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**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:) **Case No.: DO-15-0066A**
)
RODNEY FAUCETT, D.O.,)
Holder of License No. 005497) **CONSENT AGREEMENT FOR**
) **SURRENDER OF LICENSE**
For the practice of osteopathic medicine in the)
State of Arizona)

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Rodney Faucett, D.O. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

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

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. Respondent admits to the statement of facts and conclusions of law contained in the Consent Agreement and Order.

5. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

1 6. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver, express or
3 implied, of the Board's statutory authority or jurisdiction. The acceptance of this Consent
4 Agreement does not preclude any other agency, subdivision or officer of this State from
5 instituting other civil or criminal proceedings with respect to the conduct that is the subject of
6 this Consent Agreement.

7 7. All admissions made by Respondent are solely for final disposition of this matter
8 and any subsequent administrative proceedings or litigation involving the Board, Respondent and
9 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any
10 other purpose or administrative regulatory proceeding or litigation in another state or federal
11 court.

12 8. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the Consent
14 Agreement. Respondent may not make any modifications to the document. Any modifications to
15 this original document are ineffective and void unless mutually approved by the parties.

16 9. If the Board does not adopt this Consent Agreement, Respondent will not assert as
17 a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice,
18 prejudgment or other similar defense.

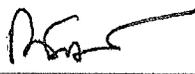
19 10. This Consent Agreement, once approved and signed, is a public record that will
20 be publicly disseminated as a formal action of the Board and will be reported to the National
21 Practitioner Data Bank and to the Board's website.

22 11. If any part of the Consent Agreement is later declared void or otherwise
23 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and
24 effect.

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REVIEWED AND ACCEPTED THIS th 14 DAY OF April, 2016.


Rodney Faucett, D.O.

JURISDICTIONAL STATEMENTS

- 1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq., to regulate the licensing and practice of osteopathic medicine in the State of Arizona.
- 2. Respondent holds license No. 005497 issued by the Board to practice as an osteopathic physician.

FINDINGS OF FACT

- 1. On or about July 25, 2004, Respondent was charged with a DUI and DUI with a blood alcohol level over .20%. In October 2004, he pled no contest to count one and the second count was dismissed. He was placed on probation for three years, had to serve two days in jail, and pay \$1595.00. His driving was restricted for 90 days and he was to abstain from alcohol along with other general terms of a DUI resolution.
- 2. When Respondent applied for licensure in Arizona in 2010, he did not disclose the prior arrest or charges.
- 3. On June 17, 2014, Respondent was arrested for DUI. His blood alcohol results showed levels of .310% and .292%. A reading two hours later yielded a result of .33%. In November 2014, Respondent was sentenced to four years of probation, including 30 days in jail. He was required to attend 18 months of a driving driver's program and have an ignition interlock device. Respondent failed to report the charges to the Board within the statutory timeframe.
- 4. On or about January 15, 2015, Respondent submitted a urine sample to the California Osteopathic Board. The test results show a positive result for ethanol at .15%, ethylglucuronide and ethyl sulfate, each at >50000 ng/ml. On May 13, 2105, Respondent

1 provided another urine sample and it tested positive for ethanol at .07% and ethyl sulfate at
2 >100000 ng/ml.

3
4 5. Respondent understands that the voluntary surrender of his license constitutes the
5 revocation of the same and will be reported to the National Practitioner's Databank.

6 CONCLUSIONS OF LAW

7 1. The conduct and circumstances described above constitutes unprofessional
8 conduct pursuant to A.R.S. § 32-1854(38), which states, "Any conduct or practice that endangers
9 a patient's or the public's health or may reasonably be expected to do so."

10 3. The conduct and circumstances described above constitutes unprofessional
11 conduct pursuant to A.R.S. § 32-32-3208 (B), which states, "A health professional who has been
12 charged with a misdemeanor involving conduct that may affect patient safety or a felony after
13 receiving or renewing a license or certificate must notify the health professional's regulatory
14 board in writing within ten working days after the charge is filed."

15 ORDER

16
17 1. **IT IS HEREBY ORDERED THAT** License Number 005497, previously issued
18 to Rodney Faucett, D.O., for the practice of osteopathic medicine in the State of Arizona, is
19 **SURRENDERED**, and that Rodney Faucett, D.O. shall no longer engage in the practice of
20 medicine in the State of Arizona after the effective date of this Order.

21 2. Any violation of this Consent Agreement constitutes unprofessional conduct and
22 may result in disciplinary action and or referral to the appropriate law enforcement agency.

23 3. Respondent agrees he shall not apply for an osteopathic medical license in the
24 State of Arizona for a period of at least five (5) years from the effective date of this Consent
25 Agreement. The effective date of this Consent Agreement is the date it is signed by the Board's
Executive Director.

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ISSUED THIS 10th DAY OF May, 2016.

STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Jenna Jones
Jenna Jones, Executive Director

Original "Consent for Surrender of License" filed this 10th day of May, 2016 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Consent for Surrender of License"
sent via mail this 10th day of May, 2016 to:

Rodney Faucett, DO.
Address of record

Copy of the foregoing "Consent for Surrender of License" sent via electronic
mail this 10th day of May, 2016 to:

Jeanne Galvin, Assistant Attorney General
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

JG