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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of

**LUCIO ARTEAGA, M.D.**

Holder of License No. 16150  
For the Practice of Allopathic Medicine  
In the State of Arizona.

**Case No. MD-19-1051A**

**INTERIM CONSENT AGREEMENT  
FOR PRACTICE RESTRICTION**

**INTERIM CONSENT AGREEMENT**

Lucio Arteaga, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

**INTERIM FINDINGS OF FACT**

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

2. Respondent is the holder of License No. 16150 for the practice of allopathic medicine in the State of Arizona.

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

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

1           5.     The aforementioned information was presented to the investigative staff, the  
2 medical consultant and the lead Board member. All reviewed the information and concur  
3 that the interim consent agreement to restrict Respondent’s practice is appropriate.

4           6.     The investigation into this matter is pending and will be forwarded to the  
5 Board promptly upon completion for review and action.

6                                           **INTERIM CONCLUSIONS OF LAW**

7           1.     The Board possesses jurisdiction over the subject matter hereof and over  
8 Respondent.

9           2.     Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to  
10 enter into a consent agreement when there is evidence of danger to the public health and  
11 safety.

12          3.     Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an  
13 interim consent agreement when there is evidence that a restriction is needed to mitigate  
14 imminent danger to the public’s health and safety. Investigative staff, the Board’s medical  
15 consultant and the lead Board member have reviewed the case and concur that an interim  
16 consent agreement is appropriate.

17                                           **INTERIM ORDER**

18               IT IS HEREBY ORDERED THAT:

19          1.     Respondent is prohibited from treating or examining female patients until  
20 Respondent applies to the Executive Director and receives permission to do so in  
21 accordance with this Order.

22          2.     Respondent shall promptly enroll and participate in a Board-staff pre-  
23 approved intensive outpatient treatment program (“IOP”) as recommended by the  
24 Evaluator, and comply with all recommendations of the IOP, including any  
25 recommendations for ongoing treatment, monitoring, and therapy. Respondent shall

1 authorize the IOP to communicate directly with Board staff regarding Respondent's  
2 treatment, any post-treatment recommendations, and any concerns regarding  
3 Respondent's safety to practice medicine. Respondent shall provide a copy of this Interim  
4 Practice Restriction to the IOP, as well as any and all reports from the Evaluator. If  
5 requested by the IOP, Respondent shall authorize the IOP to obtain records from and  
6 communicate directly with the Evaluator regarding his evaluation. Respondent shall  
7 authorize the IOP to provide quarterly written reports to the Board as well as a final  
8 discharge report regarding Respondent's treatment and prognosis, and any additional  
9 treatment, continuing medical education or practice recommendations. Respondent is  
10 responsible for the expenses of treatment and for any and all reports from the IOP to the  
11 Board.

12 3. After completion of the IOP, Respondent shall promptly present to the  
13 Evaluator for a post-treatment re-evaluation and shall comply with any recommendations  
14 for additional treatment and/or monitoring. Respondent is responsible for the expenses of  
15 the evaluation and any recommended treatment.

16 4. Respondent may request, in writing, release and/or modification of this  
17 Interim Consent Agreement. Respondent's request must be accompanied by information  
18 demonstrating that Respondent is safe to practice medicine, including proof of successful  
19 completion of the IOP as well as the post-treatment re-evaluation with the Evaluator. The  
20 Executive Director, in consultation with and agreement of the lead Board member and the  
21 Chief Medical Consultant, has the discretion to determine whether it is appropriate to  
22 release Respondent from this Interim Consent Agreement.

23 5. The Board retains jurisdiction and may initiate new action based upon any  
24 violation of this Interim Consent Agreement, including, but not limited to, summarily  
25 suspending Respondent's license.

1           4.     Because this is an Interim Consent Agreement and not a final decision by  
2 the Board regarding the pending investigation, it is subject to further consideration by the  
3 Board. Once the investigation is complete, it will be promptly provided to the Board for its  
4 review and appropriate action.

5           5.     This Interim Consent Agreement shall be effective on the date signed by the  
6 Board's Executive Director.

