

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of:

Case No: 22A-17253-MDX

3 **JOSEPH C. LINDSTROM, M.D.**

4 Holder of License No. 17253
5 For the Practice of Allopathic Medicine
6 In the State of Arizona,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER
(License Revocation)**

7 On August 4, 2022, this matter came before the Arizona Medical Board (“Board”)
8 for consideration of Administrative Law Judge (“ALJ”) Thomas Shedden’s proposed
9 Findings of Fact, Conclusions of Law and Recommended Order. Joseph C. Lindstrom,
10 M.D., (“Respondent”) did not appear and was not represented by counsel; Assistant
11 Attorney General Seth T. Hargraves represented the State. Assistant Attorney General
12 Monique A. Coady was available to provide independent legal advice to the Board.

13 The Board, having considered the ALJ’s Decision and the entire record in this
14 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for licensing and regulating the
17 practice of allopathic medicine in the State of Arizona.

18 2. On March 16, 2022 the Board issued a Complaint and Notice of Hearing
19 for License Revocation setting the above-captioned matter for hearing beginning at 9:00
20 a.m. May 3, 2022.

21 3. No representative appeared for Respondent Joseph C. Lindstrom, M.D. at
22 the scheduled hearing-time and the matter was convened in his absence at about 9:18 a.m.

23 4. Through its Complaint, the Board alleges that Dr. Lindstrom committed
24 unprofessional conduct as defined in ARIZ. REV. STAT. section 32-1401(27)(ee).

25 5. The Board presented the testimony of investigator Rachel Shepherd.
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1 6. Dr. Lindstrom was initially licensed on November 27, 1987; his license was
2 due for renewal on May 5, 2022.

3 7. In June 2020, the Board received notice of a malpractice settlement
4 involving Dr. Lindstrom's treatment of a patient and it opened an investigation.

5 8. Through a letter dated June 19, 2020, the Board informed Dr. Lindstrom
6 that the investigation was open, but that he was not required to act at that time.

7 9. Through a June 26, 2020 letter emailed to Dr. Lindstrom's address of
8 record, the Board informed him that there was an allegation that he had provided
9 questionable care to the patient and that he was required to provide a narrative response
10 and certain medical records by July 8, 2020. Dr. Lindstrom did not respond to that
11 correspondence.

12 10. The Board's June 26, 2020 letter informed Dr. Lindstrom that if his license
13 expired before the matter was resolved, his status would be changed to Suspended-E until
14 the investigation was completed.

15 11. On July 31, 2020, the Board sent Dr. Lindstrom a follow-up email to which
16 he did not respond.

17 12. On August 25, 2020, the Board left Dr. Lindstrom a voicemail to which he
18 did not respond.

19 13. On September 10, 2020, Ms. Shepherd telephoned Dr. Lindstrom at which
20 time he gave her a new email address and told her that he was retired. Ms. Shephard
21 explained that the Board was still required to investigate the malpractice claim. She also
22 informed Dr. Lindstrom that she would send to his new email address the Board's June
23 26, 2020 letter.

24 14. The Board sent its letter of June 26th to Dr. Lindstrom's new email address,
25 setting a deadline of September 24, 2020 for him to provide the required response to the
26 allegation against him. Dr. Lindstrom did not respond.

1 15. On October 23, 2020, the Board again sent its letter of June 26, 2020 to Dr.
2 Lindstrom's new email address, with a new deadline of November 6, 2020. Dr.
3 Lindstrom did not respond.

4 16. On November 13, 2020, the Board mailed a letter to Dr. Lindstrom's
5 address of record informing him that if he did not provide the required response to the
6 allegation against him by December 2, 2020, the Board would also charge him with
7 failing to provide the Board information in a timely manner, which is unprofessional
8 conduct as defined in ARIZ. REV. STAT. section 32-1401(27)(ee). The Board also sent a
9 copy of that letter to the email address he had provided Ms. Shephard. Dr. Lindstrom did
10 not respond.

