

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ANDREW G. MALCOLM, M.D**

4 Holder of License No. 10932
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-21-0183A

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

7 Andrew G. Malcolm, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 10932 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0183A after receiving a notification
17 that on or about February 24, 2021, Respondent was prohibited from practicing medicine
18 in the State of California as a condition of bail pending the final disposition of criminal
19 charges pending against him or as a condition of probation.

20 4. On August 17, 2020, in Case No. CD285357 Superior Court of the State of
21 California, County of San Diego, Central Division, a complaint was filed against
22 Respondent alleging sixteen felony charges of obtaining prescriptions of controlled
23 substances namely hydrocodone and/or oxycodone, by fraud, deceit or misrepresentation.

24 5. Respondent failed to report the charges within 10 days as required by
25 statute.

1 ORDER

2 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
3 Number 10932, issued to Andrew G. Malcolm, M.D., for the practice of allopathic medicine
4 in the State of Arizona, and return his certificate of licensure to the Board.

5 DATED and effective this 9th day of June, 2022.

6 ARIZONA MEDICAL BOARD

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8 By: Pat E McSorley
9 Patricia E. McSorley
10 Executive Director

11 CONSENT TO ENTRY OF ORDER

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

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

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

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

23 5. All admissions made by Respondent in this Order are solely for final
24 disposition of this matter and any subsequent related administrative proceedings or civil
25 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. Notwithstanding any language in this Order, this Order does not preclude in any way any other State agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Order makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivisions of the State relating to this matter or other matters concerning Respondent.

7. 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.

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

9. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, judgment or other similar defense.

10. Respondent has read and understands the terms of this agreement.



DREW G. MALCOLM, M.D.

Dated: 5.22.22

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EXECUTED COPY of the foregoing mailed by
US Mail this 9th day of June, 2022 to:

Andrew G. Malcolm, M.D.
Address of Record

ORIGINAL of the foregoing filed this
9th day of June, 2022 with:

The Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

Michelle Robus
Board staff