

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **DONALD R. SCHIEVE, M.D.**

4 Holder of License No. 18602
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-07-0980A

**CONSENT AGREEMENT FOR
LETTER OR REPRIMAND AND
PROBATION**

7 **CONSENT AGREEMENT**

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

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter.

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

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of
other matters currently pending before the Board, if any, and does not constitute any

1 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any
2 other pending or future investigation, action or proceeding. The acceptance of this
3 Consent Agreement does not preclude any other agency, subdivision or officer of this
4 State from instituting other civil or criminal proceedings with respect to the conduct that is
5 the subject of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof)
13 to the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that
21 will be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

11. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (“[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter”) and 32-1451.

Donald R. Schieve, M.D.
DONALD R. SCHIEVE, M.D.

DATED: 2 - 6 - 09

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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 18602 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-07-0980A after receiving a complaint
7 regarding Respondent's performance of an autopsy on a fifty-seven year-old female
8 patient ("PC").

9 4. On October 22, 2007, a mortuary contacted Respondent about performing a
10 private autopsy regarding PC's ruptured silicone breast implant. Respondent performed
11 the autopsy and certified the cause of death as acute laryngeal spasm due to aspiration of
12 gastric content and electrolyte imbalance. Respondent's pathology exam did not include
13 photographs, descriptions, microscopic exam, or identification of inclusions with Raman
14 spectroscopy. Respondent requested cremation authority from the Medical Examiner
15 (ME). The ME was skeptical of Respondent's diagnoses and obtained PC's body for an
16 immediate analysis.

17 5. On October 30, 2007, the ME performed the second autopsy and found
18 severe three vessel coronary arteriosclerosis, ischemic heart disease, myxoid
19 degeneration of the mitral valve, and morphine intoxication among other things. The ME
20 listed the cause of death as coronary arteriosclerosis and the manner of death as
21 accidental due to severe ischemic heart disease and morphine intoxication.

22 6. In response to the Board's investigation, Respondent submitted the autopsy
23 consent form and stated that it was limited to the axillary and anterior and bilateral neck
24 areas. However, the consent form does not show that it was limited to those areas as it
25 was incomplete and non-standard and suggested consent for a complete autopsy.

1 records on a patient.) and A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or
2 might be harmful or dangerous to the health of the patient or the public.”).

3 **ORDER**

4 IT IS HEREBY ORDERED THAT:

- 5 1. Respondent is issued a Letter of Reprimand.
6 2. Respondent is placed on probation for **six months** with the following terms

7 and conditions:

8 a. Continuing Medical Education

9 Respondent shall within **six months** of the effective date of this Order obtain
10 **15 – 20 hours** of Board Staff pre-approved Category I Continuing Medical Education
11 (CME) in the **performance of autopsies** and provide Board Staff with satisfactory proof of
12 attendance. The CME hours shall be in addition to the hours required for the biennial
13 renewal of medical license. The probation shall terminate upon successful completion of
14 the CME.

15 b. Obey All Laws

16 Respondent shall obey all state, federal and local laws, all rules governing
17 the practice of medicine in Arizona, and remain in full compliance with any court ordered
18 criminal probation, payments and other orders.

19 c. Tolling

20 In the event Respondent should leave Arizona to reside or practice outside
21 the State or for any reason should Respondent stop practicing medicine in Arizona,
22 Respondent shall notify the Executive Director in writing within ten days of departure and
23 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
24 time exceeding thirty days during which Respondent is not engaging in the practice of
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1 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
2 non-practice within Arizona, will not apply to the reduction of the probationary period.

3 3. This Order is the final disposition of case number MD-07-0980A.

4 DATED AND EFFECTIVE this 2nd day of April, 2009.



ARIZONA MEDICAL BOARD

By *L. S. Wynn*
Lisa S. Wynn
Executive Director

10 ORIGINAL of the foregoing filed
11 this 2nd day of April, 2009 with:

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

15 EXECUTED COPY of the foregoing mailed
16 this 2nd day of April, 2009 to:

17 Donald R. Schieve, M.D.
18 Address of Record

19 *Kimberly Corley*
20 Investigational Review
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