

1 **BEFORE THE ARIZONA BOARD OF HOMEOPATHIC AND**
2 **INTEGRATED MEDICINE EXAMINERS**

3 In the Matter of:

4 **Lloyd Arnold**

5 Holder of License No. 0118 for the
6 Practice of Medicine as a Homeopathic
7 Physician in the State of Arizona.

Board Case No. 09-11

**CONSENT AGREEMENT AND
ORDER FOR VOLUNTARY
REVOCATION OF LICENSE**

8
9 **RECITALS**

10 In the interest of a prompt and judicious settlement of this case, consistent with the
11 public interest, statutory requirements and the responsibilities of the Arizona Board of
12 Homeopathic and Integrated Medicine Examiners (“Board”) and under A.R.S. §§ 32-
13 2901, *et. seq.* and 41-1092.07(F)(5), Lloyd Arnold (“Respondent”), holder of License
14 No. 0118 for the Practice of Medicine as a Homeopathic Physician in the State of
15 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
16 of Law and Order (“Consent Agreement”) as a final disposition of this matter.

17 1. Respondent has read and understands this Consent Agreement and has had
18 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
19 opportunity to discuss this Consent Agreement with an attorney.

20 2. Respondent understands that he has a right to a public administrative
21 hearing concerning the above-captioned matter, at which he could present evidence and
22 cross examine witnesses. By entering into this Consent Agreement, Respondent
23 knowingly and voluntarily relinquishes all right to such an administrative hearing, as well
24 as rights of rehearing, review, reconsideration, appeal, judicial review or any other
25 administrative and/or judicial action, concerning the matters set forth herein.

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

3 4. Respondent understands that this Consent Agreement or any part of the
4 agreement may be considered in any future disciplinary action by the Board against him.

5 5. Respondent understands this Consent Agreement deals with Board
6 Investigation Case Nos. 09-11. The investigation into this matter against Respondent
7 shall be concluded upon the Board's adoption of this Consent Agreement.

8 6. Respondent understands that upon acceptance by the Board, this Consent
9 Agreement shall constitute a resolution of any and all matters currently pending before
10 the Board.

11 7. All admissions made by the Respondent in this Consent Agreement are
12 made solely for the final disposition of this matter, and any related administrative
13 proceedings or civil litigation involving the Board and Respondent. Therefore, any
14 admissions made by Respondent in this Consent Agreement are not intended for any
15 other use, such as in the context of another regulatory agency's proceedings, or civil or
16 criminal proceedings, whether in the State of Arizona or in any other state or federal
17 court.

18 8. Respondent acknowledges and agrees that, upon signing this Consent
19 Agreement and returning this document to the Board's Executive Director, he may not
20 revoke his acceptance of the Consent Agreement or make any modifications to the
21 document regardless of whether the Consent Agreement has been signed by the
22 Executive Director. Any modification to this original document is ineffective and void
23 unless mutually agreed by the parties in writing.

24 9. Respondent understands that the Consent Agreement shall not become
25 effective unless and until adopted by the Board and signed by its Executive Director.
26

1 10. If a court of competent jurisdiction rules that any part of this Consent
2 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
3 shall remain in full force and effect.

4 11. Respondent understands and agrees that if the Board does not adopt this
5 Consent Agreement, he will not assert as a defense that the Board's consideration of this
6 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

7 12. Respondent understands that this Consent Agreement is a public record that
8 may be publicly disseminated as a formal disciplinary action of the Board and may be
9 reported as required by law to the National Practitioner Data Bank and the Healthcare
10 Integrity and Protection Data Bank.

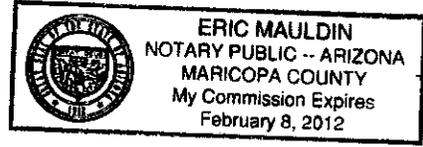
11 13. Respondent understands that any violation of this Consent Agreement
12 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
13 2933(32), -2934(A).

14 ACCEPTED AND AGREED BY RESPONDENT

15
16 
17 Lloyd Arnold

Dated: 5-25-10

18 Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 25th day of May,
19 2010, by Lloyd Arnold.




22 NOTARY PUBLIC

My Commission expires: Feb 8, 2012

1 **FINDINGS OF FACT**

2 1. The Board is the state agency authorized under A.R.S. §§ 32-2901 through
3 32-2951, and the rules promulgated thereunder found in the Arizona Administrative Code
4 (A.A.C. or "Rules") at R4-38-101 through R4-38-403, to regulate and control the
5 licensing of Homeopathic Physicians and the practice of Homeopathic Medicine in the
6 State of Arizona.

