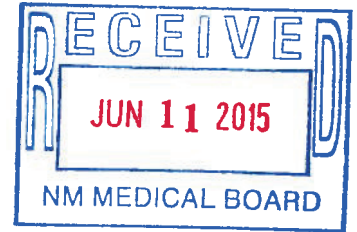




*New Mexico Medical Board*  
2055 S. Pacheco Street  
Building 400  
Santa Fe, NM 87505  
505-476-7220 505-476-7233 fax



*Susana Martinez*  
Governor

*Steven M. Jenkusky, M.D.*  
Chair

May 15, 2015

Alan Arrington, M.D.  
P.O. Box 1395  
Ruidoso, N.M. 88355

**Re: NMMB Case Number 2014-052  
License Number MD 2007-0573**

### **LETTER OF REPRIMAND**

Dear Dr. Arrington:

After reaching an agreement, the New Mexico Medical Board ("Board"), on May 15, 2015, determined that you receive a formal reprimand for violations of the Medical Practice Act.

This letter of reprimand is based on your prescribing of controlled substances in contravention of the Medical Practice Act and commonly accepted medical ethics. Based on these facts, the Board found sufficient evidence to charge you with violations of the Medical Practice Act for prescribing without maintaining proper medical records. The Board found further cause to require you to complete an additional five (5) hours of Continuing Medical Education ("CME") specific to the standard of care for the prescribing of controlled substances. These five hours must be prescribed by the Board in advance to insure approval, and shall be in addition to the triennial CME requirement for all physicians.

By accepting this formal reprimand, you are agreeing to voluntarily waive your right to a formal hearing on the allegations contained in the Board's Notice of Contemplated Action, issued January 29, 2015, pursuant to the Uniform Licensing Act, NMSA 1978 Sections 61-1-3, 61-1-4, and 61-1-8. If you do not proceed with this reprimand the Board will proceed with a hearing.

You should note that this action is considered a disciplinary action by the Board. As such, it must be reported to the national data banks and is a matter of public record.

If you have any questions, please do not hesitate to call Patrick McNertney, Interim Administrative Prosecutor at 505-222-7223.

Sincerely,

*Patrick McNertney*

Patrick McNertney, Interim Administrative Prosecutor

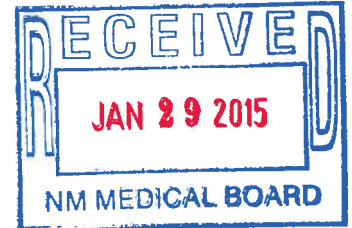
ACCEPTANCE OF FORMAL REPRIMAND AND  
WAIVER OF RIGHTS TO NOTICE AND HEARING

I HEREBY ACCEPT THE FORMAL REPRIMAND AND KNOWINGLY, VOLUNTARILY,  
AND INTELGENTLY WAIVE MY RIGHTS TO A HEARING BEFORE THE NEW MEXICO  
MEDICAL BOARD.

Signed: *[Signature]* MD

DATE: 5/29/15

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF )
ALAN ARRINGTON, M.D. )
License No. 2007-0573 )
Respondent. )

No. 2014-052

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of Section 61-1-4 NMSA 1978 of the Uniform Licensing Act ("ULA"), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. You are subject to action by the Board pursuant to Sections 61-1-1 et seq. NMSA 1978 of the Uniform Licensing Act and Sections 61-6-1 et seq., NMSA 1978 of the Medical Practice Act.

2. This contemplated action is based on the following allegations:

A. Beginning as early as 2011, you have been self-prescribing various dangerous drugs, including controlled substances.

B. Your self-prescribing includes the dishonest and fraudulent writing of a prescription for your own use by using a then-current or former patient's identity and information.

C. You have had a sexual relationship with the patient described in B, above.

D. You have failed to maintain timely, accurate and complete medical records on the patient described in B, above.

3. The above allegations in 2A-2D, if proven, would violate the following provisions of

the Act:

- a. Section 61-6-15(D)(26), injudicious prescribing, administering or dispensing of a drug or medicine;
- b. Section 61-6-15(D)(33), failure to maintain or keep adequate, legible, accurate or complete medical records;
- c. Section 61-6-15(D)(15), use of a false, fraudulent, or deceptive statement in a document connected with the practice of medicine;
- d. Section 61-6-15(D) (28), sexual contact with a patient;
- e. Section 61-6-15(D) (29), conduct unbecoming in a person licensed to practice medicine or detrimental to the best interests of the public; and
- f. Section 61-6-15(D), unprofessional or dishonorable conduct, as further defined by Board Rule at Subsections C and H of 16.10.8.8 NMAC, violating a drug law, and dishonesty.

4. Please take notice that pursuant to Section 61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, including retroactive revocation or suspension, and there will be no judicial review of their decision.

5. Pursuant to Section 61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of

right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

6. The issuance of this Notice of Contemplated Action is not a disciplinary event reportable to any data bank but is a public document open to public inspection.

7. In the event that the Board takes a final action against you as specified in Section 61-1-3 of the ULA, you shall bear all costs of disciplinary proceedings pursuant to Section 61-1-4(G) of the ULA unless excused by the Board.

Dated this 29 day of January, 2015.

NEW MEXICO MEDICAL BOARD



Debbie Dieterich, Acting Director  
NM Medical Board  
2055 S. Pacheco, #400  
Santa Fe, New Mexico 87505  
(505) 476-7220