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BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of:

DAVID G. LAWSON, M.D.

Holder of License No. 23145
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-96-0567

(OAH No. 00F-23145-MDX)

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER FOR A DECREE OF
CENSURE AND PROBATION**

On March 21, 2001, a formal hearing was held before the Office of Administrative Hearings in the matter David G. Lawson, M.D. On April 30, 2001, Daniel G. Martin, Administrative Law Judge (ALJ), for the Office of Administrative Hearings, entered his recommended decision in the above matter. On June 22, 2001, the Arizona State Board of Medical Examiners (Board) considered the ALJ's recommended decision. The question presented by this case is whether David G. Lawson, M.D. has engaged in unprofessional conduct under A.R.S. § 32-1401(25)(o), and, if so, should disciplinary action to be taken against his medical license pursuant to A.R.S. § 32-1451. Based on the evidence of record, the Board accepts the following Findings of Fact, Conclusions of Law and Order as recommended by the ALJ.

FINDINGS OF FACT

1. Respondent David G. Lawson, M.D. is the holder of License No. 23145 for the practice of allopathic medicine in the State of Arizona.
2. The Arizona State Board of Medical Examiners (the "Board" or "BOMEX") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

Dr. Lawson's Background

1
2 3. Dr. Lawson graduated medical school in 1982. He completed his medical
3 training in 1985 after finishing a one-year internship at Deaconess Hospital in St. Louis
4 and a two-year family practice residency at Southern Illinois University in Belleville, Illinois.

5 4. Dr. Lawson is a family practice physician. He received his family practice
6 board certification in 1985, and was re-certified twice, most recently in 1998.

7 5. After completing his residency, Dr. Lawson worked in private practice in
8 California. In December 1986, Dr. Lawson relocated to Kansas City, Missouri, where he
9 started a family practice program with Kaiser Permanente.

10 6. Dr. Lawson received his license to practice medicine in Missouri on
11 December 19, 1986.

12 7. In May 1995, for reasons that will hereafter be further elaborated upon, Dr.
13 Lawson left Missouri and moved to Arizona. Dr. Lawson received his license to practice
14 medicine in Arizona on May 12, 1995.

15 8. In June 1995, Dr. Lawson joined the medical staff at Desert Diagnostic
16 Center ("Deseret") in Mesa, Arizona. In 1996, Dr. Lawson became a shareholder of
17 Deseret.
18

19 9. Since relocating to Arizona, Dr. Lawson has maintained his practice in the
20 East Valley area of the greater Phoenix Metropolitan area. Dr. Lawson's current practice
21 focuses primarily on geriatrics (diseases of the aged), which constitutes approximately
22 95% of his work.
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1 **The Events Leading Up To The Board's Complaint Against Dr. Lawson**

2 10. Between February or March 1994 and July 1994, while practicing medicine
3 in Missouri, Dr. Lawson engaged in sexual relationships with two female patients. The
4 weight of the credible evidence demonstrated the nature and extent of these sexual
5 relationships to be that both patients performed oral sex on Dr. Lawson two or three times
6 during the stated period.

7 11. The evidence of record does not permit reconstruction of the precise
8 sequence of events that followed the termination of Dr. Lawson's relationships with his
9 patients. However, the record supports the following:

- 10 a. One or both of the patients with whom Dr. Lawson had engaged in
11 sexual relations filed a complaint against Dr. Lawson alleging sexual
12 improprieties.
13 b. On or about December 7, 1994, Dr. Lawson's employer submitted a
14 report to the National Practitioner Data Bank indicating that Dr.
15 Lawson had resigned while under investigation for two incidents of
16 sexual misconduct.
17 c. The Missouri State Board of Registration for the Healing Arts (the
18 "Missouri Board") initiated an investigation of Dr. Lawson, and
19 subsequently filed a formal complaint against his license.