7 2. Respondent is the holder of License No. 0118 to practice medicine as a
8 Homeopathic Physician in the State of Arizona.

9 3. Respondent advises the Board that he wishes to retire from the practice of
10 Homeopathic medicine.

11 4. On or about March 5, 2009, the Board received a complaint from the Board
12 of Osteopathic Examiners in Medicine and Surgery ("OBEX") that had been received
13 from a pharmacist employed by Fry's Pharmacy. The complaint alleged that Respondent
14 was writing prescriptions for narcotics to his girlfriend and to known drug abusers.

15 5. On or about April 16, 2009, the Board considered the above described
16 complaint from OBEX, assigned it Case Number 09-11, and voted to table the complaint
17 and cede jurisdiction to OBEX to conduct the investigation pursuant to A.R.S. § 32-2907.

18 6. On or about August 7, 2009, Respondent entered into an Interim Consent
19 Agreement for practice restrictions with OBEX.

20 7. On or about January 23, 2010, OBEX voted to summarily suspended
21 Respondent's osteopathic License No. 0641 based on Respondent's violation of the
22 Interim Order for practice restrictions.

23 8. On or about February 27, 2010, Respondent entered into an agreement with
24 OBEX to surrender his osteopathic License No. 0641. (Attached as Exhibit A and
25 incorporated by reference herein.)
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDER

Based upon the above Findings of Fact and Conclusions of Law, and under the authority granted to the Board, under A.R.S. §§ 32-2901 through 32-2951, and the rules promulgated thereunder found in the Arizona Administrative Code (A.A.C. or "Rules") at R4-38-101 through R4-38-403,

IT IS HEREBY ORDERED that License No. 0118, which was issued to Respondent to allow him to practice medicine as a Homeopathic Physician in the State of Arizona, shall be deemed voluntarily **REVOKED**, upon adoption of this Consent Agreement by the Board and Respondent shall immediately return License No. 0118 to the Board. A.R.S. § 32-2934(F).

IT IS FURTHER ORDERED that Respondent shall not use the terms "DO, MD(H)", "DO, Homeopathic Physician", or "DO, Doctor of Medicine (Homeopathic)" or use any other similar words, initials, abbreviations, symbols or any combination thereof which would lead the public to believe that respondent is licensed to practice homeopathic medicine in Arizona. A.A.C. R4-38-115.

DATED this 8th day of ~~May~~^{June}, 2010.

Arizona Board of Homeopathic and Integrated
Medicine Examiners

By: Christine Springer
Christine Springer, Executive Director

1 ORIGINAL OF THE FORGOING FILED
2 this 8th day of June, 2010, with:

3 Arizona Board of Homeopathic
4 and Integrated Medicine Examiners
5 1400 W. Washington, Ste 230
6 Phoenix, Arizona 85007

7 EXECUTED COPY OF THE FOREGOING MAILED
8 this 8th day of June, 2010, to:

9 Lloyd Arnold,

10 Mona Baskin
11 Assistant Attorney General
12 1275 W. Washington Street CIV/LES
13 Phoenix, Arizona 85007

14 By: Christine Springer

15
16
17
18
19
20
21
22
23
24
25
26

Exhibit A

**Of the Consent Agreement and Order for Voluntary Revocation of License
In Homeopathic and Integrated Medicine Examiners Case No. 09-11**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:	}	OAH No.: 10A-DO-09-0026-OST
LLOYD ARMOLD, D.O., Holder of License No. 0641	}	Case No.: DO-09-0026A
For the practice of osteopathic medicine in the State of Arizona	}	CONSENT AGREEMENT FOR SURRENDER OF LICENSE

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Lloyd Arnold, D.O. ("Respondent") the parties agree 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

1 implied, of the Board's statutory authority or jurisdiction. The acceptance of this Consent
2 Agreement does not preclude any other agency, subdivision or officer of this State from
3 instituting other civil or criminal proceedings with respect to the conduct that is the subject of
4 this Consent Agreement.

5 7. All admissions made by Respondent are solely for final disposition of this matter
6 and any subsequent related administrative proceedings or civil litigation involving the Board,
7 Respondent and the State of Arizona. Therefore, admissions by Respondent are not intended or
8 made for any other use, such as in the context of another state or federal government regulatory
9 agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state
10 or federal court.

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

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

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

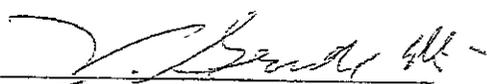
21 11. If the Board does not adopt this Consent Agreement, (1) Respondent will not
22 assert as a defense that the Board's consideration of the Consent Agreement constitutes bias,
23 prejudice, prejudgment or other similar defense; and (2) the Board will not consider content of
24 this Consent Agreement as an admission by Respondent.

