

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DANIEL N. LESKY, M.D**

4 Holder of License No. 59956
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-21-0472A

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

7 Daniel N. Lesky, 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 59956 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0472A after receiving a self-report
17 from Respondent that he had been charged with the three misdemeanors related to
18 possession of controlled substances on May 5, 2021 in St. George, Utah.

19 4. Based on the complaint, Respondent was issued an Interim Order for
20 Physician Health Program Assessment which required complete an Assessment with a
21 Board-approved Physician Health Program (“PHP”) Assessor, and comply with any and all
22 recommendations. Respondent timely completed the Assessment. Based on the
23 Assessment findings and results, the Assessor recommended that Respondent attend a
24 comprehensive evaluation at the Board approved Facility for further diagnostic clarity.

25 5. Respondent reported that his criminal charges are being resolved through a
diversion program.

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

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

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

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

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

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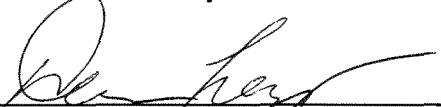
1 state agency or officer or political subdivisions of the State relating to this matter or other
2 matters concerning Respondent.

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

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

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

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

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16 _____
DANIEL N. LESKY, M.D.

Dated: 6/13/2022

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18 EXECUTED COPY of the foregoing mailed
by US Mail this 8th_ day of July, 2022 to:

19 Daniel N. Lesky, M.D.
20 Address of Record

21 Steven B. Perlmutter, M.D., J.D.
22 Perlmutter Medical Law
23 9141 East Hidden Spur Trail
Scottsdale, Arizona 85255
Attorney for Respondent

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25 ORIGINAL of the foregoing filed this
8th_ day of July, 2022 with:

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

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4 Board staff

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