20 12. On October 5, 1999, Dr. Lawson entered into a "Joint Stipulation of Facts,
21 Conclusions of Law and Waiver of Hearing Before the Administrative Hearing
22 Commission" (the "Joint Stipulation") with the Missouri Board.

23 13. Pursuant to the Joint Stipulation, Dr. Lawson acknowledged receipt of the
24 Missouri Board's complaint, agreed that he had engaged in inappropriate and
25 unprofessional sexual relationships with two patients, agreed that his conduct with the two
patients constituted misconduct in the practice of medicine, and agreed that cause existed
for the Missouri Board to take disciplinary action against his medical license.

1 14. On April 27, 2000, the Missouri Board conducted a hearing to determine the
2 appropriate disciplinary action to be taken against Dr. Lawson's medical license. Dr.
3 Lawson attended that hearing and was represented by counsel.

4 15. By Disciplinary Order dated May 4, 2000, the Missouri Board revoked Dr.
5 Lawson's medical license and ordered that Dr. Lawson not apply for reinstatement for a
6 period of seven years.

7 16. The Missouri Board's Disciplinary Order does not explain the Missouri
8 Board's rationale for revoking Dr. Lawson's medical license, and the Administrative Law
9 Judge does not speculate herein on the Missouri Board's reasoning. The Administrative
10 Law Judge notes that the Missouri Board did not conduct an evidentiary hearing (Dr.
11 Lawson waived this right) prior to reaching its decision.

12 17. On June 21, 2000, Dr. Lawson participated in a formal interview before
13 BOMEX. The purpose of the formal interview was to determine what disciplinary action
14 the Board should take against Dr. Lawson's Arizona license in light of the revocation of Dr.
15 Lawson's Missouri license.

16 18. At the conclusion of the formal interview, the Board voted to impose
17 disciplinary action against Dr. Lawson's license consisting of (i) a Decree of Censure, and
18 (ii) five years probation, during which time Dr. Lawson would undergo psychotherapy with
19 a Board-approved therapist with quarterly reports being brought to the Board.

20 19. By correspondence dated August 21, 2000, submitted before the Board
21 finalized its decision regarding Dr. Lawson, the Attorney General for the State of Arizona,
22 Janet Napolitano, urged the Board to refer Dr. Lawson's case for formal hearing so as to
23 allow the State to appear and argue for sanctions more severe than those imposed by the
24 Board.

25 20. On October 25, 2000, the Board met to discuss and vote on, among other
things, its previously adopted decision regarding discipline against Dr. Lawson's license.

1 In light of the Attorney General's August 21, 2000 letter, the Board voted to rescind its
2 previous vote and refer Dr. Lawson's case for formal hearing. Thereafter, on December 4,
3 2000, the Board issued the Complaint and Notice of Hearing that gave rise to the instant
4 matter. In that Complaint, the Board charged Dr. Lawson with having engaged in
5 unprofessional conduct as defined in A.R.S. § 32-1401(25)(o) (disciplinary action by
6 another jurisdiction against the physician's license).

7 21. At hearing, counsel for the Board asserted that the Board was seeking
8 revocation of Dr. Lawson's license.

9 ***Evidence Relevant To The Determination Of The Appropriate Disciplinary***

10 **Penalty To Be Imposed Against Dr. Lawson's Medical License**

11 22. In support of its Complaint, the Board pointed first to Dr. Lawson's admitted
12 acts of inappropriate and unprofessional sexual intimacies with two patients. Dr. Michael
13 E. Brennan, M.D., a psychiatrist who has served as a consultant to the Board in various
14 capacities since 1987, testified that given the position of trust that a physician occupies
15 with respect to his or her patients, a physician who engages in a sexual relationship with a
16 patient commits "one of the gravest transgressions of the patient/physician relationship."

17 23. Dr. Lawson acknowledged that a sexual boundary violation is an egregious
18 violation of the patient/physician relationship.

