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**BEFORE THE ARIZONA STATE BOARD
OF HOMEOPATHIC MEDICAL EXAMINERS**

**In the Matter of Homeopathic Physician
License No. 133**

**Rick A. Shacket
Respondent**

**CONSENT AGREEMENT AND
ORDER NO. 03-01**

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In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Board of Homeopathic Medical Examiners ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-2901 *et seq* and A.R.S. § 41-1092.07(F)(5), Rick A. Shacket ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order in the State of Arizona ("Consent Agreement") as the final disposition of this matter.

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In lieu of a formal hearing in this matter, the Board and Respondent agree to the issuance of the following Consent Agreement, Findings of Fact, Conclusions of Law, and Order:

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CONSENT AGREEMENT

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Respondent understands and agrees that:

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1. Respondent admits the Board's Findings of Fact and Conclusions of Law. Respondent also agrees that the Board shall amend the findings of fact and conclusions of law to include information pertinent to Respondent's October 25, 2002, sentencing and the applicable statutory violations.

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2. The findings contained in the Findings of Fact portion of this Consent Agreement are conclusive evidence of the facts stated herein and may be used for purposes of determining sanctions in any future disciplinary matter.

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3. Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

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1 4. Respondent has the right to a formal administrative hearing at which he can present
2 evidence and cross examine the State's witnesses. Respondent hereby irrevocably waives his right
3 to such formal hearing concerning these allegations and irrevocably waives his right to a hearing, any
4 rehearing, judicial review and all appeal rights relating to the allegations and terms contained in this
5 Consent Agreement, Findings of Fact, Conclusions of Law and Order. Respondent agrees that,
6 following the terms of suspension, the Board in its discretion retains the right to unilaterally amend
7 and/or modify the terms of his probation set forth below. Respondent irrevocably waives his right to
8 a hearing, any rehearing, judicial review and all appeal rights relating to the Board's amendment
9 and/or modification of the terms of probation.

10 5. Any record prepared in this matter, all investigative materials prepared or received
11 by the Board concerning the allegations, and all related materials and exhibits may be retained in the
12 Board's file pertaining to this matter.

13 6. Respondent understands that this Consent Agreement is effective upon its acceptance
14 by the Board and by Respondent as evidenced by the respective signatures thereto. The effective date
15 of this Order is the date the Agreement is signed by the Board and by Respondent. If the Agreement
16 is signed on a different date, the later date is the effective date.

17 7. This Consent Agreement is subject to the Board's approval and will be effective only
18 when the Board accepts it. In the event the Board in its discretion does not approve this Consent
19 Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it
20 be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent
21 agrees that should the Board reject this Consent Agreement and this case proceeds to hearing,
22 Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this
23 document or of any records relating thereto.

24 8. Respondent further understands that once the Board approves and signs this Consent
25 Agreement, it shall constitute a public record that may be disseminated as a formal action of the
26 Board.

1 **FINDINGS OF FACT**

2 1. Rick Shacket ("Respondent") is the holder of homeopathic physician license number
3 133 issued by the Board on or about January 17, 2001.

4 2. On or about July 5, 2002, Respondent sent a letter and documentation to the Board,
5 indicating that on June 25, 2002, he had pled guilty to one count of felony tax fraud conspiracy, for
6 conspiring with his former tax attorney, to defraud the Internal Revenue Service. Respondent
7 indicated that pursuant to his plea agreement he faces between 33 and 60 months imprisonment.
8 Respondent's documents also indicate that in exchange for Respondent's guilty plea, the Government
9 agreed to dismiss the remaining counts of the indictment.

10 3. According to the indictment Respondent provided to the Board, Respondent was
11 indicted on the following felony counts: Count 1, conspiracy to defraud the United States; Counts
12 2-5, tax evasion; Counts 6-13, filing a false tax return; and Counts 14-24, mail fraud.

13 4. On or about October 25, 2002, Respondent was convicted of Count 1, conspiracy
14 to defraud the Internal Revenue Service, a felony, and was sentenced to 33 months in prison,
15 followed by 3 years of supervised release, in the United States District Court, Southern District of
16 California.

17 **CONCLUSIONS OF LAW**

18 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-2901 et seq.
19 and the rules promulgated by the Board relating to the practice as a licensed homeopathic physician.

20 2. The conduct and circumstances described in the Findings of Fact constitute a
21 violation of A.R.S. § 32-2933 (3) and (17).

22 **ORDER**

23 In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent,
24 the Board hereby issues the following Order:

25 A. Respondent's consent to the terms and conditions of the Consent Agreement and
26 waiver of public hearing are accepted.

