

1 State of Arizona.

2 3. On December 22, 2005, Respondent applied to the Board for reinstatement of
3 his license. While his application was pending, the Board received information that the
4 Iowa Board of Chiropractic had disciplined Respondent's license in that state.

5 4. On January 5, 2006, the Iowa Board accepted a settlement agreement from
6 and issued a final order against Respondent which placed his Iowa license on inactive
7 status and imposed a civil penalty against him in the amount of \$1000.00, to be paid
8 when and if Respondent applied to the Iowa Board for reinstatement.

9 5. The basis for the Iowa Board's disciplinary action against Respondent resulted
10 from charges against him that alleged:

- 11 • Respondent signed a document for the Iowa Department of Human Services as
12 "Harry Hargett, D.C., M.D.," despite the fact that he did not hold a medical license
13 or a degree to practice as a medical doctor in Iowa or any other state.
- 14 • Respondent wrote a patient a prescription drug order for Carisoprodol/Soma and
15 signed it "Harry Hargett, D.C." on the signature line for medical doctors.
- 16 • On February 15, 2003, Respondent delivered samples of Carisoprodol/Soma to
17 that patient at his home.
- 18 • Chiropractors in Iowa do not have authority to write prescriptions for or dispense
19 controlled substances or drugs of any kind.

20 6. At its April 2006 meeting, the Board reviewed Respondent's reinstatement
21 application along with the investigative information staff obtained. After discussion, the
22 Board denied Respondent's request for reinstatement and opened a complaint against him
23 based upon the Iowa disciplinary action.
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1 7. The Board considered the investigative information regarding the Iowa Board's
2 disciplinary action against Respondent along with his response to the complaint at its
3 October 2006 meeting. Based upon the Iowa Board's disciplinary action and the
4 circumstances from which it arose, the Board voted to send this matter to formal hearing.
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6 8. Respondent submitted another application for reinstatement of his Arizona license
7 to the Board in September 2006. However, he failed to provide the Board with required
8 information verifying the status of the licenses he held in Florida and Iowa. Board staff
9 returned the application to Respondent with a request that he complete it and return it for
10 consideration. Respondent failed to provide the required license verification from Iowa.
11 On December 8, 2006, the Board reviewed and considered Respondent's September 2006
12 application for reinstatement but took no action.
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14 9. On September 18, 2006, the Board issued Respondent a subpoena to appear and
15 provide testimony regarding this complaint at its October 12, 2006 meeting. The Board
16 served Respondent the subpoena by certified mail, sent to his last known address of
17 record in Iowa, and received a signed "green card" from the Postal Service confirming
18 service. However, Respondent failed to appear at the October 12, 2006 Board meeting.
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21 CONCLUSIONS OF LAW

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23 1. The conduct and circumstances explained in the Factual Allegations above
24 constitute a violation of A.R.S. § 32-924(A)(16), "violating or attempting to violate,
25 directly or indirectly, or assisting in or abetting the violation of or conspiring to violate
26 any of the provisions of this chapter or any board order," specifically, A.R.S. § 32-

1 925(B). When Respondent signed official documents holding himself out as a medical
2 doctor without the proper licensing credentials and when he prescribed and dispensed
3 medication to a patient in 2005, he violated the Chiropractic Practice Act and practiced
4 beyond the scope of his chiropractic license. Respondent's actions provide the Board
5 with a sufficient factual basis to take disciplinary action against his license pursuant to
6 A.R.S. § 32-924(G).
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8 2. The conduct and circumstances explained in the Factual Allegations above
9 constitute a violation of A.R.S. §§ 32-924(A)(5), "unprofessional or dishonorable
10 conduct of a character likely to deceive or defraud the public or tending to discredit the
11 profession," specifically described in A.A.C. R4-7-902(13). When Respondent
12 prescribed medication for a patient and held himself out as a medical doctor in Iowa, he
13 provided the Board with sufficient factual basis to suspend or revoke his chiropractic
14 license pursuant to A.R.S. § 32-924(G).
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16 3. The conduct and circumstances explained in the Factual Allegations above
17 constitute a violation of A.R.S. § 32-924(A)(15), "any conduct or practice contrary to
18 recognized standards in chiropractic or any conduct or practice that constitutes a danger
19 to the health, welfare or safety of the patient or the public or any conduct, practice or
20 condition that impairs the ability of the licensee to safely and skillfully practice
21 chiropractic." When Respondent held himself out as a medical doctor in Iowa and
22 wrote prescriptions for and dispensed medications to a patient in 2005, he established
23 grounds for the Board to take disciplinary action against his license, pursuant to A.R.S. §
24 32-924(G).
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4. The conduct and circumstances explained in Paragraph 10 of the Factual

1 Allegations constitutes a violation of A.R.S. § 32-924(A)(16), "Violating or attempting
2 to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring
3 to violate any of the provisions of this chapter or any board order," specifically, the
4 Board's September 18, 2006 subpoena.
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7 **ORDER**

8 Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY**
9 **ORDERED:**

10 5. Chiropractic License No. 3707, issued to Respondent to practice chiropractic
11 in the State of Arizona, is **Revoked**.

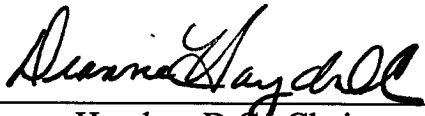
12 6. **IT IS FURTHER ORDERED** that Respondent reimburse the Board for all
13 costs associated with the investigation and the formal hearing in this matter, to be paid
14 within sixty (60) days following service of an invoice to Respondent's address of record.

15 7. This Order shall become effective as of the date stated below.

16 **DATED** this 2 day of October, 2007.

17 ARIZONA STATE BOARD OF
18 CHIROPRACTIC EXAMINERS

19 [S E A L]

20
21 By 
22 P. Dianne Haydon, D.C., Chairperson
23 Arizona State Board of
Chiropractic Examiners

24 **NOTICE:** This Order constitutes a formal decision and order of the Board. If the
25 Respondent desires to challenge the Order, Respondent shall file a written motion for
26 rehearing with the Board's Executive Director within thirty (30) days after service of the
Order. Service of the Order is effective on the date of mailing to Respondent. Under

1 A.A.C. R4-7-305(C), the motion for rehearing must state with specificity the grounds for
2 rehearing. Failure to file a motion for rehearing or review has the effect of prohibiting
3 judicial review of the Board's Order, according to A.R.S. § 41-1092.09 (B) and A.R.S. §
4 12-904 et seq.

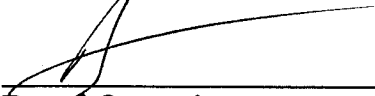
5
6 **COPY** of the foregoing mailed by
7 U.S. Certified mail (return receipt requested)
8 this 2 day of October 2007,
9 Certificate No. 200702200000, to:
10 51403052

11 Harry Hargett, D.C.
12 4110 Lakeshore Drive
13 Okoboji, Iowa 51355
14 Respondent

15 **COPY** of the foregoing mailed
16 this 2 day of October, 2007, to:

17 Melissa Cornelius
18 Assistant Attorney General
19 1275 W. Washington, CIV/LES
20 Phoenix, Arizona 85007
21 Attorney for the State

22 Christine Cassetta
23 Assistant Attorney General
24 Solicitor General's Section
25 Office of the Attorney General
26 1275 West Washington
Phoenix, AZ 85007



Board Operations