19 24. In further support of its Complaint, the Board offered evidence as to the
20 "devastating consequences" that the patients in issue suffered as a result of Dr. Lawson's
21 conduct. The Board's evidence in this regard consisted of two reports prepared in 1997 by
22 Harold J. Bursztajn, M.D., an associate clinical professor in the Harvard Medical School
23 Department of Psychiatry.

24 25. The Administrative Law Judge reviewed the Board's evidence as to the
25 alleged "devastating consequences" suffered by the patients in issue, and found that

1 evidence to be neither substantial nor probative. First, Dr. Bursztajn did not testify at the
2 hearing. Therefore, his opinions were not subject to examination by Dr. Lawson. Second,
3 Dr. Bursztajn's reports were substantially redacted, thereby depriving the Administrative
4 Law Judge of any reasonable means to fully assess the basis for Dr. Bursztajn's
5 conclusions. Third, Dr. Bursztajn's opinions were, by his own admission, "preliminary,
6 pending review and analysis of such additional discovery materials as are made available
7 to me." Fourth, Dr. Bursztajn conducted only one evaluation of each of the patients (and
8 both of those on the same day) prior to rendering his reports, thereby casting doubt on the
9 reasonableness of his conclusions notwithstanding his excellent credentials

10 26. One additional matter that arose during the presentation of the Board's case
11 concerned Dr. Lawson's conduct during an August 21, 1996 investigative interview. The
12 Board, through Dr. Brennan, had conducted that interview after learning that the Missouri
13 Board was conducting an investigation into Dr. Lawson's relationships with his patients.

14 27. The evidence demonstrated that during the course of the interview, Dr.
15 Lawson was not forthcoming about the details of his relationships. To some degree (and
16 with the benefit of hindsight), the Administrative Law Judge finds that Dr. Brennan failed to
17 ask sufficiently pointed questions to clarify what were patently evasive answers by Dr.
18 Lawson. However, the interview transcript reveals that Dr. Lawson affirmatively failed to
19 disclose many details regarding the nature of the charges against him.

20 28. Following the conclusion of the investigative interview, Dr. Brennan
21 recommended that the Board await further information from the Missouri Board before
22 taking further action.

23 29. The Board did not charge Dr. Lawson with unprofessional conduct arising
24 from the answers that he gave during the investigative interview, and therefore the
25 Administrative Law Judge did not consider the above evidence insofar as it might

1 independently support imposition of discipline against Dr. Lawson's license (on this point
2 the Administrative Law Judge makes no conclusions, and none should be implied).
3 However, the Administrative Law Judge considered this evidence as an aggravating
4 circumstance when determining recommended discipline under the Board's charge of
5 unprofessional conduct as set forth in the Board's Complaint.

6 30. Dr. Lawson testified at the hearing in his own behalf, during which he
7 admitted to the conduct that gave rise to the Missouri complaint and subsequently the
8 instant complaint. The Administrative Law Judge found Dr. Lawson to be genuinely
9 sincere and forthcoming in his acknowledgment of, and expressions of remorse for, his
10 past conduct.

11 31. With the exception of the 1994 misconduct that is the subject of this matter,
12 Dr. Lawson's 16-year medical career appears to be free of any serious incident. The
13 evidence was undisputed that since he moved to Arizona and became licensed to practice
14 medicine (a period of approximately 5¼ years), Dr. Lawson has not been the subject of
15 any complaint (other than the instant complaint) regarding his professional skill or
16 judgment.

17 32. At hearing, Dr. Lawson attributed his misconduct to a number of factors, the
18 sum of which can be stated as follows: During the period of time in question, Dr. Lawson's
19 marriage was deteriorating. Dr. Lawson felt that his wife imposed undue financial
20 expectations upon him, and that his efforts to meet those expectations in the form of
21 working harder and harder were never properly acknowledged. Rather than express his
22 frustration, Dr. Lawson internalized it, thereby contributing to the downward spiral in his
23 marriage and ultimately to his inappropriate relationships with his patients.

