

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

3 IN THE MATTER OF: ) Case No: DO-09-0026  
 4 LLOYD ARMOLD, D.O. ) INTERIM CONSENT AGREEMENT  
 Holder of License No. 0641 ) FOR PRACTICE RESTRICTION

5 )  
 6 In the application to hold a license and practice )  
 of osteopathic medicine in the State of Arizona )  
 7 )  
 8 )

9 **INTERIM CONSENT AGREEMENT**

10 By mutual agreement and understanding, between the Arizona Board of Medical  
 11 Examiners in Medicine and Surgery ("Board") and Lloyd Arnold, D.O. ("Respondent"), the  
 12 parties agreed to the following interim disposition of this matter.

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

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

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

24 4. All admissions made by Respondent are solely for interim disposition of this  
 25 matter and any subsequent related administrative proceedings or civil litigation involving the

1 Board and Respondent. Therefore, said admissions by Respondent are not intended for any other  
 2 use, such as in purpose or administrative regulatory proceeding or litigation in another state or  
 3 federal court.

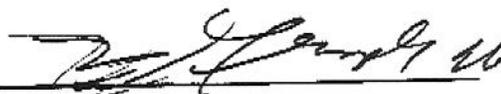
4 5. Respondent may not make any modifications to this document. Upon signing this  
 5 agreement, and returning the document (or a copy thereof) to the Executive Director, Respondent  
 6 may not revoke acceptance of the Interim Consent Agreement. Any modifications to this  
 7 Interim Consent Agreement are ineffective and void unless mutually approved by the parties.

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

14 7. This Interim Consent Agreement, once approved and signed, is a public record  
 15 that will be publicly disseminated as a formal action of the Board and will be reported to the  
 16 National Practitioner Data Bank and on the Board's website.

17 8. If any part of the Interim Consent Agreement is later declared void or otherwise  
 18 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in  
 19 force and effect.

20 REVIEWED AND ACCEPTED THIS 6 DAY OF AUGUST, 2009

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22 Lloyd Arnold, D.O.  
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**JURISDICTIONAL STATEMENTS**

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1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. On April 16, 2009 the AZ Board of Homeopathic and Integrated Medicine Examiners agreed that the AZ Osteopathic Board had primary jurisdiction over and would conduct the investigation of this case, pursuant to A.R.S. § 32-1806(B).

3. Respondent is the holder of License No. 0641 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

**FINDINGS OF FACT**

1. The Board initiated case no. DO-09-0026 after receiving information on March 2, 2009 from a local pharmacist that the Respondent was writing prescriptions for narcotics to his girlfriend (R.G.) and to known drug abusers.

2. In March 2009, the Board conducted a survey of Respondent's prescriptions of controlled substances and in June 2009 completed a review of charts of 13 selected patients to whom Respondent had prescribed narcotics, among them R.G. The review of those charts show a significant pattern of a) lack of documented medical need for the narcotics and progress toward therapeutic goals, b) allowing early and replacement refills for suspect reasons, and c) writing for amounts in excess of community standards for achievement of therapeutic goals.

3. Respondent was notified in writing of case no. DO-09-0026 on March 2, 2009 and was asked to submit a written response. Respondent did not make a written response to the complaint other than to send the subpoenaed records. On June 30, 2009 Respondent told the Board's staff that R.G. was not his girlfriend, but instead a person he was trying to help by allowing her to stay at his house.

1 4. Respondent appeared before the Board on July 18, 2009 and agreed to this Interim  
 2 Consent Agreement until such time as the Board convened the Investigative Hearing for final  
 3 resolution.

4 5. The Board accepted this Interim Consent Agreement on August 16<sup>th</sup>, 2009.

5 **CONCLUSIONS OF LAW**

- 6 1. The Board possesses jurisdiction over the subject matter herein.  
 7  
 8 2. The Board has the authority to informally dispose by stipulation, agreed  
 9 settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F) (5).

10 **INTERIM ORDER**

11 **IT IS HEREBY ORDERED THAT:**

12 1. Within 10 days of the effective date of this Interim Order, Respondent shall notify  
 13 all of his chronic pain patients, including those he is seeing who used to be patients of his  
 14 partner, Robert Teague, M.D., that they have 30 days to find a new physician; that during those  
 15 30 days Respondent shall only refill once any prescription for a given patient.

16 2. By the 45th day following the effective date of this Interim Order, Respondent's  
 17 practice shall be restricted in that he shall no longer prescribe any Schedule II medications or  
 18 Schedule III hydrocodone combinations (DEA # 9806) and morphine combinations (DEA #  
 19 9810) to any patient, nor shall such medications be prescribed by any health care practitioner  
 20 supervised or employed by Respondent at his practice.

21 3. Respondent may appear before the Board at a regularly scheduled meeting to  
 22 request lifting of the restriction in paragraph 2, by sending a request to appear in writing to the  
 23 Executive Director in a timely fashion.

24 4. Respondent shall comply with all laws, including statutes and regulations relating  
 25 to patient records and transfer of patient care.

1 5. This is an interim order and not a final decision by the Board regarding the  
2 pending investigations and as such is subject to further consideration by the Board.



EFFECTIVE THIS 7<sup>th</sup> DAY OF AUGUST, 2009.  
STATE OF ARIZONA BOARD  
OF OSTEOPATHIC EXAMINERS IN  
MEDICINE AND SURGERY

By: *Elaine LeTarte*  
Elaine LeTarte, Executive Director

9 Original "Interim Consent Agreement for Practice Restriction"  
10 filed this 7<sup>th</sup> day of August, 2009 with the:

11 Arizona Board of Osteopathic Examiners  
12 In Medicine and Surgery  
13 9535 East Doubletree Ranch Road  
14 Scottsdale AZ 85258-5539

15 Copy of the foregoing "Interim Consent Agreement for Practice Restriction"  
16 sent via certified, return receipt requested  
17 this 10<sup>th</sup> day of August, 2009 to:

18 Lloyd Arnold, D.O.  
19 Address of record

20 Copies of the foregoing "Interim Consent Agreement for Practice Restriction"  
21 sent via regular mail this 10<sup>th</sup> day of August, 2009 to:

22 AZ Pharmacy Board

23 AZ Board of Homeopathic and Integrated Medicine Examiners  
24 1400 W Washington, Ste 230  
25 Phoenix AZ 85007

Marc Harris, AAG  
Office of the Attorney General CIV/LES  
1275 West Washington  
Phoenix AZ 85007