11 17. On December 31, 2020, the Board sent by certified mail to Dr. Lindstrom's
12 address of record and by email a notification that it had added to the complaint an
13 allegation that he had failed to timely furnish the Board with information as required.
14 That notice informed Dr. Lindstrom that he was required to respond to the original
15 allegation and this new allegation by January 14, 2020 [sic] and that if he failed to do so,
16 he would be required to appear for a Board interview. Dr. Lindstrom signed for the
17 certified letter on January 19, 2021, but did not provide the Board with any response to
18 either allegation.

19 18. The Board also sent to Dr. Lindstrom's office by certified mail a copy of its
20 notice of December 31, 2020, which was signed for on January 20, 2021. Dr. Lindstrom
21 did not respond.

22 19. On March 25, 2021, the Board sent by Fed Ex to Dr. Lindstrom's home
23 address and his office address an Order to Appear at Investigative Interview on April 6,
24 2021, with that interview to be conducted by Zoom. Fed Ex delivered both copies of that
25 Order on March 29, 2021. Dr. Lindstrom did not appear for the interview.

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1 Bobby M., 210 Ariz. 279, 284–85, ¶ 25 (2005)(quoting BLACK’S LAW DICTIONARY
2 7th ed.).

3 4. ARIZ. REV. STAT. section 32-1401(27)(ee) provides that it is
4 unprofessional conduct to fail “to furnish information in a timely manner to the board or
5 the board's investigators or representatives if legally requested by the board.”

6 5. The Board was required to investigate the malpractice settlement to
7 determine whether Dr. Lindstrom was in violation of the Board’s statutes or rules. ARIZ.
8 REV. STAT. § 32-3203.

9 6. Clear and convincing evidence shows that Dr. Lindstrom violated section
10 32-1401(27)(ee) because he did not furnish the Board with the information it requested.

11 7. Because Dr. Lindstrom has committed unprofessional conduct, the Board
12 has authority to discipline his license, including charging him for the costs of the hearing.
13 ARIZ. REV. STAT. § 32-1451(M).

14 8. Clear and convincing evidence shows that Dr. Lindstrom is not amenable to
15 regulation by the Board, which is seen by his failure to respond to the Board’s repeated
16 requests for information and by his failure to appear at the hearing. Consequently, Dr.
17 Lindstrom’s license should be revoked and he should be charged with the costs of the
18 hearing.

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ORDER

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Based on the foregoing,

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IT IS ORDERED that Respondent Joseph C. Lindstrom, MD’s License No.
23 17253 for the practice of allopathic medicine in the State of Arizona be revoked.

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IT IS FURTHER ORDERED that Dr. Lindstrom must pay to the Board, the
25 costs of the hearing. Dr. Lindstrom shall pay \$1,517.71 by certified funds, within 90
26 days of the effective date of this Order.

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RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board’s Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board’s Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 5th day of August 2022.

THE ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

ORIGINAL of the foregoing filed this 5th day of August, 2022 with:

Arizona Medical Board
1740 W. Adams, Suite 4000
Phoenix, Arizona 85007

1 COPY of the foregoing filed
2 this 5th day of August, 2022 with:

3 Greg Hanchett, Director
4 Office of Administrative Hearings
5 1740 W. Adams
6 Phoenix, AZ 85007

7 Executed copy of the foregoing
8 mailed by U.S. Mail and emailed
9 this 5th day of August, 2022 to:

10 Joseph C. Lindstrom, M.D.
11 Respondent
12 Address of Record

13 Seth T. Hargraves
14 Assistant Attorney General
15 Office of the Attorney General
16 2005 N. Central Avenue – SGD/LES
17 Phoenix, AZ 85004
18 LicensingEnforcement@azag.gov

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By: Michelle Busbus
Arizona Medical Board
Doc #10483254