

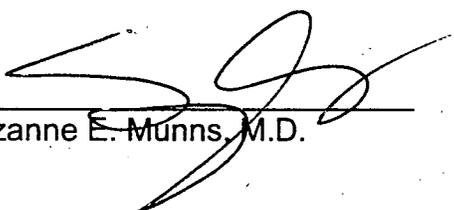


1 involving the Board and Respondent. Therefore, said admissions by Respondent are  
2 not intended or made for any other use, such as in the context of another state or  
3 federal government regulatory agency proceeding, civil or criminal court proceeding, in  
4 the State of Arizona or any other state or federal court.

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

12 6. Respondent further understands that this Consent Agreement and Order,  
13 once approved and signed, shall constitute a public record document that may be  
14 publicly disseminated as a formal action of the Board and will be reported to the  
15 National Practitioner Data Bank and will be reported to the Arizona Medical Board's  
16 website.

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

20  
21   
22 \_\_\_\_\_  
23 Suzanne E. Munns, M.D.  
24  
25

Dated: 3/9/03

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 No. 20007 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case No. MD-02-0725 after receiving information  
7 from the Federation of State Medical Boards indicating that the Iowa Board of Medical  
8 Examiners took disciplinary action against Respondent resulting in an indefinite  
9 suspension of Respondent's Iowa license. The action was taken because Respondent  
10 had violated an April 3, 2001, Settlement Agreement between Respondent and the Iowa  
11 Board of Medical Examiners, regarding Respondent's substance abuse.

12 4. On March 20, 2002, Respondent tested positive for Propoxyphene, a  
13 controlled substance medication, a violation of the April 3, 2001 Settlement Agreement.

14 5. In Respondent's written response to the Arizona Medical Board,  
15 Respondent admitted that her Iowa license was in "suspension secondary to a positive  
16 drug screen".

17 6. Respondent admits to habitual substance abuse.

18 7. The Board may enter into a consent agreement to restrict a doctor's  
19 practice and to rehabilitate the doctor, protect the public and ensure the doctor's ability  
20 to safely engage in the practice of medicine. A.R.S. § 32-1451(F).

21 **CONCLUSIONS OF LAW**

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

24 2. The conduct and circumstances described above constitute  
25 unprofessional conduct pursuant to A.R.S. § 32-1401(24)(f), "[h]abitual intemperance in

1 the use of alcohol or habitual substance abuse", A.R.S. § 32-1401(24)(o), "[a]ction that  
2 is taken against a doctor of medicine by another licensing or regulatory jurisdiction ...."  
3 by that jurisdiction, and A.R.S. § 32-1451(F), "the Board may enter into a consent  
4 agreement to restrict a doctor's practice and to rehabilitate the doctor, protect the public  
5 and ensure the doctor's ability to safely engage in the practice of medicine".

6 **ORDER**

7 IT IS HEREBY ORDERED THAT:

8 1. Respondent shall not practice clinical medicine or any medicine involving  
9 direct patient care, and is prohibited from prescribing any form of treatment including  
10 prescription medications, until Respondent applies to the Board and affirmatively  
11 receives the Board's approval to return to practice. The Board may require any  
12 combination of staff approved physical examination, psychiatric and/or psychological  
13 evaluations, or successful passage of the Special Purpose Licensing Examination or  
14 other competency examination/evaluation or interview it finds necessary to assist it in  
15 determining Respondent's ability to safely and competently to return to the active  
16 practice of medicine.

17 2. Respondent is placed on probation for five years with the following terms  
18 and conditions:

19 a. Respondent shall submit quarterly declarations under penalty of  
20 perjury on forms provided by the Board, stating whether there has been compliance with  
21 all the conditions of probation. The declarations must be submitted on or before the 15th  
22 of March, June, September and December of each year, beginning on or before March  
23 15, 2003.

24 b. Respondent shall pay the costs associated with monitoring her  
25 probation as designated by the Board each and every year of probation. Such costs

1 may be adjusted on an annual basis. Costs are payable to the Board no later than 60  
2 days after the effective date of this Order and thereafter on an annual basis. Failure to  
3 pay these costs within 30 days of the due date constitutes a violation of probation.