25 ///

26 ///

27

1 REVIEWED AND ACCEPTED THIS 13th DAY OF FEBRUARY, 2010.

2
3 
4 Lloyd Arnold, D.O.

6 **JURISDICTION**

7 1. The Board is empowered, pursuant to A.R.S. § 32-1800, *et seq.* to regulate the
8 practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed,
9 registered, or permitted to practice osteopathic medicine in the State of Arizona.

10 2. Respondent holds license No. 0641 issued by the Board to practice as an
11 osteopathic physician.

12 **FINDINGS OF FACT**

13 1. On July 18, 2009, Respondent appeared before the Board on this matter and
14 agreed to enter into an Interim Consent Agreement for Practice Restriction (hereinafter "Interim
15 Consent"), the language of which was agreed to at a telephone conference call meeting on
16 August 6, 2009. Respondent was present at both meetings, and was not represented by counsel.
17 On August 7, 2009 Respondent and the Board's Executive Director signed the Interim Consent,
18 making it effective.

19 2. In part, the Interim Consent ordered Respondent to no longer prescribe any
20 Schedule II medications or Schedule III hydrocodone combinations (DEA # 9806) and morphine
21 combinations (DEA # 9810) to any patient, nor shall such medications be prescribed by any
22 health care practitioner supervised or employed by Respondent at his practice after 45 days of
23 the effective date of the Interim Consent. Prior to the 45 days, its interim Order required that
24 Respondent only refill once any prescription for a given patient. The Board deemed the
25 deadlines set in its interim Order as follows: the 10th day as August 17, 2009; the 30th day as
26 September 7, 2009, and the 45th day as September 25, 2009.

27

1 3. The Board obtained a report from the Arizona Pharmacy Board's Prescription
2 Monitoring Program (hereinafter "PMP") showing the prescriptions Respondent had written (that
3 had been filled) between August 7, 2009 and October 14, 2009. That report showed that:

4 A. Respondent, in violation of the Interim Consent, had written more than one
5 prescription for opioids to nine (9) patients during the 30 days that he was to provide only
6 one refill to each patient.

7 B. Respondent, in violation of the Interim Consent, had written prescriptions
8 for opioids to three (3) patients after the 45 day deadline.

9 4. On January 23, 2010, the Board voted to summarily suspend Respondent's license
10 to practice osteopathic medicine in Arizona and subsequently adopted Interim Findings of Fact,
11 and Conclusions of Law and issued an Order for Summary Suspension of License on January 26,
12 2010.

13 5. On January 29, 2010, the Board issued a Complaint and Notice of Hearing.

14 6. On February 9, 2010, Respondent offered to surrender his license to practice
15 osteopathic medicine.

16 **CONCLUSIONS OF LAW**

17 1. The Board possesses jurisdiction over the subject matter herein.

18 2. The findings described in paragraphs 3 and 4 above constitute unprofessional
19 conduct as defined by A.R.S. § 32-1854 (25); which prohibits "Violating a formal order,
20 probation or stipulation issued by the board under this chapter."

21 3. The Board has the authority to informally dispose by stipulation, agreed
22 settlement, consent order or default pursuant to A.R.S. § 41-1092.07(F)(5).

23 4. The Board possesses statutory authority to enter into a consent agreement with a
24 physician and accept the surrender of an active license from a physician who has admitted in
25 writing to an act of unprofessional conduct. A.R.S. § 32-1855(M).

26 ...

27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

ORDER

IT IS HEREBY ORDERED THAT License Number 0641, issued to Lloyd Arnold, D.O. for the practice of osteopathic medicine in the State of Arizona, is SURRENDERED, and that Lloyd Arnold, D.O. shall immediately return his wallet card and shall no longer engage in the practice of osteopathic medicine in the State of Arizona after the effective date of this Order.

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 27th DAY OF FEBRUARY, 2010.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: *Elaine LeTarte*
Elaine LeTarte, Executive Director

Original "Consent Agreement for Surrender of License" filed this 1st day of ~~February~~, 2010 with the: March

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Consent Agreement for Surrender of License" sent via facsimile and certified, return receipt requested this 1st day of ~~February~~, 2010 to: March

Lloyd Arnold, D.O. cert mail: 7006 0810 000 2 2000 7164
Address of Record

Copies of the foregoing "Consent Agreement for Surrender of License" sent via regular mail this 1st day of ~~February~~, 2010 to: March

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

Lobby Lewis