

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

IN AND FOR THE STATE OF ARIZONA

In the Matter of the Holder)	FINDINGS OF FACT,
of License No. 1072 for)	CONCLUSIONS OF LAW,
the Practice of Chiropractic)	AND ORDER
Issued to:)	
)	8889-1 CH
<u>RICHARD N. ASHDEN, D.C.</u>)	

On December 1, 1988, the Arizona Board of Chiropractic Examiners filed a complaint against Richard N. Ashden, D.C. (hereinafter referred to as Respondent), alleging violations of A.R.S. §32-924.A.6 and A.R.S. §32.924.A.16. An administrative hearing was scheduled for January 5, 1989.

The Board subsequently granted the Respondent's Motion to Continue, and set the hearing dates for April 11, 13 and 15, 1989 at 8:30 A.M.

On March 10, 1989, Respondent filed a Motion to Dismiss; the Response the State was filed March 22, 1989. On April 6, 1989, the Board denied, by majority vote, the Motion to Dismiss.

The matter came before the Board on April 11, 1989 at 8:30 A.M. in Room 413, 5060 North 19th Avenue, Phoenix, Arizona. The hearing was adjourned that day at 4:30 P.M. The hearing resumed on April 13, 1989 at 8:30 A.M. and adjourned that day at 11:40 A.M.

On May 30, 1989 the Board offered the Respondent a Consent Agreement; on July 14, 1989 the Consent Agreement was amended. The Board rescinded its offer on July 31, 1989, and scheduled the continuation of the hearing on August 29 and 31, and September 2, 1989.

The hearing was stayed by special action proceedings before the Cochise County Superior Court.

On November 7, 1989, the State filed an amended complaint.

The hearing resumed on December 12, 1989 at 8:30 A.M., and adjourned for the day at 5:00 P.M. The hearing continued on December 14, 1989 at 8:55 A.M., and adjourned that day at 6:08 P.M.

On February 6, 1990, at 1:30 P.M., the Board considered written and oral arguments, and deliberated. The hearing concluded that day, February 6, 1990, at 2:45 P.M.

The State was represented by Richard F. Albrecht, Assistant Attorney General. Respondent appeared in person and was represented by counsel, Michael J. Vingelli.

The Board having considered all of the pleadings herein, having heard argument from each party, and having been fully apprised in the premises, makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Arizona State Board of Chiropractic Examiners is the body politic created and empowered pursuant to A.R.S. § 32-901 et. seq. to administer the laws of the State of Arizona relating to the practice of chiropractic.

2. Richard N. Ashden is the holder of license #1072 to practice chiropractic in the State of Arizona.

3. Between June 26th and October 1, 1985, C.P. was treated by Dr. Richard N. Ashden, D.C., at his office in Sierra Vista.

4. C.P. suffers from chronic multiple sclerosis and has been confined to a wheel chair since 1983.

5. After having C.P. review a number of testimonials from other patients as to the value of his services, Dr. Ashden represented to C.P. that if she followed his treatment regimen she would be walking again within six months.

6. After taking hair analysis of C.P., Dr. Ashden prescribed large doses of vitamins and nutritional supplements.

7. During the course of treatment of C.P., Dr. Ashden used a device known as a Toftness Radiation Detector, or an instrument substantially similar to that device.

CONCLUSIONS OF LAW

1. The conduct described in paragraphs three through seven constitutes unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession, pursuant to A.R.S. § 32-924 (A)(6).

2. The conduct described in paragraphs three through seven constitutes a danger to the health, welfare or safety of the patient or the public, or impairs the ability of the licensee to safely and skillfully practice chiropractic pursuant to A.R.S. § 32-924(A)(16).

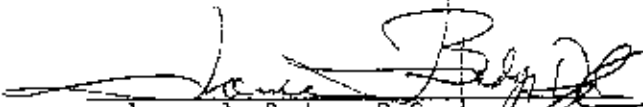
ORDER


1. It is hereby ordered that Chiropractic License #1072 issued to Richard N. Ashden, D.C. be suspended for ninety (90) days, to be effective upon receipt of this order.

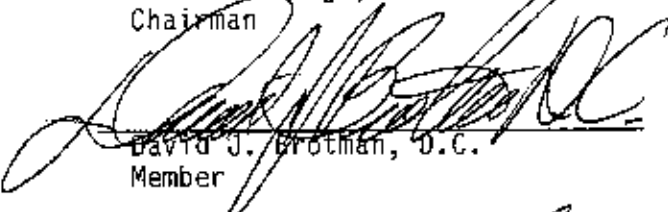
2. It is also ordered that Richard N. Ashden, D.C., pay a fine of \$1,000.00, \$500.00 per violation.

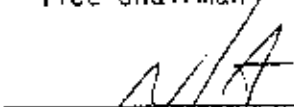
Given this 8th day of March, 1990.


STATE OF ARIZONA
BOARD OF CHIROPRACTIC EXAMINERS


James J. Badge, D.C.
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Vice-Chairman


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Member

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
IN AND FOR THE STATE OF ARIZONA

In the Matter of the)
Motion for Rehearing) ORDER
by)
) 8889-1 CH
RICHARD N. ASHDEN, D.C.)

On March 20, 1990, Dr. Richard N. Ashden, D.C. (Respondent) filed a Motion for Rehearing and requested an extension of time in which to appeal. On April 2, 1990, the Board granted that extension. On April 10, 1990 Respondent filed an amendment to his motion.

On April 19, 1990, at 9:30 a.m., the Board considered the motion for rehearing. The State was represented by Richard F. Albrecht, Assistant Attorney General. Respondent did not appear, nor was he represented by counsel.


The Board, having considered all pleadings and having heard argument from the State, decided by unanimous vote to deny the Motion for Rehearing.

ORDER


The Motion for Rehearing filed by Dr. Richard N. Ashden, D.C. is hereby denied.

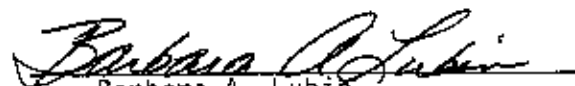
Dated this 30th day of April, 1990.

STATE OF ARIZONA
BOARD OF CHIROPRACTIC EXAMINERS


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