4 c. Respondent shall comply with the terms and conditions of the April  
5 3, 2001 Settlement Agreement and Final Order which require Respondent to submit  
6 written quarterly declarations to the Iowa Medical Board of Examiners stating whether  
7 there has been compliance with all the conditions of probation. The declarations must  
8 be submitted to the Iowa Medical Board of Examiners on or before the 20th day of  
9 January, April, July and October of each year of Respondent's probation term.

10 d. Respondent shall enroll in the Arizona Medical Board's Monitored  
11 Aftercare Program with the following terms:

12 1. **Participation.** Respondent shall promptly enroll in and participate  
13 in the Monitored Aftercare Program ("MAP") for the treatment and rehabilitation of  
14 physicians who are impaired by alcohol or drug abuse. Respondent shall remain in  
15 MAP for five years from the effective date of this Order. Respondent's participation in  
16 MAP may be unilaterally terminated with or without cause at the Board's discretion at  
17 any time after the issuance of this Order.

18 2. **Group Therapy.** Respondent shall attend MAP's group therapy  
19 sessions one time per week for the duration of this Order, unless excused by the MAP  
20 group therapist for good cause such as illness or vacation. Respondent shall instruct  
21 the MAP group therapist to release to the Board, upon its request, all records relating to  
22 her treatment, and to submit monthly reports to the Board regarding attendance and  
23 progress. The reports shall be submitted on or before the 10th day of each month.

24 3. **12 Step or Self-Help Group Meetings.** Respondent shall attend  
25 ninety 12-step meetings or other self-help group meetings appropriate for substance

1 abuse and approved by the Board, for a period of ninety days beginning not later than  
2 either (a) the first day following her discharge from chemical dependency treatment or  
3 (b) the date of this Order.

4 4. Following completion of the ninety meetings in ninety days,  
5 Respondent shall participate in a 12-step recovery program or other self-help program  
6 appropriate for substance abuse as recommended by the MAP group therapist and  
7 approved by the Board. Respondent shall attend a minimum of three 12-step or other  
8 self-help program meetings per week.

9 5. **Board-Approved Primary Care Physician.** Respondent shall  
10 promptly obtain a primary care physician and shall submit the name of the physician to  
11 Board Staff in writing for approval. The Board-approved primary care physician ("PCP")  
12 shall be in charge of providing and coordinating Respondent's medical care and  
13 treatment. Except in an *Emergency*, Respondent shall obtain her medical care and  
14 treatment only from the PCP and from health care providers to whom the PCP refers  
15 Respondent from time to time. Respondent shall request that the PCP document all  
16 referrals in the medical record. Respondent shall promptly inform the PCP of her  
17 rehabilitation efforts and provide a copy of this Order to that physician. Respondent  
18 shall also inform all other health care providers who provide medical care or treatment  
19 that he is participating in the Board's rehabilitation program.

20 6. **Medication.** Except in an *Emergency*, Respondent shall take no  
21 *Medication* unless the *Medication* is prescribed by her PCP or other health care provider  
22 to whom the PCP makes a referral. Respondent shall not self-prescribe any  
23 *Medication*.

24 7. If a controlled substance is prescribed, dispensed, or is  
25 administered to Respondent by any person other than PCP, Respondent shall notify the

1 PCP in writing within 48 hours. The notification shall contain all information required for  
2 the medication log entry specified in paragraph 8. Respondent shall request that the  
3 notification be made a part of the medical record. This paragraph does not authorize  
4 Respondent to take any *Medication* other than in accordance with paragraph 6.

5           8.     **Medication Log.** Respondent shall maintain a current legible log  
6 of all *Medication* taken by or administered to her, and shall make the log available to the  
7 Board and its Staff upon request. For *Medication* (other than controlled substances)  
8 taken on an on-going basis, Respondent may comply with this paragraph by logging the  
9 first and last administration of the *Medication* and all changes in dosage or frequency.