24 33. In August 1999, Dr. Lawson sought psychological help in understanding the
25 reasons for his actions, and ultimately was referred to Micki Kloss, Ph.D. Dr. Lawson

1 testified that he delayed seeking such treatment because prior to this time, there were two
2 lawsuits pending against him arising out of his wrongful acts, and he felt that any effort to
3 seek therapy would constitute an admission of liability. Dr. Lawson's malpractice
4 insurance coverage did not extend to acts found to be sexual in nature; therefore, Dr.
5 Lawson was concerned that not only would he lose the lawsuits, he also would be forced
6 to personally pay the judgments and defense costs.

7
8 34. Dr. Kloss, the therapist to whom Dr. Lawson was referred, is certified in
9 Arizona as a marriage and family therapist. Dr. Kloss is not licensed in Arizona as a
10 psychologist.

11 35. As of the hearing date in this matter, Dr. Lawson had undergone
12 approximately 27 one-hour sessions with Dr. Kloss. Dr. Lawson sees Dr. Kloss
13 approximately once every two weeks.

14 36. Dr. Kloss testified at hearing that based on her evaluation of Dr. Lawson, she
15 concluded that Dr. Lawson's misconduct in 1994 was an aberrant and isolated behavior
16 that arose from what Dr. Kloss described as a "major depressive episode." Dr. Kloss
17 stated that Dr. Lawson is neither a sex addict nor a sexual predator, and that in her
18 opinion Dr. Lawson is safe to continue in the practice of medicine.

19 37. The Administrative Law Judge does not accept Dr. Kloss's "major depressive
20 episode" diagnosis because Dr. Kloss could not provide any credible testimony in support
21 of that diagnosis (for example, by correlating written findings with the Diagnostic and
22 Statistical Manual of Mental Disorders (DSM) description of major depressive episode).
23 The evidence does, however, generally support Dr. Kloss's conclusion that the events in
24 1994 were isolated incidents, regardless of the actual causal force(s).

25 38. The Administrative Law Judge gives measured evidentiary weight to the
remainder of Dr. Kloss's opinions. On the whole, Dr. Kloss was not a particularly strong

1 witness for Dr. Lawson. However, her experience was substantial, and her opinions were
2 generally consistent with the evidence. Further, the Board did not offer any substantial
3 evidence to rebut those opinions.

4 39. Based on the foregoing, the Administrative Law Judge finds that Dr.
5 Lawson's actions in 1994 were isolated incidents of uncharacteristic behavior related to
6 Dr. Lawson's marital difficulties. There is no evidence in the record to suggest that Dr.
7 Lawson is likely to repeat such behavior in the future.

8 40. Four of Dr. Lawson's current patients testified at the hearing.

9 41. Mr. Jim Crupi has been a patient of Dr. Lawson's for approximately two
10 years. Mr. Crupi first began seeing Dr. Lawson about five years ago, and then had to
11 change physicians when his employer selected a different health plan for which Dr.
12 Lawson was not a contracted provider. When Mr. Crupi retired and changed health plans
13 again, and discovered that Dr. Lawson was one of the plan's providers, he "immediately
14 went back."

15 42. Mr. Crupi described Dr. Lawson as "brilliant," and stated that in his personal
16 opinion, "it would be criminal to take someone with [the] talent of Dr. Lawson out of the
17 community."

18 43. Mr. Robert Henderson has been a patient of Dr. Lawson's for approximately
19 4½-5 years. Mr. Henderson's wife is also one of Dr. Lawson's patients. Mr. Henderson
20 described Dr. Lawson as "excellent" and as an asset to the community.

21 44. Reverend Roger Hedstrom, a Lutheran minister, has been a patient of Dr.
22 Lawson's for approximately 3 years. Reverend Hedstrom is not Dr. Lawson's minister,
23 and does not know Dr. Lawson other than as a patient. Reverend Hedstrom described Dr.
24 Lawson as "attentive" to his health concerns and able to make proper specialist referrals.
25

1 45. Ms. Daryl Zavacky has been a patient of Dr. Lawson's for approximately 5
2 years. Ms. Zavacky described Dr. Lawson as a caring physician who treats "the whole
3 person" and not just individual symptoms. Ms. Zavacky testified that in her opinion, both
4 as a patient and as a member of the community at large, it "definitely" would be a
5 detriment to the community if Dr. Lawson was not allowed to practice medicine anymore.

