

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

3
4 IN THE MATTER OF:
5 **RICHARD SETTLES, D.O.**
6 Holder of License No. 2686
7 For the Practice of Osteopathic Medicine
8 In the State of Arizona.

Case No.: DO-12-0171
Consent Agreement and Order for
Voluntary Surrender of License

9 In the interest of a prompt and judicious settlement of the above-captioned matter
10 before the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board")
11 and consistent with public interest, statutory requirements and responsibilities of the
12 Board, and pursuant to A.R.S. §§ 32-1803(A)(3), 32-1855(M) and A.R.S. § 41-
13 1092.07(F)(5), Richard Settles D.O. ("Respondent"), holder of License No. 2686 and the
14 Board enter into this Consent Agreement and Order for Voluntary Surrender ("Consent
15 Agreement") as the final disposition of this matter.

15 **JURISDICTION**

16 1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery
17 ("Board") is empowered, pursuant to A.R.S. § 32-1800, *et seq.* to regulate the licensing
18 and practice of osteopathic medicine in the State of Arizona.

19 2. Respondent Richard Settles, D.O. holds license No. 2686 issued by the
20 Board to practice as an osteopathic physician.

21 **CONSENT AGREEMENT**

22 Respondent understands and agrees that:

23 1. The Board has jurisdiction over Respondent and the subject matter
24 pursuant to A.R.S. § 32-1800 *et seq.*

25 2. Respondent has the right to consult with an attorney prior to entering into
26 this Consent Agreement.
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1 \$1,000; and, 5) placing Respondent on probation for a period of five (5) years with
2 practice evaluation and practice monitoring terms.

3 2. The Board Order in case no. DO-10-0061A was effective on July 17,
4 2012.

5 3. On July 31, 2012, Respondent surrendered his Drug Enforcement Agency
6 permit to prescribe controlled substances.

7 4. In October 2012, the Board received information alleging that Respondent
8 was prescribing controlled substances in violation of the Board Order. Based on this
9 information, Board staff opened an investigation (Case no. DO-12-0171A).

10 5. On or about August 1, 2012, Respondent entered into an Independent
11 Contractor Agreement with Hospice Family Care, Inc. to continue to serve as its
12 Executive Medical Director of Hospice ("Medical Director").

13 6. For the following hospice patients, Respondent, while serving as the
14 Medical Director of Hospice Family Care, Inc., signed prescriptions for controlled
15 substances after the effective date of the Board Order in case no. DO-10-0061A: D.S.,
16 B.Y., J.T., M.H., V.W., L.R., S.S., J.L., L.G., R.W.

17 7. On or about October 10, 2012, Hospice Family Care, Inc. terminated its
18 Independent Contractor Agreement with Respondent.

19 8. While Respondent served as Medial Director of Hospice Family Care,
20 Inc., he continued his private practice. Respondent maintains that he did not prescribe
21 controlled substances to patients in his private practice.

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23 **CONCLUSION OF LAW**

24 1. The conduct described in the above Factual Allegations constitutes
25 unprofessional conduct as defined by the following paragraph of A.R.S. § 32-1854:

26 (25): Violating a formal order, probation or a stipulation issued by
27 the board under this chapter.

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ORDER FOR VOLUNTARY SURRENDER

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Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to the following Order:

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1. Upon the effective date of this Consent Agreement, Respondent's license to practice as an osteopathic physician (No. 2686) shall be surrendered. The effective date of this Consent Agreement is the date the Consent Agreement is accepted by the Board as evidenced by the signature of the Board's Executive Director.

2. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss it with an attorney or has waived the opportunity to do so. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4. Time is of the essence with regard to this Consent Agreement.

5. If Respondent fails to comply with the terms of this Consent Agreement, the Board shall properly institute proceedings for noncompliance, which may result in injunctive proceedings.

6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and

1 does not constitute any waiver, express or implied, of the Board's statutory authority or
2 jurisdiction regard any other pending or future investigation, action or proceeding.
3 Respondent also understands that acceptance of this Consent Agreement does not
4 preclude any other agency, subdivision or officer of this state from instituting other civil
5 or criminal proceedings with respect to the conduct that is the subject of this Consent
6 Agreement.
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8 7. Respondent understands that the foregoing Consent Agreement and Order
9 for Voluntary Surrender shall not become effective unless and until adopted by the
10 Board and executed on behalf of the Board. Any modification to this original document
11 is ineffective and void unless mutually approved by the parties in writing.
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13 Dated this 12th day of May, 2014.

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16 Richard Settles, D.O.
17 Respondent

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16 Jenna Jones, Executive Director
17 Arizona Board of Osteopathic Examiners

18 Copy of the foregoing sent via certified mail (Receipt No. 0000 2046 6913)
19 this 12th day of May, 2014 to:

20 Richard Settles, D.O.
21 11286 East Sorrel Lane
22 Scottsdale, AZ 85259

23 Copy of the foregoing sent via regular mail
24 this 12th day of May, 2014 to:

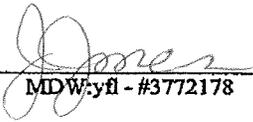
25 Mary DeLaat Williams, AAG
26 Office of the Attorney General CIV/LES
27 1275 West Washington
Phoenix AZ 85007

AND



1 Christine Cassetta
2 Quarles & Brady, LLP
3 One Renaissance Square
4 Two North Central Avenue
5 Phoenix, AZ 85004
6 Attorney for Richard Settles, D.O.

7 By: _

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10 MDW:yfl - #3772178

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