

1 to the hospital for yet another overdose. She returned to Respondent's care and medications
2 were changed.

3 7. Thirty other patient's charts were reviewed by the Medical Consultant and
4 included by reference in the Medical Consultant's Report dated February 7, 2012.
5 Respondent's care fell below the standard of care as noted in the Medical Consultant's reports
6 dated June 29, 2010 and February 7, 2012. Respondent prescribed excessive controlled
7 substances to chronic pain patients. Pharmacy inquiries and drug screens were ignored in
8 patients that were clearly diverting.

9 8. Respondent deviated from the standard of care by failing to do the following:

- 10 • stop prescribing controlled substances for patients that had overdosed;
- 11 • recognize drug seeking behavior in patients;
- 12 • request prior medical records;
- 13 • obtain appropriate laboratory testing;
- 14 • conduct a physical exam in at least one patient;
- 15 • obtain consultations;
- 16 • follow the directions of specialist or recommendations when
17 consultations were obtained.

18 9. Respondent fell below the standard of care by failing to conduct an adequate
19 medical evaluation prior to initiating treatment with testosterone.

20 10. The aforementioned behavior resulted in Respondent practicing medicine in a
21 manner that harmed or had potential to harm patients and fell below the community standard
22 as noted in the Medical Consultant's reports, and further this conduct endangered a patient or
23 the public's health.

24 **CONCLUSIONS OF LAW**

1 **IT IS HEREBY FURTHER ORDERED** that Richard Settles, D.O., holder of osteopathic
2 medical License number 2686 is placed on **PROBATION for a period of Five (5) Years** from the
3 effective date of this Order, with the following terms:

4 1. **Practice Evaluation:** Respondent shall undergo a Board approved practice
5 evaluation to be completed at the cost of Respondent within six (6) months of the effective
6 date of this Order.

7 2. **Practice Monitor:** Respondent shall hire, at his own expense, a Board
8 approved practice monitor to ensure that the physician is meeting all statutory requirements,
9 obtaining adequate medical histories, performing appropriate physical examinations, obtaining
10 appropriate laboratory testing and imaging, instituting the community standard of care and
11 obtaining appropriate consultations. The Respondent shall cause the Practice Monitor to
12 provide quarterly reports to the Board regarding the status of Respondent's practice.

13 3. **Costs:** Respondent shall bear all costs incurred regarding compliance with this
14 Order.

15 4. **Obey All Laws:** Respondent shall obey all federal, state and local laws, and all
16 rules governing the practice of medicine in the State of Arizona.

17 5. **Ceasing Practice in the State of Arizona:** In the event that Respondent
18 ceases to practice medicine in the State of Arizona, by moving out of state, failing to renew his
19 license, or maintaining an Arizona license but ceasing to practice clinical medicine or
20 administrative medicine requiring licensure, Respondent shall notify the Board that he has
21 ceased practicing in Arizona, in writing, within 10 days of ceasing to practice. In its sole
22 discretion, the Board may stay the terms of this Order until such time as the Respondent
23 resumes the practice of medicine in Arizona, or may take other action to resolve the findings of
24 fact and conclusions of law contained in this Consent Agreement and Order for Probation.

25 6. **Failure to Comply / Violation:** Respondent's failure to comply with the
requirements of this Order shall constitute an allegation of unprofessional conduct as defined

1 at A.R.S. § 32-1854(25); proven violations may be grounds for further disciplinary action (e.g.,
2 suspension or revocation of license).



4 ISSUED THIS 11th DAY OF JUNE 2012.
5 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
6 IN MEDICINE AND SURGERY

7 By: Jenna Jones
8 Jenna Jones, Executive Director

9
10 **NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING**

11 Any party may request a rehearing or review of this matter pursuant to A.R.S. § 41-
12 1092.09. The motion for rehearing or review must be filed with the Arizona Board of
13 Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing,
14 that motion must be based on at least one of the eight grounds for review or rehearing that are
15 allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30
16 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is
17 effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or
18 review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
19 Respondent.

20
21 Original "Findings of Fact, Conclusions of Law and Order for Probation"
22 sent by certified mail, return receipt requested this 11th day of June 2012 to:

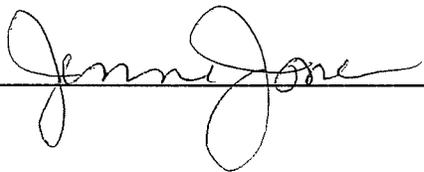
23 Richard Settles, D.O.
24 Address of Record
25

1 Copies of this "Findings of Fact, Conclusions of Law and Order for Probation"
2 Filed/ sent this 11th day of June, 2012 to:

3 Arizona Board of Osteopathic Examiners
4 In Medicine and Surgery
5 9535 East Doubletree Ranch Road
6 Scottsdale AZ 85258-5539

7 Brenda Maloney Shafer
8 Quarles & Brady LLP
9 One Renaissance Square
10 Two North Central Avenue
11 Phoenix, AZ 85004

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