10 The log, at a minimum, shall include the following:

- 11           a.     Name and dosage of *Medication* taken or administered;
- 12           b.     Date taken or administered;
- 13           c.     Name of prescribing or administering physician;
- 14           d.     Reason *Medication* was prescribed or administered.

15 This paragraph does not authorize Respondent to take any *Medication* other than in  
16 accordance with paragraph 6.

17           9.     **No Alcohol or Poppy Seeds.** Respondent shall not consume  
18 alcohol or any food or other substance containing poppy seeds or alcohol.

19           10.    **Biological Fluid Collection.** During all times that Respondent is  
20 physically present in the State of Arizona and such other times as Board Staff may  
21 direct, Respondent shall promptly comply with requests from Board Staff, the MAP  
22 group therapist, or the MAP director to submit to witnessed biological fluid collection. If  
23 Respondent is directed to contact an automated telephone message system to  
24 determine when to provide a specimen, she shall do so within the hours specified by  
25 Board Staff. For the purposes of this paragraph, in the case of an in-person request,

1 "promptly comply" means "immediately". In the case of a telephonic request, "promptly  
2 comply" means that, except for good cause shown, Respondent shall appear and  
3 submit to specimen collection not later than two hours after telephonic notice to appear  
4 is given. The Board in its sole discretion shall determine good cause.

5 11. Respondent shall provide Board Staff in writing with one telephone  
6 number that shall be used to contact her on a 24 hour per day/seven day per week  
7 basis to submit to biological fluid collection. For the purposes of this section, telephonic  
8 notice shall be deemed given at the time a message to appear is left at the contact  
9 telephone number provided by Respondent. Respondent authorizes any person or  
10 organization conducting tests on the collected samples to provide testing results to the  
11 Board and the MAP director.

12 12. Respondent shall cooperate with collection site personnel  
13 regarding biological fluid collection. Repeated complaints from collection site personnel  
14 regarding Respondent's lack of cooperation regarding collection may be grounds for  
15 termination from the program.

16 13. **Payment for Services.** Respondent shall pay for all costs,  
17 including personnel and contractor costs, associated with participating in the Monitored  
18 Aftercare Program at time service is rendered, or within 30 days of each invoice sent to  
19 her.

20 14. **Examination.** Respondent shall submit to mental, physical, and  
21 medical competency examinations at such times and under such conditions as directed  
22 by the Board to assist the Board in monitoring her ability to safely perform as a  
23 physician and her compliance with the terms of this Order.

24 ...

25 ...

1           15.   Treatment. Respondent shall submit to all medical, substance  
2 abuse, and mental health care and treatment ordered by the Board, or recommended  
3 by the MAP director.

4           16.   Obey All Laws. Respondent shall obey all federal, state and local  
5 laws, and all rules governing the practice of medicine in the State of Arizona.

6           17.   Interviews. Respondent shall appear in person before the Board  
7 and its Staff and committees for interviews upon request, upon reasonable notice.

8           18.   Address and Phone Changes, Notice. Respondent shall  
9 immediately notify the Board in writing of any change in office or home addresses and  
10 telephone numbers. Respondent shall provide Board Staff at least three business days  
11 advance written notice of any plans to be away from office or home for more than five  
12 consecutive days. The notice shall state the reason for the intended absence from  
13 home or office, and shall provide a telephone number that may be used to contact  
14 Respondent.

15           19.   Relapse, Violation. In the case of chemical dependency relapse  
16 by Respondent or Respondent's use of drugs or alcohol in violation of the Order,  
17 Respondent shall promptly enter into an Interim Consent Agreement that requires,  
18 among other things, that Respondent not practice medicine until such time as she  
19 successfully completes an inpatient or residential treatment program for chemical  
20 dependency designated by the Board or Staff and obtains affirmative approval to return  
21 to the practice of medicine. Prior to approving Respondent's request to return to the  
22 practice of medicine, Respondent may be required to submit to witnessed biological  
23 fluid collection, undergo any combination of physical examination, psychiatric or  
24 psychological evaluation and/or successfully pass the special purpose licensing  
25 examination or the Board may conduct interviews for the purpose of assisting it in

1 determining the ability of Respondent to safely return to the practice of medicine. In no  
2 respect shall the terms of this paragraph restrict the Board's authority to initiate and take  
3 disciplinary action for violation of this Order.

