

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

3 IN THE MATTER OF:) **Case No.: DO-19-0164A**
4)
4 **Russell Imboden, D.O.**)
Holder of License No. **4433**) **CONSENT AGREEMENT FOR**
5) **PRACTICE RESTRICTION**
For the practice of osteopathic medicine in the)
6 State of Arizona)
7)
8)

9 **CONSENT AGREEMENT**
10 **RECITALS**

11 In the interest of a prompt and judicious settlement of the above-captioned matter
12 before the Arizona Board of Osteopathic Examiners in Medicine and Surgery (“Board”) and
13 consistent with the public interest, statutory requirements and responsibilities of the Board and
14 pursuant to A.R.S. § 41-1092.07 (F)(5) and A.R.S. § 32-1854 *et seq.*, Russell Imboden, D.O.
15 (“Respondent”), holder of license number 4433 to practice Osteopathic Medicine in the State
16 of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of
17 Law and Order (“Consent Agreement”) as the final disposition of this matter.

18 1. Respondent has read and understands this Consent Agreement as set forth herein,
19 and has had the opportunity to discuss this Consent Agreement with an attorney or has waived
20 the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of
21 avoiding the expense and uncertainty of an administrative hearing.
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23 2. Respondent understands that he has a right to a public administrative hearing
24 concerning each and every allegation set forth in the above-captioned matter, at which
25 administrative hearing he could present evidence and cross-examine witnesses. By entering
26 into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such
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1 an administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal,
2 judicial review or any other administrative and/or judicial action, concerning the matters set
3 forth herein. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4 3. Respondent agrees that the Board may adopt this Consent Agreement or any part of
5 this agreement, under A.R.S. § 32-1854. Respondent understands that the Board may consider
6 this Consent Agreement or any part of it in any future disciplinary action against him.
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8 4. Respondent understands that this Consent Agreement does not constitute a
9 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
10 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
11 regarding any other pending or future investigation, action or proceeding. Respondent also
12 understands that acceptance of the Consent Agreement does not preclude any other agency,
13 subdivision or officer of this state from instituting other civil or criminal proceedings with
14 respect to the conduct that is the subject of this Consent Agreement.
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16 5. Respondent acknowledges and agrees that the acceptance of this Consent
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
18 other proceedings as may be appropriate now or in the future.

19 6. Furthermore, and notwithstanding any language in this Consent Agreement, this
20 Consent Agreement does not preclude in any way any other state agency or officer or political
21 subdivision of this state from instituting proceedings, investigating claims, or taking legal action
22 as may be appropriate now or in the future relating to this matter or other matters concerning
23 Respondent, including violations of the practice act. Respondent acknowledges that, other than
24 with respect to the Board, this Consent Agreement makes no representations, implied or
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1 otherwise, about the views or intended actions of any other state agency or officer or political
2 subdivision of the state relating to this matter or other matters concerning Respondent.

3 7. All admissions Respondent makes in this Consent Agreement are made solely for
4 the final disposition of this matter, and any related administrative proceedings or civil litigation
5 involving the Board and Respondent.
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7 8. By agreeing to allow the Board to impose the discipline ordered herein, Respondent
8 acknowledges that the Board has evidence from which it could impose discipline under A.R.S.
9 § 32-1854.

10 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
11 and returning this document to the Board, Respondent may not revoke his acceptance of the
12 Consent Agreement or make any modifications to the document. Any modification to this
13 original document is ineffective and void unless mutually approved by the parties in writing.
14

15 10. This Consent Agreement and Order is not effective until approved by the Board and
16 signed by its Executive Director.

17 11. Respondent understands and agrees that if the Board does not adopt this Consent
18 Agreement, he will not assert as a defense that the Board's consideration of it constitutes bias,
19 prejudice, prejudgment or other similar defense in any future disciplinary action.
20

21 12. Respondent understands that this Consent Agreement is a public record that may be
22 publicly disseminated as a formal disciplinary action of the Board, and shall be reported as
23 required by law to the National Practitioner Data Bank and Federation of State Medical
24 Boards.
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13. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-1854 (20), (25) & (35) and may result in disciplinary action pursuant to A.R.S. § 32-1854.

14. This Order is in force and effect upon signature by the Board's Executive Director and is not subject to appeal by Respondent. Failure to comply with this Consent Agreement and Order may result in disciplinary action against Respondent's license (A.R.S. § 32-1854 (25)).

6-22-2020

Date

Russell Imboden, D.O.

Approved as to Form

June 15, 2020

Date

Kraig Marton, Esq.
Attorney for the Respondent

JURISDICTIONAL STATEMENT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the licensing and practice of osteopathic medicine in the State of Arizona.

2. Respondent holds license No. 4433 issued by the Board to practice as an osteopathic physician on May 18, 2006.

FINDINGS OF FACT

1. On or about July 19, 2019, the Board initiated case DO-19-0109A after receiving notification from the Federation of State Medical Boards that Respondent had been disciplined by the Missouri Board of Registration for the Healing Arts on July 2, 2019.

2. The basis for the disciplinary action included allegations of Misrepresentation of Possible Outcome/Complications of Treatment/Procedure, Controlled Substance Violations, Unprofessional Conduct, Failure to Maintain Adequate Medical Records, Inappropriate Treatment/Diagnoses, Conduct/Practice Which is or Might be Harmful/Dangerous to the Health of the Patient/Public.

1 5. **Address and Phone Changes, Notice:** Respondent shall immediately notify the
2 Board in writing of any change in office or home addresses and telephone numbers.

3 6. **Lifting of Practice Restriction:** Respondent may petition the Board to lift the
4 Practice Restriction. Respondent must submit a request in writing no less than 60 days before
5 the Board is to review the petition. Upon receiving Respondent's petition, the Board shall have
6 complete discretion to determine whether Respondent has complied with all the required terms
7 and conditions of this Order as well as steps of remediation to satisfy any Disciplinary Actions
8 taken by any other State or Territory, prior to granting the petition. Respondent may not
9 provide direct patient care or practice in a clinical setting in the State of Arizona until approved
10 by the Board. The Board shall have complete discretion to determine whether to lift the
11 Practice Restriction in Arizona.

12 7. **Non-Compliance:** If Respondent violates this Order in any way or fails to
13 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
14 heard, may revoke, suspend or take other disciplinary actions against the license. The issue at
15 such a hearing will be limited solely to whether this Order has been violated.

16 8. Respondent's failure to comply with the requirements of this Order shall
17 constitute unprofessional conduct as defined by A.R.S. § 32-1854(25) and proven violations
18 may be grounds for further disciplinary action (e.g., suspension or revocation of license).
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DATED AND EFFECTIVE this 23rd of June, 2020.



STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By Justin Bohall
Justin Bohall, Executive Director
Arizona Board of Osteopathic Examiners

Original of the foregoing filed this 23rd of June, 2020 with:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
1740 West Adams, Suite 2410
Phoenix, Arizona 85007

Executed Copy of the foregoing mailed by electronic mail this 23rd of June, 2020 to:

Russell Imboden, D.O.
Email Address of Record

Respondent

Executed Copy of the foregoing e-mailed this 23rd of June, 2020 to:

Kraig Marton
Attorney for the Respondent

Executed Copy of the foregoing e-mailed this 23rd of June, 2020 to:

Jeanne Galvin, Assistant Attorney General
Office of the Attorney General CIV/LES

Justin Bohall, Executive Director
Board Operations