7  
8                     DATED this 16<sup>th</sup> day of February, 2021.

9                                     ARIZONA MEDICAL BOARD

10                                    By Patricia E. McSorley  
11                                    Patricia E. McSorley  
12                                    Executive Director

13                                    **RECITALS**

14           Respondent understands and agrees that:

15           1.     The Board, through its Executive Director, may adopt this Interim Consent  
16 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-  
17 504.

18           2.     Respondent has read and understands this Interim Consent Agreement as  
19 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement  
20 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement  
21 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and  
22 by doing so agrees to abide by all of its terms and conditions.

23  
24           3.     By entering into this Interim Consent Agreement, Respondent freely and  
25 voluntarily relinquishes all rights to an administrative hearing on the matters set forth

1 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or  
2 any other administrative and/or judicial action, concerning the matters related to the  
3 Interim Consent Agreement.

4 4. Respondent understands that this Interim Consent Agreement does not  
5 constitute a dismissal or resolution of this matter or any matters that may be currently  
6 pending before the Board and does not constitute any waiver, express or implied, of the  
7 Board's statutory authority or jurisdiction regarding this or any other pending or future  
8 investigations, actions, or proceedings. Respondent also understands that acceptance of  
9 this Interim Consent Agreement does not preclude any other agency, subdivision, or  
10 officer of this State from instituting civil or criminal proceedings with respect to the conduct  
11 that is the subject of this Interim Consent Agreement. Respondent further does not  
12 relinquish Respondent's rights to an administrative hearing, rehearing, review,  
13 reconsideration, judicial review or any other administrative and/or judicial action,  
14 concerning the matters related to a final disposition of this matter, unless Respondent  
15 affirmatively does so as part of the final resolution of this matter.  
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17 5. Respondent acknowledges and agrees that upon signing this Interim  
18 Consent Agreement and returning it to the Board's Executive Director, Respondent may  
19 not revoke Respondent's acceptance of this Interim Consent Agreement or make any  
20 modifications to it. Any modification of this original document is ineffective and void unless  
21 mutually approved by the parties in writing.

22 6. Respondent understands that this Interim Consent Agreement shall not  
23 become effective unless and until it is signed by the Board's Executive Director.  
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1           7. Respondent understands and agrees that if the Board's Executive Director  
2 does not adopt this Interim Consent Agreement, Respondent will not assert in any future  
3 proceedings that the Board's consideration of this Interim Consent Agreement constitutes  
4 bias, prejudice, prejudgment, or other similar defense.

5           8. Respondent understands that this Interim Consent Agreement is a public  
6 record that may be publicly disseminated as a formal action of the Board, and that it shall  
7 be reported as required by law to the National Practitioner Data Bank.

8           9. Respondent understands that this Interim Consent Agreement does not  
9 alleviate Respondent's responsibility to comply with the applicable license-renewal  
10 statutes and rules. If this Interim Consent Agreement remains in effect at the time  
11 Respondent's allopathic medical license comes up for renewal, Respondent must renew  
12 the license if Respondent wishes to retain the license. If Respondent elects not to renew  
13 the license as prescribed by statute and rule, Respondent's license will not expire but  
14 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes  
15 final action in this matter. Once the Board takes final action, in order for Respondent to be  
16 licensed in the future, Respondent must submit a new application for licensure and meet  
17 all of the requirements set forth in the statutes and rules at that time.

18           10. Respondent understands that any violation of this Interim Consent  
19 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) ("[v]iolating  
20 a formal order, probation, consent agreement or stipulation issued or entered into by the  
21 board or its executive director under this chapter.").

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23  DATED: 2/12/2021  
24 LUCIO ARTEAGA, M.D.  
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EXECUTED COPY of the foregoing e-mailed  
this 16<sup>th</sup> day of February, 2021 to:

Lucio Arteaga, M.D.  
Address of Record

ORIGINAL of the foregoing filed  
this 16<sup>th</sup> day of February 2021 with:

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

Michelle Buxton  
Board staff