

BEFORE THE ARIZONA STATE BOARD OF  
HOMEOPATHIC MEDICAL EXAMINERS

In the Matter of:	)	Case No. 05-21	
	)		
Charles Crosby, D.O.	)	CONSENT AGREEMENT AND ORDER	
<u>License Number 0154</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. §41-1092.07(F)(5), Charles Crosby, 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. Crosby 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. Crosby has the right to a formal administrative hearing at which he can present evidence and cross examine the State's witnesses. Dr. Crosby 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. Crosby 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 In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Dr. Crosby agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Dr. Crosby 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. Crosby 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 January 20, 2004, Charles Crosby, MD(H), submitted his 2005 application for renewal of homeopathic physician license number 0154. On the renewal form Dr. Crosby disclosed, pursuant to A.R.S. §32-2915(F), a disciplinary action, taken on November 24, 2004, by the State of Florida against his osteopathic license.

2. During the course of the Board's review of Dr. Crosby's renewal application, the Board learned that while practicing medicine in Florida, Dr. Crosby's osteopathic physician license, OS7061, was suspended effective November 24, 2004. An Administrative Complaint in Case No. 2004-12359 was filed by the Florida Department of Health on July 14, 2004. The complaint alleged that Dr. Crosby was out of compliance with the recommendations of the Professional Resource Network ("PRN"). PRN is an independent program in Florida that monitors the evaluation, care, and treatment of impaired healthcare professionals, including osteopathic physicians. The finding of noncompliance was based on the doctor's failure to respond or execute a restriction of practice as recommended by PRN. The PRN recommendation was based on the seriousness of the patient and staff sexual boundary violations, the impressions of PRN, Behavioral Medicine Institute of Atlanta ("BMI"), and the

doctor's therapist, that Dr. Crosby was unsafe to practice, and finally, Dr. Crosby's failure to sign a voluntary restriction of practice.

3. Failure to comply with the recommendations of the PRN represented a violation of Section 459.015(1) (2) Florida Statutes (2003), that being unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition constitutes grounds for disciplinary action.

4. Dr. Crosby accepted a Consent Agreement executed by the State of Florida stipulating that he neither admitted nor denied the allegations of fact contained in the Administrative Complaint. In addition, Dr. Crosby admitted that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 459, Florida Statutes, as alleged in the Administrative Complaint. Dr. Crosby stipulated that he would not violate Chapters 456, 459 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Dr. Crosby's license to practice osteopathic medicine was suspended until such time as he can appear before the Board and successfully demonstrate that he is able to practice osteopathic medicine with reasonable skill and safety to patients.

5. The Arizona Board of Homeopathic Medical Examiners reviewed the actions taken in Florida and at a teleconference

meeting held on July 12, 2005 voted to request additional information pursuant to A.R.S. §32-2934 (A) and (C) regarding Dr. Crosby's ability to practice homeopathic medicine skillfully and safely. In an August 25, 2005 Memorandum of Understanding, the Board directed that Dr. Crosby obtain the names, addresses, and professional credentials of three psychiatrists not related to BMI that have an expertise in the treatment of sexual boundary disorders, fetishism, paraphilia Frotteurism and narcissistic personality disorder and submit them to the Board for evaluation.

6. On March 14, 2006 the Board reviewed and approved the resume of Dr. Thomas Guest to perform an independent psychiatric evaluation of Dr. Crosby.

7. On September 12, 2006 the Board reviewed the independent psychiatric evaluation submitted by Dr. Thomas Guest. In his evaluation, Dr. Guest found and concluded that there were no psychological/psychosexual contraindications to Dr. Crosby resuming clinical practice, so long as the usual safeguards are followed. Dr. Guest recommended Dr. Crosby adhere to certain restrictions of practice to ensure patient safety, including that: there must be another person present in the room for all examinations of female patients; no breast/genital/pelvic examinations or manipulations are to be performed; no unnecessary touching of patients is to be done, there is to be no physical displays of affection; and patients

are to be seen only in an office-setting. Dr. Guest further recommended continued psychotherapy with Dr. Grieco to ensure both continued progress and continued resistance to relapse. Based on the evidence and recommendations of Dr. Guest, the Board voted to offer a Consent Agreement to Dr. Crosby.

8. The Board acknowledges that Dr. Crosby, unbeknownst to them, obtained a consultation regarding his behavioral problems and environmental poisoning from Dr. Garry Gordon, MD, DO, MD(H), a former member of the Board. In a letter dated November 4, 2004, Dr. Gordon stated that he had reviewed all the paper work related to Dr. Crosby's behavioral problem, including symptoms, objective findings, and laboratory studies including hair analysis, psychiatric evaluations and response to therapy. Dr. Gordon noted that hair analysis, which is used by the state of Florida and the Communicable Disease Center to follow and evaluate addictive behaviors, showed that Dr. Crosby was in the 96+ percentile for metal toxicity at the time of the behavioral irregularities. Dr. Gordon states that it was his professional opinion that a cause and effect relationship exists between the metal toxicity and Dr. Crosby's behavior. Dr. Gordon went on to state that Dr. Crosby had done everything possible to correct the behavioral problem.

