

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **RICHARD A. HOVERSTEN, M.D.**

5 Holder of License No. 29872
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-09-0570A

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Richard A. Hoversten, M.D. ("Respondent"), the parties agree to the
10 following disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter and has done so or chooses not to do so.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.
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1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

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

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

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.
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1 10. If any part of the Consent Agreement is later declared void or otherwise
 2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
 3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct
 5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
 6 probation, consent agreement or stipulation issued or entered into by the board or its
 7 executive director under this chapter") and 32-1451.

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 10 RICHARD A. HOVERSTEN, M.D.

Dated: May 15, 2009

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1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 29872 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-09-0570A after Respondent reported
7 that he had inappropriately prescribed controlled substances to patient MH without
8 maintaining a chart. Respondent previously participated in the Board's Monitored Aftercare
9 Program (MAP) in 2003 and was successfully terminated in 2008.

10 4. In response to the Board's investigation, Respondent submitted pharmacy
11 records that showed he had been receiving prescriptions for Tramadol and Oxycodone
12 from physician assistants since June 2008. Board Staff then asked Respondent to submit
13 to a urine and hair drug test. The urine drug screen was negative; however, the hair
14 sample was positive for extended opiates. Board Staff later notified Respondent that he
15 was scheduled for a Health Assessment with the Board's Addiction Medicine Consultant.
16 However, Respondent contacted Board Staff and stated that he wanted to surrender his
17 Arizona medical license.

18 5. A physician is required to maintain adequate legible medical records
19 containing, at a minimum, sufficient information to identify the patient, support the
20 diagnosis, justify the treatment, accurately document the results, indicate advice and
21 cautionary warnings provided to the patient and provide sufficient information for another
22 practitioner to assume continuity of the patient's care at any point in the course of
23 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he
24 prescribed controlled substances to a patient without maintaining a chart.
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EXECUTED COPY of the foregoing mailed
this 14th day of June, 2009 to:

Richard A. Hoversten, M.D.
Address of Record


Investigational Review