

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

In the Matter of:)	REVISED CONSENT AGREEMENT AND
)	ORDER FOR ISSUANCE OF LICENSE
Jeffrey Jay Rutgard, M.D.)	
<u>Applicant for Licensure</u>)	

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. §42-1092.07(F)(5), Jeffrey Jay Rutgard, applicant for license to practice homeopathy in the State of Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") in the State of Arizona as a final disposition of this matter.

CONSENT AGREEMENT

Dr. Rutgard understands and agrees that:

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

2. Dr. Rutgard has the right to a formal administrative hearing at which he can present evidence and cross examine the State's witnesses. Dr. Rutgard hereby irrevocably waives his

right to such formal hearing concerning these allegations and irrevocably waives his right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement, Findings of Fact, Conclusions of Law and Order.

3. Dr. Rutgard has the right to consult with an attorney prior to entering into this Consent Agreement.

4. 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.

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 In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Dr.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

6. Dr. Rutgard further understands that once the Board approves and signs this Consent Agreement, it shall constitute a public record that may be disseminated as a formal action of the Board.

The Board issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 17, 2004, Jeffrey Rutgard submitted his application to practice as a licensed homeopathic physician.

2. During the course of the Board's review of Dr. Rutgard's application, the Board learned that while practicing in California, Dr. Rutgard was found guilty on March 15, 1995 of 132 counts involving the following offenses; mail fraud, false claims , false statements, engaging in monetary transactions, and criminal forfeiture in the United States District Court of the Southern District of California. On October 31, 1997 the original sentence was vacated pursuant to a Ninth Circuit Court of Appeals Judgment filed and entered on July 28, 1997. Dr. Rutgard was sentenced to sixty months of confinement and three years of supervised release. The record shows that he completed all conditions and his supervision expired on July 21, 2002.

3. Between 1994 and 1996 applicant's medical licenses in California, Arizona, Hawaii, Iowa and Illinois were revoked.

4. On August 16, 2004 applicant was granted probationary medical license number MD420790 in the Commonwealth of Pennsylvania.

5 On July 9, 2003 applicant's medical license in the State of Illinois was restored to active with conditions that include five year's probation and monitoring.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Dr. Rutgard pursuant to A.R.S. §32-2901 et. seq. and the rules promulgated by the Board relating to Dr. Rutgard's application to practice as a licensed homeopathic physician.

2. The conduct and circumstances described in paragraphs 2 through 3 of the Findings of Fact constitute grounds for the denial of application for license to practice medicine as a homeopathic physician pursuant to A.R.S. §32-2912(A)(4) (has a professional record which indicates that the applicant has not had a license to practice medicine refused, revoked, suspended or restricted in any way by any state, territory, district or country for reasons which relate to the physician's ability to competently and safely practice medicine); and A.R.S. §32-2912(A)(5) (has a professional record which indicates that the applicant has not committed any act or engaged in any conduct which would constitute grounds for disciplinary action against a licensee under this chapter.). However, in lieu of denial of a license and a formal hearing on this issue, the Board and Dr. Rutgard agree to the issuance of the following Order.

ORDER

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

1. Jeffrey Rutgard's application to be licensed as an Arizona homeopathic physician is approved.

2. The license issued to Dr. Rutgard in paragraph one is immediately placed on probation for a three year term from the date of the acceptance of the Order by the Board.

TERMS OF PROBATION

3. Dr. Rutgard shall obey all federal, state and local laws, and all laws/rules governing the practice of homeopathic medicine in this state.

4. Dr. Rutgard shall notify the Board, in writing, within 14 days of any change in his address or telephone number.

5. Dr. Rutgard's license shall 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."

6. Dr. Rutgard shall complete 180 hours of Continuing Medical Education in classical homeopathy within three years of the date of acceptance by the Board of this Order. A 40-hour course of classical homeopathy taught by the Desert Institute of Classical Homeopathy and submitted by Dr. Rutgard in support of his license application shall be credited towards the total required Continuing Medical Education hours.

7. Within the three year term indicated in paragraph 2 of the Order, Dr. Rutgard shall in addition to the 180 hour requirement, complete at least 40 hours of Continuing Medical Education in a recognized course of orthomolecular medicine.

8. Dr. Rutgard shall obtain the Board's **pre-approval** of the Continuing Medical Education described in paragraphs 6 and 7 of the Order.

9. Dr. Rutgard's practice during the three year probationary term shall be directly supervised on-site by a physician approved by the Board. Dr. Rutgard 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, he shall notify every employer and/or associate that he has entered into the Consent Agreement with the Board, provide a copy of the Consent Agreement, and submit written confirmation to the Board that he has complied with this requirement.

10. During probation, Dr. Rutgard's practice shall be closely supervised by an M.D., D.O., N.M.D., or M.D.(H) ("supervising professional") who is active and in good standing and who has received prior approval by the Board. The supervising professional shall provide the Board with written reports, to commence 30 days and thereafter every 150 days from the date of employment. The reports shall address Dr. Rutgard's professional performance and any deficiencies.

11. Dr. Rutgard shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

12. Dr. Rutgard shall bear all costs of complying with this Order.

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

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

15. If Dr. Rutgard does not work as a homeopathic physician within one year of the effective date of this Consent Agreement, he 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.

16. Upon successful completion of the terms of probation, Dr. Rutgard shall request, in writing, formal review by the Board, and after formal review by the Board, his homeopathic license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated. The Board will determine whether he has met all the terms and conditions of this Consent Agreement and Order.

Jeffrey J. Rutgard MD, MD(H)
Jeffrey J. Rutgard MD, MD(H)

Nov 16, 04
Date

DATED this 18th day of November, 2004.

FOR THE

ARIZONA STATE BOARD OF HOMEOPATHIC
MEDICAL EXAMINERS

Christine Springer
Christine Springer, Executive Director

ORIGINAL of the foregoing filed
This 18th day of November 2004, with:

Arizona State Board of Homeopathic Medical Examiners
1400 West Washington, Suite 230
Phoenix, Arizona 85007

COPY of the foregoing mailed this 22 day
of November, 2004, to:

Jeffrey J. Rutgard, MD, MD(H)

Dawn Walton Lee
Assistant Attorney General
1275 West Washington CIV/LES
Phoenix, Arizona 85007

Christine Springer