

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. 25A-21329-MDX

3 **Linda L. Austin, M.D.**

4 **FINDINGS OF FACT,**
5 **CONCLUSIONS OF LAW AND**
6 **ORDER**
7 **(License Revocation)**

8 Holder of License No. 21329
9 For the Practice of Allopathic Medicine
10 In the State of Arizona.

11 Respondent.

12 On March 5, 2025, this matter came before the Arizona Medical Board (“Board”) for consideration of the Administrative Law Judge’s (“ALJ”) proposed Findings of Fact, Conclusions of Law and Recommended Order with regarding to Linda Austin, M.D., (“Respondent”).

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

14 **FINDINGS OF FACT**

15 1. The Arizona Medical Board (Board) has the authority to regulate and control the practice of Medicine in the State of Arizona, pursuant to Arizona Revised Statutes (A.R.S.) §§ 32-1401, et seq.

16 2. Dr. Austin held Board issued license number 21329 for the practice of allopathic medicine in the State of Arizona.¹ Dr. Austin’s license was due to expire on July 28, 2023.²

17 3. On or about September 21, 2021, Dr. Austin informed Patient ED that she would be retiring.³ In or around June 2022, Dr. Austin’s assistant notified Patient ED that her medical records were ready for pickup and informed Patient ED that she must pick up

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26 ¹ See Not. Of Hr’g Pkt. At 1.

27 ² See id.

³ See Board Exh. 8.

1 her records by June 23, 2022.⁴ Patient ED went to the office on or around June 13, 2022,
2 to retrieve her records, but the office was closed.⁵ Patient ED contacted Dr. Austin and
3 her assistant about retrieving the records, but she was never provided the records.⁶

4 4. On November 1, 2022, the Arizona Board received a complaint from
5 Patient ED, reporting that Dr. Austin had failed to provide medical records after a request
6 from Patient ED.⁷

7 5. The Board notified Dr. Austin about the complaint, providing her with an
8 opportunity to provide the records to Patient ED.⁸

9 6. On April 10, 2023, Patient ED submitted another complaint because Patient
10 ED had still not received her medical records from Dr. Austin.⁹

11 7. On April 10, 2023, the Board notified Dr. Austin that an initial
12 investigation was opened regarding Dr. Austin's failure to provide Patient ED her
13 medical records.¹⁰

14 8. The Board's investigator, Rachel Shepherd, requested a response from Dr.
15 Austin in emails dated May 12, 2023, and June 15, 2023.¹¹

16 9. On July 6, 2023, Patient ED informed Investigator Shepherd that she had
17 yet to receive medical records from Dr. Austin.¹²

18 10. The Board continued to request a response from Dr. Austin in emails dated
19 December 7, 2023, and March 6, 2024.¹³ Board staff also called Dr. Austin on September
20 6, 2023, and on December 7, 2023.¹⁴

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22 ⁴ *See id.*

23 ⁵ *See id.*

24 ⁶ *See id.*

25 ⁷ *See* Board Exh. 1.

26 ⁸ *See id.*

27 ⁹ *See* Board Exh. 2.

¹⁰ *See* Board Exh. 3

¹¹ *See* Board Exh. 4; *see also* Board Exh. 6.

¹² *See* Board Exh. 5.

¹³ *See* Board Exh. 4; *see also* Board Exh. 6.

1 11. The March 6, 2024, communication was also sent to Dr. Austin by certified
2 mail, and she signed for the letter.¹⁵

3 12. The Board sent Dr. Austin a final email on April 22, 2024.¹⁶

4 13. The Board issued a Complaint and Notice of Hearing for the above entitled
5 matter and hearing on November 15, 2024, setting a hearing for January 3, 2025, at 1:00
6 PM. The Complaint stated that the above-described conduct violated A.R.S. §§ 12-
7 2293(A), 32-3211(A)(1), 32-1401(27)(e), 32-1401(27)(r), and 32-1401(27)(ee).