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5. Costs

Respondent shall bear all costs of complying with this Order.

6. Violation of Suspension

If Respondent violates any of the terms of the suspension in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke Respondent’s license or take other disciplinary action. If a complaint is filed against Respondent during suspension, the Board shall have continuing jurisdiction until the matter is final, and the period of suspension shall be extended until the matter is final.

7. Completion of Suspension

Following Respondent’s release from imprisonment and a half-way house/or residential facility, Respondent shall appear before the Board to petition to have the suspension lifted and to have his license placed on probationary status. Prior to appearing before the Board, Respondent shall petition the Board in writing to have his suspension lifted. Respondent shall provide the Board with the documentation indicating the status of his sentence, the status of any financial obligations he has related to the sentence, including civil obligations, and his professional plans following his release.

A. The one year probation is subject to the following terms:

TERMS OF PROBATION

1. Stamping of License

Respondent’s license shall to be stamped “**PROBATION.**” While this Order is in effect, if the Board issues any licenses authorized by statute, such license shall also be stamped “probation.”

2. Notification of Employment

Respondent may not enter into any employment setting or join any private practice without first consulting with the Board and receiving prior Board approval. Prior to initiating any period of employment, Respondent shall notify every employer and/or associate that he has entered

1 into the Consent Agreement with the Board, provide a copy of the Consent Agreement, and submit
2 written confirmation to the Board that he has complied with this requirement.

3 3. Supervision of Practice

4 During the first 6 months of the period of probation, Respondent's practice shall be
5 supervised by an M.D., D.O., N.M.D., or M.D.(H.) ("supervising professional") who is active and
6 in good standing and who has received prior approval by the Board. Respondent shall notify the
7 supervising professional that he has entered into the Consent Agreement with the Board, provide a
8 copy of the Consent Agreement, and submit written confirmation to the Board that he has complied
9 with this requirement. The supervising professional shall provide the Board with written reports, 30
10 and 150 days from the date of the commencement of employment. The reports shall address
11 Respondent's professional performance and any deficiencies.

12 4. Obey all Laws

13 Respondent shall obey all federal, state and local laws, and all laws/rules governing
14 the practice of homeopathic medicine in this state.

15 5. Interview With the Board or Its Designee

16 Respondent shall appear in person for interviews with the Board or its designee upon
17 request at various intervals and with reasonable notice.

18 6. Change of Professional and Personal Address/Telephone Number

19 Respondent shall notify the Board, in writing, within 14 days of any change in his
20 personal and professional address or telephone number.

21 7. Release of Information Forms

22 Respondent shall immediately execute all release of information forms as may be
23 required by the Board or its designee.

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8. Costs

Respondent shall bear all costs of complying with this Order.

9. Renewal of License

In the event Respondent's license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice in Arizona.

10. Violation of Probation

If Respondent violates the terms of probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke Respondent's license or take other disciplinary action. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. Reevaluation of Conditions

In the event Respondent does not work as a homeopathic physician within one year of the effective date of this Consent Agreement, Respondent shall appear before the Board for reevaluation of the probationary conditions. The Board has the unilateral right to amend the consent agreement by extending the period of probation.

12. Completion of Probation

Upon successful completion of the terms of probation, Respondent shall request, in writing, formal review by the Board, and after formal review by the Board, Respondent's homeopathic license may be fully restored by the appropriate Board action if compliance with this

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1 Order has been demonstrated. The Board will determine whether Respondent has met all the terms
2 and conditions of this Consent Agreement and Order. The determination of Respondent's compliance
3 with this Consent Agreement and Order is within the sole discretion of the Board.

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6 *Rick Shacket*
7 Rick A. Shacket, DO, MD(H)

12-14-02
Date

8 DATED this 6th day of January, 2003.

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10 ARIZONA STATE BOARD OF HOMEOPATHIC
MEDICAL EXAMINERS

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12 By: *Chris Springer*
13 Chris Springer, Executive Director
14 Arizona State Board of
Homeopathic Medical Examiners

15 ORIGINAL of the foregoing filed
16 this 6th day of January, 2003, with:

17 Arizona State Board of Homeopathic Medical Examiners
18 1400 W. Washington, Suite 350
Phoenix, Arizona 85007

19 COPY of the foregoing mailed this 10th day
of January, 2003, to:

20 Rick A. Shacket, DO, MD(H)

21
22 Mona Baskin
23 Assistant Attorney General
24 1275 W. Washington CIV/LES
Phoenix, Arizona 85007

25 *Chris Springer*
26 #376739