6 46. Neither Mr. Crupi, Mr. Henderson, Reverend Hedstrom nor Ms. Zavacky had
7 any detailed information regarding Dr. Lawson's 1994 conduct in Missouri. None had read
8 the Missouri Complaint or any of the accompanying documentation (such as, e.g., the
9 Joint Stipulation). Each of these individuals had only a general knowledge of the
10 allegations against Dr. Lawson based on what they had read in the media. However, each
11 of these individuals also stated that based on what they knew about Dr. Lawson, and the
12 relationships that they had formed with him, the general knowledge that they had obtained
13 regarding Dr. Lawson's misconduct did not cause them concern about continuing to see
14 Dr. Lawson.

15 47. Four physicians who work with Dr. Lawson in the East Valley testified at the
16 hearing.

17 48. Troy Brinkerhoff, M.D., is a general surgeon based in Mesa. Dr. Brinkerhoff
18 has been practicing medicine for approximately 20 years.

19 49. Dr. Brinkerhoff has known Dr. Lawson for approximately 5-6 years. During
20 that time, Dr. Lawson has referred patients to Dr. Brinkerhoff.

21 50. Dr. Brinkerhoff testified that all of the patients that have been referred to him
22 from Dr. Lawson have spoken very highly of Dr. Lawson and "have had nothing to say but
23 good things about him in their perception of his care on their behalf."
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1 51. Dr. Brinkerhoff, even after learning the particulars of Dr. Lawson's 1994
2 misconduct, testified that he would still refer patients, including female patients, to Dr.
3 Lawson. Dr. Brinkerhoff believes Dr. Lawson to be an asset to the medical community.

4 52. Kenneth Boren, M.D., is a nephrologist based in Mesa. Dr. Boren has been
5 practicing medicine for approximately 21 years.

6 53. Dr. Boren has known Dr. Lawson for approximately 5 years. During that
7 time, Dr. Lawson has referred patients to Dr. Boren. Dr. Lawson and Dr. Boren also
8 served together on the Lutheran physician hospital organization board.

9 54. Dr. Boren, as a subspecialist, does not ordinarily refer patients. However,
10 even with knowledge about the nature of Dr. Lawson's misconduct, Dr. Boren stated that
11 he would have no reservation about referring patients, including female patients, to Dr.
12 Lawson. Dr. Boren opined that Dr. Lawson is a very good physician and an asset to the
13 community.

14 55. Warren Hill, M.D., is an ophthalmologist based in Mesa. Dr. Hill has been
15 practicing medicine for approximately 20 years.

16 56. Dr. Hill has known Dr. Lawson for approximately 5 years. Dr. Hill receives
17 referrals from Dr. Lawson "almost every day." Dr. Hill also serves with Dr. Lawson on the
18 Valley Lutheran Hospital Credentials Committee.

19 57. According to Dr. Hill, Dr. Lawson is held "in universal high regard" by his
20 patients.

21 58. Like Dr. Boren, Dr. Hill does not ordinarily refer patients. However, Dr. Hill
22 stated that if such a situation came up, there is no reason why he would not make such a
23 referral, including that of a female patient, to Dr. Lawson. Dr. Hill testified that Dr. Lawson
24 is well regarded in, and an asset to, the Arizona medical community.
25

1 59. Larry Spratling, M.D., is a pulmonary disease specialist based in the East
2 Valley. Dr. Spratling has been practicing medicine for approximately 20 years.

