BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

IN THE MATTER OF: **HAROLD W. REEDER, D.O.,** Holder of License No. 2001 For the practice of osteopathic medicine in the State of Arizona	**Case No.: DO-08-4199** **CONSENT AGREEMENT FOR SURRENDER OF LICENSE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Harold W. Reeder, D.O. ("Respondent"), the parties agreed 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.

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

7. All admissions made by Respondent are solely for final 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.

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

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

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

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

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REVIEWED AND ACCEPTED THIS 5TH DAY OF MAY, 2011.

Harold W. Reeder D.O.
Harold W. Reeder, D.O.

Respondent's Counsel

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. 2001 issued by the Board to practice as an osteopathic physician.

3. The Board has the authority to informally dispose by stipulation, agreed settlement, consent order or default pursuant to A.R.S. § 41-1092-02(F)(5).

4. The Board has the authority, pursuant to A.R.S. § 32-1855(M), to accept the surrender of an active license from a physician who has admitted in writing to an act of unprofessional conduct.

FINDINGS OF FACT

1. On or about December 8, 2008, the Board began an investigation in Respondent's practice that focused on the adequacy of care rendered to patients seeking and being treated by bio-identical hormone therapy.

2. During the course of that investigation, the Board issued an Interim Order requiring Respondent to undergo a practice evaluation by the Physician Assessment and Clinical Education ("PACE") program at the University of San Diego. That Interim Order was first issued on September 17, 2009; and, after Respondent had not complied, issued again on June 16, 2010.

3. On June 23, 2010, Respondent enrolled in Phase 1 of the PACE evaluation, which he completed in September 2010.

4. On November 16, 2010, the Board received a report of the Phase 1 evaluation of Respondent's clinical practice. That report concluded that Respondent's performance on Phase 1 "was not consistent with safe practice." PACE recommended Respondent complete Phase 2 of the program, in order for PACE to make a final decision on competency.

5. On November 30, 2010, the Board, through its Executive Director, issued an Interim Order to Complete PACE Evaluation to Respondent.

6. On January 21, 2011, Respondent offered to surrender his license, stating he was retiring from the practice of medicine effective January 31, 2011.

CONCLUSIONS OF LAW

1. The conduct and circumstances described above constitutes unprofessional conduct pursuant to 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."

2. The conduct and circumstances described above constitutes unprofessional practice pursuant to A.R.S. § 32-1854(25) which states, "Violating a formal order, probation, or a stipulation issued by the board under this chapter."

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

ORDER

1. **IT IS HEREBY ORDERED THAT** License Number 2001, previously issued to Harold W. Reeder, D.O., for the practice of osteopathic medicine in the State of Arizona, is **SURRENDERED,** and that Harold W. Reeder, D.O. shall no longer engage in the practice of medicine in the State of Arizona after the effective date of this Order.

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

ISSUED THIS 21st DAY OF May, 2011.

STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Elaine LeTarte
Elaine LeTarte, Executive Director

Original "Consent for Surrender of License" filed this 23rd day of May, 2011 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 23rd day of May, 2011 to:

Harold W Reeder, DO.
Address of record

Andrew Alex, Esq.
Alex & Garcia, PC
1717 E Bell Rd, Ste One
Phoenix AZ 85002-6200

Copy of the foregoing "Consent for Surrender of License" sent via electronic mail this 23rd day of May, 2011 to:

Camila Alarcon, Asst Attorney General
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Kathy Burkes