8 14. In a letter dated December 12, 2024, Dr. Austin explained her side of the
9 story.¹⁷ She stated that Patient ED requested a digital copy of her records, which were
10 sent to her.¹⁸ Patient ED was unable to open her charts electronically because the file was
11 so large, and she requested a physical copy.¹⁹ Dr. Austin’s assistant promised Patient ED
12 a paper copy of her records.²⁰ Dr. Austin was surprised that the office door was locked
13 when Patient ED arrived at the office because Dr. Austin was there almost every day.²¹
14 Dr. Austin posited that the records should still have been available electronically, but the
15 physical copies would have been shredded.²²

16 15. Dr. Austin explained that she has had serious medical issues, and she did
17 not intend to continue working and allowed her license to expire in 2023.²³ Dr. Austin
18 stated that she did not intend to participate in any meetings or the investigation: “It is
19 what it is.”²⁴

21 ¹⁴ See Board Exh. 8.

22 ¹⁵ See Board Exh. 7.

23 ¹⁶ See Board Exh. 9.

24 ¹⁷ See Board Exh. 10.

25 ¹⁸ See *id.*

26 ¹⁹ See *id.*

27 ²⁰ See *id.*

²¹ See *id.*

²² See *id.*

²³ See *id.*

²⁴ See *id.*

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2 5. Failing or refusing to maintain adequate records on a patient is a violation
3 of A.R.S. § 32-1401(27)(e).

4 6. Committing any conduct or practice that is or might be harmful or
5 dangerous to the health of the patient or the public is a violation of A.R.S. § 32-
6 1401(27)(r).

7 7. Failing to furnish information in a timely manner to the board or the
8 board's investigators or representatives if legally requested by the board is a violation of
9 A.R.S. § 32-1401(27)(ee).

10 8. The letter provided by Dr. Austin was not sworn testimony, and it carries
11 little evidentiary value. Neither did Patient ED provide sworn testimony regarding
12 whether Dr. Austin provided a digital copy that she was unable to open. While it is
13 plausible that Patient ED had a digital copy of her medical records, Patient ED's
14 communications with the Board and the circumstances do establish a high likelihood that
15 Dr. Austin failed to provide a copy of Patient ED's medical records when compared the
16 Dr. Austin's alternative narrative, provided several years later.

17 9. The Arizona Board established each alleged violation by clear and
18 convincing evidence.

19 10. Dr. Austin has unquestionably demonstrated that she no longer
20 acknowledges or cares about the regulation of the Arizona Medical Board. Consequently,
21 Dr. Austin's license should be revoked.

22 **ORDER**

23 **IT IS ORDERED** that License No. 62055 of Linda Austin, M.D., is revoked.

24 **IT IS FURTHER ORDERED** that, pursuant to A.R.S. § 32-1451(M), Linda
25 Austin, M.D., be charged \$600.80 for the cost of the formal hearing. Dr. Austin shall
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1 pay the Board \$600.80 by certified funds within 90 days of the effective date of this
2 Order.

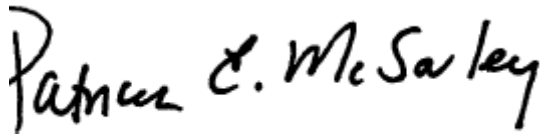
3 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

14 **DATED** this 18th day of March 2025.

15 THE ARIZONA MEDICAL BOARD

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20 By _____
21 Patricia E. McSorley
22 Executive Director
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ORIGINAL of the foregoing filed this
18th day of March, 2025 with:

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

COPY of the foregoing filed
this 18th day of March, 2025 with:

Tammy Eigenheer, Interim Director
Office of Administrative Hearings
1740 W. Adams
Phoenix, AZ 85007

Executed copy of the foregoing
mailed by U.S. Mail and emailed
this 18th day of March, 2025 to:

Linda Austin, MD
Address of Record

Elizabeth A. Campbell
Assistant Attorney General
Elizabeth.Campbell@azag.gov



By: _____
Arizona Medical Board