3 60. Dr. Spratling came to know Dr. Lawson shortly after Dr. Lawson moved to
4 Arizona. Their professional contacts increased approximately 3 years ago when Dr.
5 Spratling's office moved to the building where Dr. Lawson's practice is located. Like Dr.
6 Boren, Dr. Spratling served with Dr. Lawson on the Lutheran physician hospital
7 organization board.

8 61. Dr. Spratling described Dr. Lawson as an "outstanding primary care doctor."
9 Dr. Spratling joined Drs. Brinkerhoff, Boren and Hill in opining that Dr. Lawson is an asset
10 to the East Valley medical community. Also like Drs. Brinkerhoff, Boren and Hill, Dr.
11 Spratling stated that he would have no concern referring a female patient to Dr. Lawson.

12 62. The Administrative Law Judge found all of the foregoing witnesses to be
13 credible in their testimony and sincere in their support of Dr. Lawson.

14 63. The weight of the credible evidence establishes that Dr. Lawson is a
15 substantial asset to the East Valley medical community, particularly to the patients who he
16 serves. This evidence stands in strong mitigation with respect to the penalty to be
17 imposed as a result of the improper 1994 sexual relationships that resulted in Dr.
18 Lawson's license revocation in Missouri.

19 **CONCLUSIONS OF LAW**

20 1. In this proceeding, the Board bears the burden to prove, by a preponderance
21 of the evidence, that Dr. Lawson engaged in unprofessional conduct pursuant to A.R.S. §
22 32-1401(25)(o), and that he is subject to disciplinary action pursuant to A.R.S. § 32-1451.

23 2. A preponderance of the evidence is "such proof as convinces the trier of fact
24 that the contention is more probably true than not." Morris K. Udall, ARIZONA LAW OF
25 EVIDENCE § 5 (1960).

1 3. A.R.S. § 32-1401(25)(o) defines "unprofessional conduct" as including the
2 following:

3 Action taken against a doctor of medicine by another licensing or
4 regulatory jurisdiction due to . . . unprofessional conduct as defined by
5 that jurisdiction and which corresponds directly or indirectly to an act
6 of unprofessional conduct prescribed by this paragraph. The action
7 taken may include refusing, denying, revoking or suspending a license
8 by that jurisdiction or a surrendering of a license to that jurisdiction,
9 otherwise limiting, restricting or monitoring a licensee by that
10 jurisdiction or placing a licensee on probation by that jurisdiction.

11 4. The Missouri Board revoked Dr. Lawson's license for misconduct in the
12 practice of medicine based on his improper sexual relationships with his patients. This
13 conduct corresponds to A.R.S. § 32-1401(25)(z), which defines sexual intimacies with
14 patients as constituting unprofessional conduct in Arizona. Therefore, the Board proved
15 that Dr. Lawson engaged in unprofessional conduct.

16 5. At hearing, Dr. Lawson did not dispute that he engaged in unprofessional
17 conduct; the question instead was the appropriate disciplinary penalty to be imposed as a
18 result of that conduct.

19 6. A.R.S. § 32-1451(K) provides:

20 Any doctor of medicine who after a formal hearing is found by the
21 board to be guilty of unprofessional conduct, to be mentally or
22 physically unable safely to engage in the practice of medicine or to be
23 medically incompetent is subject to censure, probation as provided in
24 this section, suspension of license or revocation of license or any
25 combination of these, including a stay of action, and for a period of
time or permanently and under conditions as the board deems
appropriate for the protection of the public health and safety and just
in the circumstance. . . .

26 7. Dr. Lawson argued that revocation is inappropriate because the Board did
27 not establish that he is unable to safely engage in the practice of medicine. However, the
28 Board has no such duty. A.R.S. § 32-1451(K) speaks in the disjunctive, and thus
29 authorizes revocation as a remedy to (i) the inability to safely engage in the practice of

1 medicine, (ii) medical incompetence, or (iii) unprofessional conduct. The Board
2 established that Dr. Lawson engaged in unprofessional conduct; therefore, revocation is
3 an available remedy.

