

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-19-1051A

3 **LUCIO ARTEAGA, M.D.**

4 Holder of License No. 16150
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 Lucio Arteaga, 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 16150 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-19-1051A after receiving a complaint
16 regarding Respondent's care and treatment of a 33 year-old female patient ("Patient 1")
17 alleging that Respondent inappropriately performed an evaluation.

18 4. Patient 1 was an established patient of Respondent's practice, who
19 requested a complete physical. Patient 1 presented for the physical on October 23, 2019.
20 Patient 1 was provided a gown and a drape and asked to undress to her underwear.
21 Respondent documented a disagreement with Patient 1 over the required level of undress
22 and whether she needed to remove her bra. Respondent informed Patient 1 that she
23 needed to remove her bra in order for him to properly listen to her heart. Patient 1 did
24 unclasp her bra, and held it against her chest while Respondent auscultated her heart.
25 Respondent performed the examination including checking Patient 1's inguinal pulses

1 without gloves. Respondent documented ongoing tension between himself and Patient 1
2 during the examination; however, Respondent chose to complete the examination without
3 a chaperone or assistant in the room.

4 5. During the course of the Board's investigation, Respondent completed a
5 fitness for duty evaluation with a Board-approved provider ("Evaluator"). On February 1,
6 2021, based on the testing results and findings from the evaluation, the Evaluator opined
7 that Respondent was not currently able to safely practice medicine with female patients,
8 pending completion of recommended treatment and a post-treatment re-evaluation.

9 6. On February 16, 2021, Respondent entered into an Interim Consent
10 Agreement for Practice Restriction prohibiting him from treating or examining female
11 patients, and requiring him to complete an intensive outpatient treatment program ("IOP")
12 as recommended by the Evaluator ("Interim Practice Restriction").

13 7. On March 29, 2021, Respondent initiated the IOP and treatment with Board-
14 approved providers. Board staff received reports from Respondent's treating provider who
15 confirmed the treatment plan, prognosis, and compliance throughout treatment. On
16 January 21, 2022, Board staff received the final discharge report from the treating provider
17 who confirmed Respondent met his treatment goals and completed a Relapse Prevention
18 Plan and was ready to complete the recommended re-evaluation.

19 8. On May 4, 2022, Respondent completed a post-treatment evaluation with the
20 Evaluator who opined that Respondent had made significant progress and increased
21 insight into appropriate treatment and did not require any additional treatment. The
22 Evaluator ultimately opined that Respondent was safe to practice without restriction.

23 9. On June 2, 2022, Respondent requested that the Board lift the Interim
24 Practice Restriction, and provided Board staff with his Relapse Prevention Plan, which
25 included a plan to use a chaperone for in-person visits with female patients.

1 signing each chart. Respondent shall instruct the female chaperone to immediately report
2 any inappropriate behavior to Respondent and the Board.

3 **b. Compliance Monitoring**

4 Board staff or its agents shall monitor Respondent's compliance with this Order by
5 conducting periodic chart reviews, reviewing the chaperone's documentation and/or
6 interviewing the chaperone or Respondent's staff.

7 **c. Continuing Medical Education**

8 Respondent shall within 12 months of the effective date of this Order, complete the
9 Professional Boundaries and Ethics: Extended Edition (PB-24 Extended) course offered by
10 Professional Boundaries, Inc. ("PBI"). Respondent shall within thirty days of the effective
11 date of this Order submit satisfactory proof of enrollment with Board staff for the intensive,
12 virtual course to be completed within 6 months of the effective date of this Order. Upon
13 completion of the CME, Respondent shall provide Board staff with satisfactory proof of
14 attendance. The CME hours shall be in addition to the hours required for the biennial
15 renewal of medical licensure. Respondent shall sign any and all consents or releases
16 necessary to allow for PBI to communicate to the Board directly and furnish PBI's "AIR"
17 Letter after completion of the required CME and post-CME coursework.

18 **d. Obey All Laws**

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

22 **e. Tolling**

23 In the event Respondent should leave Arizona to reside or practice outside the
24 State or for any reason should Respondent stop practicing medicine in Arizona,
25 Respondent shall notify the Executive Director in writing within ten days of departure and

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

5 **f. Probation Termination**

6 Prior to any Board consideration for termination of Probation, Respondent must
7 submit a written request to the Board for release from the terms of this Order.
8 Respondent's request for release will be placed on the next pending Board agenda,
9 provided a complete submission is received by Board staff no less than 30 days prior to
10 the Board meeting. Respondent's request for release must provide the Board with
11 evidence establishing that he has successfully satisfied all of the terms and conditions of
12 this Order, and is safe to practice without additional monitoring from the Board.

13 The Probation shall not terminate except upon affirmative request of Respondent
14 and approval by the Board. The Board may require any combination of examinations
15 and/or evaluations in order to determine whether or not Respondent is safe to practice
16 without monitoring and the Board may continue the Practice Restriction or take any other
17 action consistent with its authority.

18 The Board has the sole discretion to determine whether all of the terms and
19 conditions of this Order have been met or whether to take any other action that is
20 consistent with its statutory and regulatory authority.
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1 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
2 State of Arizona or any other state or federal court.

3 6. Notwithstanding any language in this Order, this Order does not preclude in
4 any way any other State agency or officer or political subdivision of this state from
5 instituting proceedings, investigating claims, or taking legal action as may be appropriate
6 now or in the future relating to this matter or other matters concerning Respondent,
7 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
8 acknowledges that, other than with respect to the Board, this Order makes no
9 representations, implied or otherwise, about the views or intended actions of any other
10 state agency or officer or political subdivisions of the State relating to this matter or other
11 matters concerning Respondent.

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

17 8. This Order is a public record that will be publicly disseminated as a formal
18 disciplinary action of the Board and will be reported to the National Practitioner's Data
19 Bank and on the Board's web site as a disciplinary action.

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

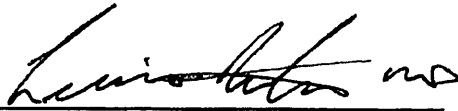
22 10. If the Board does not adopt this Order, Respondent will not assert as a
23 defense that the Board's consideration of the Order constitutes bias, prejudice,
24 prejudgment or other similar defense.

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

5 12. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he
6 cannot act as a supervising physician for a physician assistant while his license is on
7 probation.

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

9
10 
11 LUCIO ARTEAGA, M.D.

DATED: 1/26/2023

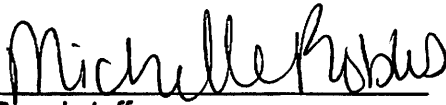
12 EXECUTED COPY of the foregoing mailed
13 this 2nd day of February, 2023 to:

14 Lucio Arteaga, M.D.
15 Address of Record

16 Robert Milligan, Esq.
17 Milligan Lawless, P.C.
18 5050 North 40th Street
19 Phoenix, Arizona 85018

20 ORIGINAL of the foregoing filed
21 this 2nd day of February, 2023 with:

22 Arizona Medical Board
23 1740 West Adams, Suite 4000
24 Phoenix, Arizona 85007

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Board staff