BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **RICHARD SKIBICKI, M.D.** Holder of License No. 40850 For the Practice of Allopathic Medicine In the State of Arizona.	Case No. MD-10-1037A **ORDER FOR LETTER OF REPRIMAND AND PROBATION AND CONSENT TO THE SAME**

Richard Skibicki, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Decree of Censure and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

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 number 40850 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-10-1037A after Respondent self-reported to the Board that he was released from a treatment facility for opioid dependence. Additionally, the Board obtained a July 14, 2010 signed Consent Agreement from the Ohio Medical Board suspending Respondent's Ohio medical license for a period of 180 days.

4. Respondent reported that he began using Tramadol in the early 90's for treatment of aches and pains. He also reported that he believed that the drug helped him cope with stressful times in his life. Respondent stated that he initially took Tramadol samples from Pharmaceutical Drug Representatives, and that three to four years ago he had a colleague sign prescriptions created by him using the name and Drug Enforcement Administration (DEA) number of the colleague. In April 2009, a complaint was filed with

the Ohio Medical Board regarding Respondent's use of Tramadol. In September 2009, Respondent was involuntarily committed to a hospital for an evaluation of possible psychosis.

5. In April 2010, Respondent was ordered by the Ohio Board to attend an evaluation and subsequent inpatient treatment program. Respondent was given favorable discharge on July 12, 2010. Two days later, Respondent entered into a Consent Agreement with the Ohio Board. The Agreement involved suspension of Respondent's license for an indefinite period of time for no less than 180 days. Respondent is required to submit to random drug screens, and is required to enter into an aftercare program with a Board approved treatment provider. Respondent also shall apply to the Board to receive restoration of his license, at which time he shall enter into an agreement to include probationary terms, conditions and limitations as determined by the Ohio Board.

6. On December 11, 2009, Respondent was issued a Pennsylvania medical license. However, on August 24, 2010, his license was temporarily suspended due to the action taken by the Ohio Board. Respondent's Pennsylvania medical license may be reinstated after he has demonstrated that he can resume practice in compliance with acceptable standards of care, including certification from a treatment provider that he has successfully completed inpatient treatment for chemical abuse/dependence.

7. On August 11, 2010, Respondent entered into an Interim Consent Agreement for Practice Limitation with the Arizona Medical Board prohibiting him from practicing medicine in the state of Arizona. Respondent met with the Board's Physician Health Program (PHP) Contractor shortly thereafter, who recommended that he participate in the Board's PHP monitoring program to include psychiatric monitoring.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol or habitual substance abuse.") and A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

2. Respondent is placed on Probation for **five years** with the following terms and conditions:

1. **Participation**[1]. Respondent shall promptly enroll in and participate in the Board's Physician Health Program (PHP) monitoring service which is administered by a private contractor. ("Monitor").

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[1] Respondent's PHP participation is retroactive to August 11, 2010.

2. **Relapse Prevention Group**. Respondent shall attend the Monitor's relapse prevention group therapy sessions one time per week for the duration of this Order, unless excused by the relapse prevention group facilitator for good cause. Individual relapse therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-approves substitution. The relapse prevention group facilitators or individual relapse prevention therapist shall submit monthly reports to the Monitor regarding attendance and progress.

3. **12 Step or Self-Help Group Meetings**. If applicable, Respondent shall attend ninety 12-step meetings or other self-help group meetings appropriate for substance abuse and approved by the Monitor, for a period of ninety days. Upon completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step recovery program or other self-help program appropriate for substance abuse as recommended by the Monitor. Respondent shall attend a minimum of three 12-step or other self-help program meetings per week.. Two meetings per month must be Caduceus meetings. Respondent must maintain a log of all self-help meetings.

4. **Approved Primary Care Physician**. Respondent shall promptly obtain a primary care physician and shall submit the name of the physician to the Monitor in writing for approval. The approved primary care physician ("PCP") shall be in charge of providing and coordinating Respondent's medical care and treatment. Except in an *Emergency*, Respondent shall obtain medical care and treatment only from the PCP and from health care providers to whom the PCP refers Respondent. Respondent shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all other health care providers who provide medical care or treatment that Respondent is participating in PHP. "*Emergency*" means a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life.

5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication* unless the PCP or other health care provider to whom the PCP refers Respondent prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*. "*Medication*" means a prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a controlled substance is prescribed, dispensed, or administered to Respondent by any person other than PCP, Respondent shall notify the PCP in writing within 48 hours and notify the Monitor immediately.