4 8. Although the Board is authorized to revoke Dr. Lawson's license for his
5 unprofessional conduct, the Administrative Law Judge concludes, under all of the facts
6 and circumstances of this case, that revocation is not the appropriate disciplinary action to
7 be imposed. Dr. Lawson's misconduct was egregious, and not to be condoned under any
8 circumstances. However, several factors mitigate against revocation. First, the events in
9 question took place in 1994, and all of the evidence suggests that they were isolated
10 incidents of aberrant behavior not likely to recur. Second, although the Board urged that
11 Dr. Lawson's conduct was aggravated by the "devastating consequences" alleged to have
12 been suffered by the patients in issue, the Board presented no credible, substantial or
13 probative evidence to support this claim. Third, Dr. Lawson has practiced medicine in
14 Arizona for almost 6 years with no evidence of improprieties or unprofessional conduct. In
15 fact, the evidence demonstrated that Dr. Lawson is a highly capable physician admired by
16 both his patients and his peers. Fourth, the Administrative Law Judge found Dr. Lawson
17 to be truly remorseful for his conduct. Fifth, Dr. Lawson has undergone counseling and
18 continues on a regular basis to receive counseling.

19 9. Although the Administrative Law Judge concludes that revocation is not the
20 appropriate disciplinary action to be imposed in this action, Dr. Lawson's conduct
21 nonetheless warrants significant discipline. At the conclusion of the June 21, 2000 formal
22 interview, the Board voted to impose disciplinary action against Dr. Lawson's license
23 consisting of (i) a Decree of Censure, and (ii) five years probation, during which time Dr.
24 Lawson would undergo psychotherapy with a Board-approved therapist with quarterly
25 reports being brought to the Board. [See Finding of Fact No. 18, above]

1 10. In administrative matters, agency expertise is entitled to deference. The
2 Board, upon consideration of this case in June 2000, concluded that censure and
3 probation were appropriate disciplinary remedies. The Administrative Law Judge finds no
4 compelling reason to deviate from the Board's determination. Therefore, the
5 Administrative Law Judge concludes that the Board should impose discipline against Dr.
6 Lawson's license consisting of censure and probation as set forth in the Recommended
7 Order, below.

8 **ORDER**

9 1. Decree of Censure is hereby entered against David G. Lawson, M.D.'s
10 license for the practice of allopathic medicine in the State of Arizona (No. 23145) for
11 unprofessional conduct in violation of A.R.S. § 32-1401(25)(o).

12 2. Dr. Lawson is hereby placed on probation for a period of five years
13 commencing on the effective date of this Order. The terms of Dr. Lawson's probation
14 include the following:

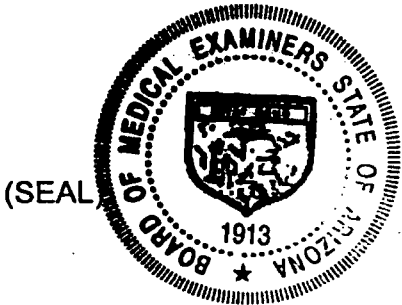
- 15 a. Dr. Lawson shall undergo psychotherapy at his sole expense with a
16 therapist approved by the Board, and such therapist shall submit
17 quarterly reports to the Board documenting Dr. Lawson's progress.
18 Dr. Lawson shall execute such releases as are necessary to allow the
19 Board access to his treatment records. Dr. Lawson's psychotherapy
20 shall continue at a frequency of not less than two sessions per month
21 until terminated or otherwise modified by the Board;
- 22 b. Dr. Lawson shall fully cooperate with any further investigation
23 conducted by the Board, whether arising out of the Complaint in
24 Docket No. 00F-23145-MDX or any other matter;
- 25

1 c. Upon request by the Board, Dr. Lawson shall submit to any
2 combination of mental, physical, or oral or written competency
3 examinations as required by the Board, and successfully complete
4 any rehabilitative retraining or assessment program subsequently
5 ordered by the Board; and

6 d. Upon request by the Board, Dr. Lawson shall meet with the Board and
7 demonstrate to the Board's satisfaction that he is medically competent
8 and medically and physically able to safely engage in the practice of
9 medicine.

