

1 BEFORE THE ARIZONA MEDICAL BOARD

2
3 In the Matter of

4 **SCOTT R. WERNER, M.D.**

5 Holder of License No. 17352
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-04-1094A

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Scott R. Werner, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

11 1. Respondent acknowledges that he has read this Consent Agreement and
12 the attached Findings of Fact, Conclusions of Law and Order; and, he is aware of and
13 understands the content of the documents. Respondent acknowledges the right to consult
14 with legal counsel regarding this matter and has done so or chooses not to do so.

15 2. Respondent understands that by entering into this Consent Agreement he
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on
17 the matters of fact or law alleged; or to challenge this Consent Agreement in its entirety as
18 issued by the Board and waives any other cause of action related thereto or arising from
19 said Consent Agreement.
20

21 3. Respondent acknowledges and understands that this Consent Agreement
22 will not become effective until approved by the Board and signed by its Executive Director.

23 4. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 5. Respondent acknowledges and agrees that, although the Board has not
5 accepted and the Executive Director has not yet issued this Consent Agreement,
6 Respondent may not make any modifications to the document. Upon signing this
7 agreement, and returning this document (or a copy thereof) to the Board's Executive
8 Director, Respondent may not revoke acceptance of the Consent Agreement. Any
9 modifications to this Consent Agreement are ineffective and void unless mutually
10 approved by the parties.
11

12 6. Respondent further understands that this Consent Agreement is a public
13 record that may be publicly disseminated as a formal disciplinary action of the Board and
14 will be reported to the National Practitioner's Data Bank and will be reported on the Board
15 web site.

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

20 Scott R Werner MD
21 SCOTT R. WERNER, M.D.

Dated: Dec 8, 2005

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 17352 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-1094A upon notification that
7 Respondent was indicted on 54 counts of health care fraud. These acts of health care
8 fraud are felonies.

9 4. On June 3, 2005 the Division of Occupational and Professional Licensing of
10 the Department of Commerce of the State of Utah ("Utah") accepted the surrender of
11 Respondent's license to practice medicine. Respondent admitted to devising a scheme to
12 defraud health care benefit programs by submitting false claims for intravenous therapy
13 services when in truth Respondent rendered chelation therapy services.

14 5. The Utah Surrender Order is incorporated by reference.

15 6. Respondent admits that the acts described above constitute unprofessional
16 conduct pursuant to A.R.S. §32-1401(27)(o) ([a]ction that is taken against a doctor of
17 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
18 physical inability to engage safely in the practice of medicine, the doctor's medical
19 incompetence or for unprofessional conduct as defined by that jurisdiction and that
20 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
21 paragraph. The action taken may include refusing, denying, revoking or suspending a
22 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
23 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
24 probation by that jurisdiction"), §32-1401(27)(d) ([c]ommitting a felony, whether or not
25 involving moral turpitude. In either case, conviction by any court of competent jurisdiction

1 or a plea of no contest is conclusive evidence of the commission”) and §32-1401(27)(a)
2 [“v]iolating any federal or state laws or rules and regulations applicable to the practice of
3 medicine”).

4 **CONCLUSIONS OF LAW**

5 1. The Board possesses jurisdiction over the subject matter hereof and over
6 Respondent.

7 2. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § A.R.S. §32-1401(27)(o) – [a]ction that is taken against a
9 doctor of medicine by another licensing or regulatory jurisdiction due to that doctor’s
10 mental or physical inability to engage safely in the practice of medicine, the doctor’s
11 medical incompetence or for unprofessional conduct as defined by that jurisdiction and
12 that corresponds directly or indirectly to an act of unprofessional conduct prescribed by
13 this paragraph. The action taken may include refusing, denying, revoking or suspending a
14 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
15 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
16 probation by that jurisdiction”).

17 3. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § A.R.S. §32-1401(27)(d) – [c]omitting a felony, whether or not
19 involving moral turpitude. In either case, conviction by any court of competent jurisdiction
20 or a plea of no contest is conclusive evidence of the commission”).

21 4. The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § A.R.S. §32-1401(27)(a) – [“v]iolating any federal or state
23 laws or rules and regulations applicable to the practice of medicine”).

24 **ORDER**

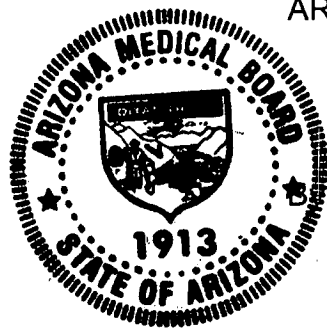
25 IT IS HEREBY ORDERED THAT License Number 17352, issued to Scott R.

1 Werner, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered
2 and that Scott R. Werner, M.D. immediately return his wallet card and certificate of
3 licensure to the Board.

4 DATED and effective this 9th day of February, 2005⁶.

5 ARIZONA MEDICAL BOARD

6 (SEAL)



7
8 

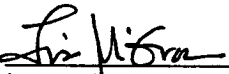
9 TIMOTHY C. MILLER, J.D.
Executive Director

10 ORIGINAL of the foregoing filed this
11 10th day of February, 2005⁶ with:

12 Arizona Medical Board
13 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

14 EXECUTED COPY of the foregoing mailed by
15 certified mail this 10th day of February 2005⁶ to:

16 Scott R. Werner, M.D.
17 Address of Record

18 

Investigational Review