6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any food, or other substance containing poppy seeds or alcohol.

7. **Biological Fluid Collection.** Respondent shall provide the Monitor in writing with one telephone number that shall be used to contact Respondent on a 24 hour per day/seven day per week basis to submit to biological fluid collection. For the purposes of this section, telephonic notice shall be deemed given at the time a message to appear is left at the contact telephone number provided by Respondent. Respondent authorizes any person or organization conducting tests on the collected samples to provide testing results to the Monitor. Respondent shall comply with all requirements for biological fluid collection.

8. **Out of State Travel and/or Unavailability at Home/Office Telephone Number.** Respondent shall provide the Monitor with written notice of any plans to travel out of state.

9. **Payment for Services.** Respondent shall pay for all costs, including Monitor costs, associated with participating in PHP at time service is rendered, or within 30 days of each invoice sent to Respondent.

10. **Interviews.** Respondent shall appear in person before the Monitor for

interviews upon request, upon reasonable notice.

11. **Address and Phone Changes, Notice.** Respondent shall immediately notify the Monitor in writing of any change in office or home addresses and telephone numbers.

12. **Relapse, Violation**. In the event of chemical dependency relapse by Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent shall promptly enter into an Interim Order for Practice Restriction and Consent to the Same that requires, among other things, that Respondent not practice medicine until such time as Respondent successfully completes long-term inpatient treatment for chemical dependency designated by the Monitor and obtains affirmative approval from the Board or the Executive Director to return to the practice of medicine. Prior to approving Respondent's request to return to the practice of medicine, Respondent may be required to submit to witnessed biological fluid collection or undergo any combination of physical examination, psychiatric or psychological evaluation. **In no respect shall the terms of this paragraph restrict the Board's authority to initiate and take disciplinary action for violation of this Order.**

13. **Notice Requirements.** Respondent shall immediately provide a copy of this Order to all current and future employers and all hospitals and free standing surgery centers where Respondent has privileges. Within 30 days of the date of this Order, Respondent shall provide the Monitor with a signed statement of compliance with this notification requirement. Respondent is further required to notify, in writing, all employers, hospitals and free standing surgery centers where Respondent currently has or in the future gains employment or privileges, of a chemical dependency relapse.,

14. **Out-of-State.** In the event Respondent resides or practices as a physician in a state other than Arizona, Respondent shall participate in the rehabilitation program sponsored by that state's medical licensing authority or medical society. Respondent shall

cause the monitoring state's program to provide written quarterly reports to the Monitor regarding Respondent's attendance, participation, and monitoring. The monitoring state's program and Respondent shall immediately notify the Monitor if Respondent: a) is non-compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for controlled substances; d) has low specific gravity urine drug test(s), missed and/or late urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any additional treatment.

15. Respondent shall immediately obtain a treating psychiatrist approved by the Monitor and shall remain in treatment with the psychiatrist until further order. Respondent shall instruct the psychiatrist to release to the Monitor, upon request, all records relating to Respondent's treatment, and to submit quarterly written reports to the Monitor regarding diagnosis, prognosis, medications, and recommendations for continuing care and treatment of Respondent. Respondent shall provide the psychiatrist with a copy of this order. Respondent shall pay the expenses of all the psychiatric care and for the preparation of the quarterly reports. After **twelve months**, Respondent may submit a written request to the Monitor requesting termination of the requirement that Respondent remain in treatment with a psychiatrist. The decision to terminate will be based, in part, upon the treating psychiatrist's recommendation for continued care and treatment.

16. This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent.

17. The Board retains jurisdiction and may initiate new action based upon any violation of this Order.

DATED AND EFFECTIVE this 9TH day of FEBRUARY, 2011.

ARIZONA MEDICAL BOARD

(SEAL)

By _____
Lisa S. Wynn
Executive Director

.CONSENT TO ENTRY OF ORDER

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

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

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

6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any

modifications to this original document are ineffective and void unless mutually approved by the parties.

7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.

8. If any part of the Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

9. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.

10. Any violation of this Order 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.

11. Respondent has read and understands the conditions of probation.

RICHARD SKIBICKI, M.D.

DATED: 1-14-2011

EXECUTED COPY of the foregoing mailed this 10th day of February 2011 to:

Richard Skibicki, MD
ADDRESS OF RECORD

ORIGINAL of the foregoing filed this 10th day of February 2011 with:

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

Arizona Medical Board Staff