10 3. Any violation of the terms and conditions of this Order shall result in
11 summary suspension of Dr. Lawson's license, and any violations proved after hearing may
12 result in the revocation of Dr. Lawson's license.

13 DATED AND EFFECTIVE this 22 day of June, 2001.



18 BOARD OF MEDICAL EXAMINERS
19 OF THE STATE OF ARIZONA

20 By Tom Adams
21 CLAUDIA FOUTZ, Executive Director
22 TOM ADAMS, Deputy Director

23 ORIGINAL of the foregoing filed this
24 22 day of June, 2001 with:

25 The Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 22 day of June, 2001 to:

3 David G. Lawson, M.D.
4 215 South Power Road, Ste. 106
5 Mesa, AZ 85208

6 EXECUTED COPY of the foregoing mailed
7 this 22 day of June, 2001 to:

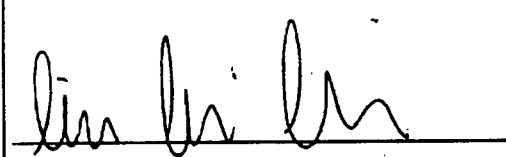
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20 EXECUTED COPY of the foregoing
21 hand-delivered to each of the following
22 this 22 day of June, 2001, to:

23 Christine Cassetta, Assistant Attorney General
24 Sandra Waitt, Management Analyst
25 Lynda Mottram, Compliance Officer
Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258



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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

DAVID G. LAWSON, M.D.

Holder of License No. **23145**
For the Practice of Medicine
In the State of Arizona.

MD-96-0567

(OAH No. 00F-23145MDX)

**AMENDMENT TO JUNE 22,
2001 ORDER FOR DECREE OF
CENSURE AND PROBATION**

On June 22, 2001, after a formal hearing conducted by the Office of Administrative Hearings, the Arizona Medical Board entered an Order for a Decree of Censure and Probation ("Order") against David G. Lawson, M.D., ("Respondent"). The terms and conditions of that Order are incorporated herein by reference. Under the terms of the Order Respondent was required to undergo and remain in psychotherapy until further order of the Board.

At its public meeting on March 12, 2003 the Board was presented with Respondent's request that the Board remove this requirement and with evidence that all of the therapeutic goals the Board set for Respondent had been met and the risk of recidivism was low. After due consideration of the facts and law applicable to this matter, the Board voted to amend Respondent's Order to remove the requirement that Respondent remain in psychotherapy.

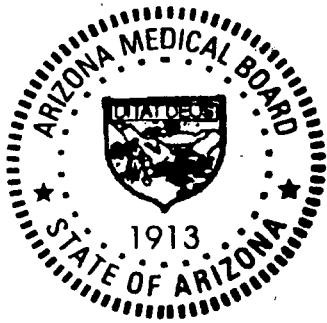
ORDER

IT IS HEREBY ORDERED that:

1. Paragraph 2(a) of Respondent's probation contained in the Order dated June 22, 2001 is deleted and Respondent is no longer required to remain in psychotherapy.

All other terms of the Order remain in full force and effect.

1 DATED this 19th day of March, 2003.



ARIZONA MEDICAL BOARD

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By *Barry A. Cassidy*
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

ORIGINAL of the foregoing filed this
19th day of MARCH, 2003 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Executed copy of the foregoing
mailed by U.S. Certified Mail this
19th day of MARCH, 2003, to:

David G. Lawson, M.D.
215 South Power Road
Suite 106
Mesa, Arizona 85206-5236

Copy of the foregoing hand-delivered this
19th day of MARCH, 2003, to:

Christine Cassetta
Assistant Attorney General
Sandra Waitt, Management Analyst
Compliance
Investigations (Investigation File)
Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Christine Cassetta