9. Notwithstanding the opinion of Dr. Gordon, Dr. Crosby, and his counsel agree that by Dr. Crosby's signature on the Consent Agreement and Order, they agree to waive the potential

conflict of interest that Dr. Gordon had when considering this matter and any right to review, rehearing, and appeal.

Dr. Crosby hereby stipulates to this Consent Agreement and Order.

#### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over Dr. Crosby pursuant to A.R.S. §32-2901 et. seq. and the rules promulgated by the Board relating to Dr. Crosby's practice of homeopathic medicine in the State of Arizona.

2. The conduct and circumstances described in paragraphs 2 through 7 of the Findings of Fact constitute grounds for disciplinary action of the license to practice medicine as a homeopathic physician pursuant to A.R.S. §32-2934(F) "the Board and the licensee may enter into a stipulated agreement to limit or restrict the licensee's practice or to rehabilitate the licensee, protect the public and ensure the licensee's ability to safely engage in the practice of homeopathic medicine".

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. 32-2933(18) "being disciplined by another regulatory jurisdiction because of the licensee's mental or physical inability to engage safely in the practice of medicine, medical incompetence or unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly with an act of unprofessional conduct prescribed by this section."

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. 32-3933(19) "Any conduct or practice contrary to recognized standards of ethics of the homeopathic medical profession, any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or the public, or any conduct, practice or condition which does or might impair the ability to practice homeopathic medicine safely and skillfully."

However, in lieu of an informal or formal hearing on this issue, the Board and Dr. Crosby 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. License 0154, issued to Dr. Crosby, is immediately placed on probation from the date of the acceptance of the Order by the Board.

2. Before termination of this Order, Dr. Crosby shall document that he has worked as a homeopathic physician in the State of Arizona for a minimum of 24 months (not less than thirty hours a week). This Order of Probation will remain in effect until this term is met.

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

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

5. Dr. Crosby'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. Crosby shall demonstrate continued therapy as recommended by his therapist, Alan Grieco, Ph.D., or by a Board approved replacement therapist, by directing his therapist to forward to the Board, quarterly reports of the dates Dr. Crosby attends therapy. Reports shall be transmitted to the Board quarterly on or before December 31, March 31, June 30 and September 30 of each year identifying the therapy which occurred in the proceeding 90 days, Dr. Crosby's progress and future goals of continued therapy. Dr. Crosby agrees to attend therapy as recommended by his therapist or until he documents that he has been discharged by his therapist.

7. From the date of the Board's approval of the Consent agreement Dr. Crosby shall upon reasonable prior written notification, appear for interviews with the Board or its designee at one year intervals to update the Board on the status of the terms of this Consent Agreement. Upon the Board's prior approval and consent, Dr. Crosby may appear by telephone.

8. On the date Dr. Crosby notifies the Board that he has begun active practice in Arizona on or before the date he

commences practice. Within 72 hours of accepting a position as a physician in Arizona, Dr. Crosby shall document in writing to the Board that he has presented a complete copy of this consent agreement to his practice or immediate supervisor. If Dr. Crosby begins practice in Arizona as a sole practitioner this notification clause shall be met by providing notification directly to the Board.

9. Dr. Crosby shall adhere to the following restrictions of practice in all employment as a homeopathic physician:

a) Another person must be present in the room for all examinations of female patients and that person shall document in the patient chart their presence by indicating with their initials the date of their observation;

b) No breast/genital/pelvic examination or manipulations are to be performed;

c) No unnecessary touching of patients and no physical displays of affection; and

d) Patients are to be seen only in an office-setting.

10. Dr. Crosby shall execute medical release for all records as requested by the Board or its designee.

11. Dr. Crosby shall bear all costs of complying with this Order.

12. In the event Dr. Crosby'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.

13. If Dr. Crosby violates the terms of probation in any respect, the Board, after giving notice and the opportunity to be heard, may revoke or otherwise discipline Dr. Crosby's license. If a complaint is filed against Dr. Crosby during probation, the Board shall have continuing jurisdiction until the matter is final.

14. Notwithstanding the foregoing, Dr. Crosby may voluntarily surrender his license at any time upon written request and consent to same.

15. Upon successful completion of the terms of probation, Dr. Crosby 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.

Charles J. Crosby, DO, MD (H)      23 Nov 07  
Charles Crosby, DO, MD(H)      Date

Language Reviewed and Approved as to Form:

Stephen Myers      December 20, 2007  
Stephen Myers      Date  
Counsel for Charles Crosby, DO, MD(H)

DATED this 20<sup>th</sup> day of December, 2007.

FOR THE  
ARIZONA STATE BOARD OF HOMEOPATHIC  
MEDICAL EXAMINERS

Christine Springer  
Christine Springer, Executive Director

ORIGINAL of the foregoing filed  
This 20<sup>th</sup> day of December, 2007, with:

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

COPY of the foregoing mailed this 15<sup>th</sup> day  
Of January, 2008 to:

Charles Crosby, DO, MD(H)

Michelle Wood  
Assistant Attorney General  
1275 West Washington CIV/LES  
Phoenix, Arizona 85007

Christine Springer