4                   20.    **Notice Requirements.**

5                   (A)    Respondent shall immediately provide a copy of this Order  
6 to all employers and all hospitals and free standing surgery centers a which she  
7 currently has privileges. Within 30 days of the date of this Order, Respondent shall  
8 provide the Board with a signed statement that she has complied with this notification  
9 requirement. Upon any change in employer or upon the granting of privileges at  
10 additional hospitals and free standing surgery centers, Respondent shall provide the  
11 employer, hospital or free standing surgery center with a copy of this Order. Within 30  
12 days of a change in employer or upon the granting of privileges at additional hospitals  
13 and free standing surgery centers, Respondent shall provide the Board with a signed  
14 statement that she has complied with this notification requirement.

15                   (B)    Respondent is further required to notify, in writing, all  
16 employers, hospitals and free standing surgery centers at which Respondent currently  
17 has or in the future gains employment or privileges, of a chemical dependency relapse,  
18 use of drugs or alcohol in violation of this Order and/or entry into a treatment program.  
19 Within seven days of any of these events Respondent shall provide the Board written  
20 confirmation that she has complied with this notification requirement.

21                   (C)    Respondent shall immediately submit to the Board under  
22 penalty of perjury, on a form provided by the Board, the name(s) and address(es) of all  
23 employers and all hospitals and free standing surgery centers at which she currently  
24 holds privileges to practice. Respondent is further required to, under penalty of perjury,  
25 on a form provided by the Board, immediately notify the Board of any changes in

1 employment and of any hospitals and free standing surgery centers at which she gains  
2 privileges after the effective date of this Order.

3 21. **Public Record.** This Order is a public record.

4 ~~22. Out of State~~ In the event Respondent resides or practices as a  
5 physician in a state other than Arizona, she shall participate in the rehabilitation  
6 program sponsored by that state's medical licensing authority or medical society.  
7 Respondent shall cause the other state's program to provide written reports to the  
8 Board regarding her attendance, participation, and monitoring. The reports shall be due  
9 on or before the 15th day of March and September of each year, until the Board  
10 terminates this requirement in writing.

11 23. This Order supersedes all previous consent agreements and  
12 stipulations between the Board and Respondent.

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

## 15 II. DEFINITIONS

16 "**Medication**" means "prescription-only drug, controlled substance, and over-the  
17 counter preparation, other than plain aspirin and plain acetaminophen."

18 "**Emergency**" means "a serious accident or sudden illness that, if not treated  
19 immediately, may result in a long-term medical problem or loss of life."

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

1 3. This Order is the final disposition of case number MD-02-0725.

2 DATED AND EFFECTIVE this 3<sup>RD</sup> day of APRIL, 2003.

3 ARIZONA MEDICAL BOARD

4 [Seal]



5 By Barry Cassidy  
6 BARRY A. CASSIDY Ph.D., P.A.-C  
7 Executive Director

8 ORIGINAL of the foregoing filed  
9 this 3<sup>RD</sup> day of APRIL, 2003, with:

10 Arizona Medical Board  
11 9545 E. Doubletree Ranch Road  
12 Scottsdale, AZ 85258

13 EXECUTED COPY of the foregoing mailed by  
14 Certified Mail this 3<sup>RD</sup> day of APRIL, 2003 to:

15 Suzanne E. Munns, M.D.  
16 2317 West Ridgeway Avenue  
17 Cedar Falls, IA 50613-9574

18 EXECUTED COPY of the foregoing hand-delivered  
19 this 3<sup>RD</sup> day of APRIL, 2003 to:

20 Christine Cassetta, Assistant Attorney General  
21 Sandra Waitt, Management Analyst  
22 Compliance  
23 Arizona Medical Board  
24 9545 E. Doubletree Ranch Road  
25 Scottsdale, AZ 85258

John Geoghegan  
Planning and Operations