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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MICHAEL S. BISCOE, M.D.

Holder of License No. **20915**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-15-1110A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

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INTERIM CONSENT AGREEMENT

Michael S. Biscoe, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

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INTERIM FINDINGS OF FACT

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

2. Respondent is the holder of License No. 20915 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-15-1110A after receiving a report from the Physician Health Program ("PHP") Contractor that Respondent was asking patients to bring to him any leftover prescribed Suboxone, a Schedule III controlled substance, and then writing new prescriptions to the patients. The PHP Contractor met with Respondent regarding the allegations and he admitted to ingesting the patients' Suboxone. The PHP Contractor stated that Respondent is currently unsafe to practice medicine, and recommended that Respondent immediately present for an evaluation at a Board approved facility.

4. Previously Respondent entered into a Stipulated Rehabilitation Agreement for substance abuse with the Board that expired on August 21, 2001. On February 13,

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1 2006, the Phoenix Police Department reported to the Board that Respondent had been
2 involved in a one-car motor vehicle accident. Phoenix Police also reported that their
3 investigation concluded that Respondent had been sucking on a Fentanyl patch while
4 driving and overdosed, causing him to blackout. The report also concluded that the patch
5 belonged to a patient who had returned the patch to Respondent. Respondent
6 subsequently admitted to PHP that he had relapsed, and on February 14, 2006,
7 Respondent's license was inactivated with cause. Respondent completed treatment, and
8 subsequently entered into a Consent Agreement for License Reactivation and Probation.
9 Respondent successfully completed probation on May 24, 2011.

10 5. On September 13, 2015, Respondent presented to an inpatient treatment
11 facility for a relapse evaluation.

12 6. The aforementioned information was presented to the investigative staff, the
13 medical consultant and the lead Board member. All reviewed the information and concur
14 that the interim consent agreement to restrict Respondent's practice is appropriate.

15 7. The investigation into this matter is pending and will be forwarded to the
16 Board promptly upon completion for review and action.

17 **INTERIM CONCLUSIONS OF LAW**

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
21 enter into a consent agreement when there is evidence of danger to the public health and
22 safety.

23 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
24 interim consent agreement when there is evidence that a restriction is needed to mitigate
25 imminent danger to the public's health and safety. Investigative staff, the Board's medical

1 consultant and the lead Board member have reviewed the case and concur that an interim
2 consent agreement is appropriate.

3 **INTERIM ORDER**

4 IT IS HEREBY ORDERED THAT:

5 1. Respondent is prohibited from engaging in the practice of medicine in the
6 State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Executive
7 Director and receives permission to do so as stated in paragraph 2 below. Respondent
8 may not request release from or modification of this Interim Consent Agreement for
9 Practice Restriction until he has completed the relapse evaluation and any and all
10 recommended treatment.

11 2. Once all of the terms and conditions of this Interim Consent Agreement have
12 been met, Respondent may request, in writing, release and/or modification of this Interim
13 Consent Agreement. The Executive Director, in consultation with and agreement of the
14 Lead Board Member and the Chief Medical Consultant, has the discretion to determine
15 whether it is appropriate to release Respondent from this Interim Consent Agreement.

16 3. The Board retains jurisdiction and may initiate new action based upon any
17 violation of this Interim Consent Agreement, including, but not limited to, summarily
18 suspending Respondent's license.

19 4. Because this is an Interim Consent Agreement and not a final decision by
20 the Board regarding the pending investigation, it is subject to further consideration by the
21 Board. Once the investigation is complete, it will be promptly provided to the Board for its
22 review and appropriate action.

23 5. The Board retains jurisdiction and may initiate new action based upon any
24 violation of this Interim Consent Agreement, including, but not limited to, summarily
25 suspending Respondent's license.

1 pending before the Board and does not constitute any waiver, express or implied, of the
2 Board's statutory authority or jurisdiction regarding this or any other pending or future
3 investigations, actions, or proceedings. Respondent also understands that acceptance of
4 this Interim Consent Agreement does not preclude any other agency, subdivision, or
5 officer of this State from instituting civil or criminal proceedings with respect to the conduct
6 that is the subject of this Interim Consent Agreement. Respondent further does not
7 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
8 judicial review or any other administrative and/or judicial action, concerning the matters
9 related to a final disposition of this matter, unless he affirmatively does so as part of the
10 final resolution of this matter.

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12 5. Respondent acknowledges and agrees that upon signing this Interim
13 Consent Agreement and returning it to the Board's Executive Director, Respondent may
14 not revoke his acceptance of this Interim Consent Agreement or make any modifications to
15 it. Any modification of this original document is ineffective and void unless mutually
16 approved by the parties in writing.

17 6. Respondent understands that this Interim Consent Agreement shall not
18 become effective unless and until it is signed by the Board's Executive Director.

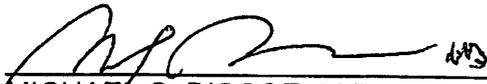
19 7. Respondent understands and agrees that if the Board's Executive Director
20 does not adopt this Interim Consent Agreement, he will not assert in any future
21 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
22 bias, prejudice, prejudgment, or other similar defense.
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1 8. Respondent understands that this Interim Consent Agreement is a public
2 record that may be publicly disseminated as a formal action of the Board, and that it shall
3 be reported as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not
5 alleviate his responsibility to comply with the applicable license-renewal statutes and rules.
6 If this Interim Consent Agreement remains in effect at the time Respondent's allopathic
7 medical license comes up for renewal, he must renew his license if Respondent wishes to
8 retain his license. If Respondent elects not to renew his license as prescribed by statute
9 and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-
10 3202), become suspended until the Board takes final action in this matter. Once the
11 Board takes final action, in order for Respondent to be licensed in the future, he must
12 submit a new application for licensure and meet all of the requirements set forth in the
13 statutes and rules at that time.
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15 10. Respondent understands that any violation of this Interim Consent
16 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
17 formal order, probation, consent agreement or stipulation issued or entered into by the
18 board or its executive director under this chapter").

19 11. ***Respondent understands and agrees to the terms of this Interim***
20 ***Consent Agreement.***

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23 MICHAEL S. BISCOE, M.D.

DATED: 9-21-15

1 EXECUTED COPY of the foregoing e-mailed
this 22nd day of September, 2015 to:

2 Michael S. Biscoe, M.D.
3 Address of Record

4 ORIGINAL of the foregoing filed
this 22nd day of September, 2015 with:

5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

8 Mary Biscoe
Arizona Medical Board Staff

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