BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

IN THE MATTER OF: **SHAWN PLATT, D.O.** Holder of License No. **3313** For the practice of osteopathic medicine in the State of Arizona	**Case No.: DO-11-0165A** **CONSENT AGREEMENT, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR DECREE OF CENSURE AND PROBATION**

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Shawn Platt, D.O. (hereinafter "Respondent" or "Physician"), the parties, hereto agree to the following:

1. Respondent acknowledges that he has read this Consent Agreement and Order; and, Respondent is aware of and understands the content of these documents. 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. Respondent understands that by entering into this Consent Agreement and Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Agreement and Order for Probation in state or federal court.

3. Respondent understands that this Consent Agreement and Order will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Consent Agreement and Order, once approved and signed, is a public order and will be publicly disseminated under the public records request as an action of the Board and will be reported to the National Practitioner Databank, the Federation of State Medical Board's databank, the American Osteopathic Association, and posted on the Board's website.

5. Respondent admits to the findings of facts and conclusions of law contained in this Consent Agreement and Order.

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

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend any part of the Consent Agreement and Order, without first obtaining Board approval.

REVIEWED AND ACCEPTED THIS 13th DAY OF May, 2014.

Shawn Platt, D.O., Respondent/Physician

JURISDICTIONAL STATEMENTS

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. Respondent is the holder of License No. 3313 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

3. On September 12, 2012 the Board commenced an investigation, and a chart review of 15 of the Respondent's chronic pain patients. Respondent practices family medicine in an urban area of Tucson, Arizona. At the time, approximately 10% of his practice involved the

treatment of patients with chronic pain. Many of these patients were treated with opioids and narcotics.

4. The chart reviews performed by the Board found that while some of the patients had records from prior providers, underwent urine toxicology screening, had their prescriptions checked with the Arizona Pharmacy Data Program, were referred to specialists, and had Pain Contracts, the reviews also found that there were instances where prior records were not obtained, referrals were not made to orthopedic or pain management specialists, Pain Contracts were not signed, and large amounts of opioids were prescribed. The review also found that the Respondent failed to take appropriate action in some cases when patient's drug screen results were inconsistent with reported medications.

CONCLUSIONS OF LAW

5. The conduct described above constitutes unprofessional conduct and is a violation of A.R.S. § 32-1854 (6), which states "Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard."

6. The conduct described above is also a violation of unprofessional conduct pursuant to A.R.S. § 32-1854 (38), which states "Any conduct or practice that endangers the public's health or may reasonably be expected to do so."

ORDER

Pursuant to the authority vested in the Board,

IT IS HEREBY ORDERED that Shawn Platt, D.O., holder of osteopathic medical License number 3313, is issued a Decree of Censure.

IT IS HEREBY FURTHER ORDERED that Shawn Platt, D.O., holder of osteopathic medical license number 3313, is placed on **PROBATION for a period of one (1) year** from the effective date of this Order, with the following terms:

1. Respondent shall be restricted from providing pain management care to chronic pain patients which results in prescribing opioid medications, Class 2, 3, 4, or 5, or medical marijuana certifications.

2. Respondent shall undergo a practice assessment in the area of pain management.

3. Respondent shall obtain twenty-nine (29) in person Continuing Medical Education (CME) credit hours in the area of physician prescribing. The CME hours must be approved by the Board's Executive Director, and shall be in addition to the hours required for biennial renewal of his osteopathic medical license.

4. **Compliance with Order:** Prior to and in anticipation of this Order by the Board, Dr. Platt, in good faith, has completed the practice assessment and CME hours.

5. **Costs:** Respondent shall bear all costs incurred regarding compliance with this Order.

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

7. **Failure to Comply / Violation**: Respondent's failure to comply with the requirements of this Order shall constitute an allegation of unprofessional conduct as defined at A.R.S. § 32-1854(25) and proven violations may be grounds for further disciplinary action (e.g., suspension or revocation of license).

ISSUED THIS 14th DAY OF MAY, 2014.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Jenna Jones

Jenna Jones, Executive Director

Original "Consent Agreement, Findings of Fact, Conclusions of Law and Order for Censure and Probation" filed this 14th day of May, 2014 with:

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

Copy of the "Consent Agreement, Finding of Fact, Conclusions of Law and Order for Censure and Probation" sent by certified mail, return receipt requested, this 14th day of May, 2014, to:

Shawn Platt, D.O.
Address of Record

Copies of this "Consent Agreement, Findings of Fact, Conclusions of Law and Order for Censure and Probation" filed/sent this 14th day of May, 2014, to:

Dan Cavett, Esq.
Cavett & Fulton
6035 E. Grant Road
Tucson, AZ 85712
Attorney for Respondent

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