorney General
22 CIV/LES
23 1275 W. Washington
24 Phoenix, Arizona 85007

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