

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-19-0216A

3 **ALAN M. LESSELROTH, M.D.**

4 Holder of License No. 26233
5 For the Practice of Allopathic Medicine
In the State of Arizona.

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

6 Alan M. Lesselroth, M.D. ("Respondent") elects to permanently waive any right to a
7 hearing and appeal with respect to this Order for Letter of Reprimand and Probation with
8 Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and
9 consents to the entry of this Order by the Board.

10 **FINDINGS OF FACT**

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

13 2. Respondent is the holder of license number 26233 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-19-0216A after receiving notification
16 that Respondent's mammography privileges were reduced for failure to appropriately
17 interpret mammography results for five patients.

18 **Patient CW**

19 4. CW was a 52 year-old female with a history of breast cancer. On July 6,
20 2017, a bilateral mammogram was performed that Respondent read as benign with
21 recommended follow-up in one year. Subsequently, CW developed ductal carcinoma in
22 situ.

23 **Patient KM**

24 5. KM was a 52 year-old female with a left breast architectural distortion. On
25 April 25, 2017, a mammogram was performed and Respondent's interpretation was that the

1 images failed to demonstrate the presence of a discrete or abnormal mass. KM
2 subsequently developed metastatic breast carcinoma.

3 **Patient CH**

4 6. CH was a 64 year-old female with a family history of breast cancer. On July
5 17, 2017, a mammogram was performed that Respondent read as benign with
6 recommended follow-up in one year. CH subsequently developed metastatic breast
7 carcinoma.

8 **Patient RH**

9 7. RH was a 57 year-old female at the time that she had a mammogram
10 performed on May 20, 2016. Respondent read RH's mammogram as benign with
11 recommended follow-up in one year. RH subsequently developed metastatic breast
12 carcinoma.

13 **Patient RP**

14 8. RP was a 69 year-old male with a history of left breast lump and pain. On
15 July 3, 2017, a mammogram was performed and Respondent's interpretation was that
16 there was no malignant appearing masses or micro calcifications. RP subsequently
17 developed metastatic breast carcinoma.

18 9. Respondent was suspended from reading mammograms at the Hospital after
19 the five patients' images that he interpreted as benign were later found to be malignant.

20 10. The standard of care requires a physician to appropriately interpret imaging
21 results. Respondent deviated from this standard of care by failing to appropriately interpret
22 mammography imaging results for patients CW, KM, CH, RH, and RP.

23 11. Actual patient harm was identified in all five patients involving the missed
24 diagnosis of carcinoma and the resultant additional treatment, expense, and possible
25 shorter life expectancy.

1 12. There was the potential for patient harm in that Respondent's failure to
2 appropriately interpret mammography imaging placed the patients at risk of shortening or
3 diminishing life expectancy.

4 **CONCLUSIONS OF LAW**

5 a. The Board possesses jurisdiction over the subject matter hereof and over
6 Respondent.

7 b. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(r)("Committing any conduct or practice that is or
9 might be harmful or dangerous to the health of the patient or the public.")

10 **ORDER**

11 IT IS HEREBY ORDERED THAT:

12 1. Respondent is issued a Letter of Reprimand.

13 2. Respondent is placed on Probation for a period of five (5) years with the
14 following terms and conditions:

15 **a. Practice Restriction**

16 Respondent's practice is restricted in that he shall not interpret mammograms for
17 the duration of Probation. After five years, Respondent may request termination of the
18 Practice Restriction in accordance with paragraph 2(c) of this Order.

19 **b. Obey All Laws**

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

23 **b. Tolling**

24 In the event Respondent should leave Arizona to reside or practice outside the
25 State or for any reason should Respondent stop practicing medicine in Arizona,

1 Respondent shall notify the Executive Director in writing within ten days of departure and
2 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
3 time exceeding thirty days during which Respondent is not engaging in the practice of
4 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
5 non-practice within Arizona, will not apply to the reduction of the probationary period.

6 **c. Probation Termination**

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8 Prior to the termination of Probation, Respondent must submit a written request to
9 the Board for release from the terms of this Order. Respondent's request for release will
10 be placed on the next pending Board agenda, provided a complete submission is received
11 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for
12 release must provide the Board with evidence demonstrating that he is safe to interpret
13 mammograms. The Board may require any combination of examinations and/or
14 evaluations in order to determine whether or not Respondent is safe to interpret
15 mammograms and the Board may continue the Practice Restriction or take any other
16 action consistent with its statutory and regulatory authority. The Board may require
17 Respondent to undergo a period of monitoring of his mammogram readings prior to full
18 termination of Probation.

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

21 DATED AND EFFECTIVE this 8th day of May, 2020.

22 ARIZONA MEDICAL BOARD

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

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CONSENT TO ENTRY OF ORDER

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

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

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

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

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

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

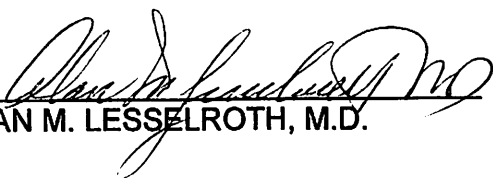
4 8. If any part of the Order is later declared void or otherwise unenforceable, the
5 remainder of the Order in its entirety shall remain in force and effect.

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)(s) ("[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 acknowledges that, pursuant to A.R.S. § 32-2501(16),
14 Respondent cannot act as a supervising physician for a physician assistant while
15 Respondent's license is on probation.

16 12. ***Respondent has read and understands the conditions of probation.***

17
18 
19 ALAN M. LESSELROTH, M.D.

DATED: 4-28-20

20 EXECUTED COPY of the foregoing mailed
21 this 8th day of May, 2020 to:

22 Alan M. Lesselroth, M.D.
23 Address of Record

24 ORIGINAL of the foregoing filed
25 this 8th day of May, 2020 with:

1 Arizona Medical Board
1740 West Adams, Suite 4000
2 Phoenix, Arizona 85007

3 Michelle Robles
4 Board staff

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