

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of:
WINSTON R. HEWITT, M.D.
Holder of License No. 44341
For the Practice of Allopathic Medicine
In the State of Arizona

Board Case No. MD-21-1151A
OAH Case No. 24A-44341-MDX

ORDER DENYING REQUEST FOR REHEARING OR REVIEW

At its public meeting on June 5, 2024 the Arizona Medical Board ("Board") considered WINSTON R. HEWITT, M.D.'s ("Respondent") Request for Rehearing or Review of the Board's Order dated April 5, 2024 in the above referenced matter. Respondent was present and participated without being represented by counsel. The State was represented by Assistant Attorney General Elizabeth Campbell. The Board had available Assistant Attorney General Ben Norris for independent legal advice. After considering all of the evidence, the Board voted to deny Respondent's Request for Rehearing or Review for the reason that he failed to demonstrate that he was entitled to a rehearing for any of the reasons set forth in A.A.C. R4-16-103(D).

ORDER

IT IS HEREBY ORDERED that:

Respondent's Request for Rehearing or Review is denied. The Board's April 5, 2024 Findings of Fact, Conclusions of Law and Order for Letter of Reprimand in Board Case MD-21-1151A/OAH Case No. 24A-44341-MDX is effective and constitutes the Board's final administrative order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RIGHT TO APPEAL TO SUPERIOR COURT

Respondent is hereby notified that he has exhausted his administrative remedies. Respondent is advised that an appeal to Superior Court in Maricopa County may be taken from this decision pursuant to title 12, chapter 7, and article 6 of the Arizona Revised Statutes.

DATED AND EFFECTIVE this 19th day of June, 2024.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

EXECUTED COPY of the foregoing mailed this 19th day of June, 2024 to:

WINSTON R. HEWITT, M.D.
Address of Record

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

Michelle Roberts
Board Staff

12101467.3

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No.24A-44341-MDX

3 **WINSTON R. HEWITT, M.D.,**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

4 Holder of License No. 44341
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 On April 5, 2024, this matter came before the Arizona Medical Board (“Board”) for
8 consideration of Administrative Law Judge (“ALJ”) Velva Moses-Thompson’s proposed
9 Findings of Fact, Conclusions of Law and Recommended Order with regarding to
10 Winston R. Hewitt, M.D., (“Respondent”). Assistant Attorney General Elizabeth A.
11 Campbell represented the State. Assistant Attorney General Diane DeDea was available
12 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 Arizona Medical Board (“Board”) is the duly constituted authority for the
17 regulation and control of the practice of allopathic medicine in the State of Arizona.

18 2. Respondent is the holder of license number 44341 for the practice of
19 allopathic medicine in the State of Arizona.

20 3. The Board initiated case number MD-21-1151A after receiving notification
21 from the a Mayo Clinic Hospital where Dr. Hewitt held privileges that he had been issued
22 a Final Written Warning by the Hospital following an investigation regarding Dr. Hewitt’s
23 absence during a kidney transplant procedure for which Dr. Hewitt was designated as the
24 attending surgeon.

1 4. On October 2, 2021, Dr. Hewitt was the attending surgeon for a kidney
2 transplant performed on Patient FM. Although Dr. Hewitt was aware of the surgery, he
3 was not in attendance during the surgery, which was performed by a fellow.

4 5. On October 2, 2021, Dr. Hewitt was the surgeon who accepted a donor liver
5 and was expected to be the attending surgeon for Patient FT's transplant procedure. Dr.
6 Hewitt did not respond to repeated attempts to contact him by hospital personnel for a
7 period of approximately 2 hours. Dr. Hewitt's lack of response resulted in another
8 physician initiating the procedure. Dr. Hewitt arrived approximately 45 minutes after the
9 procedure was started.

10 6. As the attending surgeon, the standard of care required that Dr. Hewitt be
11 physically present during critical or key portions of Patient FM's kidney transplant surgery.
12 Dr. Hewitt deviated from the standard of care because he was not present during the
13 transplant surgery. There was the potential for patient harm in that fellows are learners
14 and need supervision, including guidance and instruction, in the event that unexpected
15 issues arise during the transplant.

16 7. It is standard of care for the attending surgeon who accepted the organ to
17 be present and available for the transplant, especially when Dr. Hewitt had committed to
18 being the attending surgeon for FT's liver transplant. Dr. Hewitt deviated from the
19 standard of care because hospital personnel were unable to reach him in the hours
20 leading up to FT's transplant surgery, which started without Dr. Hewitt.

21 8. There was the potential for harm because Dr. Hewitt's lack of
22 communication and responsiveness created the potential for delay in transplanting the
23 organ, a potential delay for the patient/family, and the multiple attempts to reach Dr.
24 Hewitt by multiple members of hospital staff diverted staff attention from core tasks, which
25 could have negatively impacted patient care.

1 ORIGINAL of the foregoing filed this
2 5th day of April, 2024 with:

3 Arizona Medical Board
4 1740 W. Adams, Suite 4000
5 Phoenix, Arizona 85007

6 COPY of the foregoing filed
7 this 5th day of April 2024 with:

8 Greg Hanchett, Director
9 Office of Administrative Hearings
10 1740 W. Adams
11 Phoenix, AZ 85007

12 Executed copy of the foregoing
13 mailed by U.S. Mail and emailed
14 this 5th day of April 2024 to:

15 Winston R. Hewitt, M.D.
16 Address of Record

17 Elizabeth A. Campbell
18 Assistant Attorney General
19 Office of the Attorney General
20 SGD/LES
21 2005 N. Central Avenue
22 Phoenix, AZ 85004

23 By: Michelle Robles
24 Arizona Medical Board

25 # 12004028