

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **STEVEN WAYNE POWELL, M.D**

4 Holder of License No. 60089
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-23-1013A

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

7 Steven Wayne Powell, M.D. ("Respondent"), elects to permanently waive any right
8 to a 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 60089 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-23-1013A after receiving notification
17 that Respondent had surrendered his Louisiana medical license.

18 4. Effective August 28, 2023, Respondent entered into a Stipulation and
19 Agreement for Voluntary Surrender of Medical License with the Louisiana State Board of
20 Medical Examiners in case no 2023-I-390 ("Louisiana Surrender").

21 5. The Louisiana Surrender included as a finding that Respondent had entered
22 a plea of guilty to one count of felony health care fraud in violation of 18 U.S.C. § 1347 in
23 *U.S. v. Powell*, No 1:23-CR-00036 (D.N.H. April 26, 2023).

24 6. Respondent failed to report the charges or plea agreement to the Board as
25 required by statute.

1 7. In lieu of suspension pursuant to A.R.S. § 32-3241(10)(D), Respondent
2 requests surrender of his Arizona license.

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter hereof and over
5 Respondent.

6 2. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws, rules or
8 regulations applicable to the practice of medicine."). Specifically, Respondent's conduct
9 violated A.R.S. § 32-3208(A) ("A health professional who has been charged with a
10 misdemeanor involving conduct that may affect patient safety or a felony after receiving or
11 renewing a license or certificate must notify the health professional's regulatory board in
12 writing within ten working days after the charge is filed.").

13 3. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(p) ("Having action taken against a doctor of
15 medicine by another licensing or regulatory jurisdiction due to that doctor of medicine's
16 mental or physical inability to engage safely in the practice of medicine or the doctor of
17 medicine's medical incompetence or for unprofessional conduct as defined by that
18 jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct
19 prescribed by this paragraph. The action taken may include refusing, denying, revoking or
20 suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction,
21 otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a
22 licensee on probation by that jurisdiction.").

23 4. The Board possesses statutory authority to enter into a consent agreement
24 with a physician and accept the surrender of an active license from a physician who
25 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

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ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender License Number 60089, issued to Steven Wayne Powell, M.D., for the practice of allopathic medicine in the State of Arizona, and return his certificate of licensure to the Board.

DATED and effective this 4th day of January, 2023.

ARIZONA MEDICAL BOARD

By: Patricia E. McSorley
Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

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

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

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

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

5. All admissions made by Respondent in this Order are solely for final disposition of this matter and any subsequent related administrative proceedings or civil

1 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
2 are not intended or made for any other use, such as in the context of another state or
3 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
4 State of Arizona or any other state or federal court.

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

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

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

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

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

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STEVEN WAYNE POWELL, M.D.

Dated: 12-10-2023

EXECUTED COPY of the foregoing mailed by
US Mail this 4th day of ~~February~~ 2023 to:

Steven Wayne Powell, M.D.
Address of Record

January

ORIGINAL of the foregoing filed this
4th day of *January*, 2023 with:

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

Michelle Robles
Board staff