

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **FRANK SNIPES, M.D.**

4 Holder of License No. 20832
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-03-0305

**CONSENT AGREEMENT FOR
LICENSE REACTIVATION AND
PROBATION**

7 **CONSENT AGREEMENT**

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

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

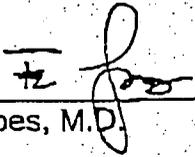
19 3. Respondent acknowledges and understands that this Consent Agreement is
20 not effective until approved by the Board and signed by its Executive Director.

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

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

8 6. Respondent further understands that this Consent Agreement, once
9 approved and signed, is a public record that may be publicly disseminated as a formal
10 action of the Board and will be reported to the National Practitioner Data Bank and to the
11 Arizona Medical Board's website.

12 7. If any part of the Consent Agreement is later declared void or otherwise
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
14 force and effect.

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18 _____
19 Frank Snipes, M.D.

DATED: 8/22/03

FINDINGS OF FACT

1
2
3 1. The Board is the duly constituted authority for the regulation and control of
4 the practice of allopathic medicine in the State of Arizona.

5 2. Respondent is the holder of license number 20832 for the practice of
6 allopathic medicine in the State of Arizona.

7 3. On October 19, 1996, Respondent entered into a Stipulated Rehabilitation
8 Agreement with the Arizona Medical Board ("Board") that required he participate in the
9 Board's Monitored Aftercare Program. The Stipulated Rehabilitation Agreement
10 terminated in April 2001.

11 4. On January 12, 2003, Respondent telephoned the Board's contracted
12 addition medicine specialist ("Specialist"). Respondent informed the Specialist that he had
13 prescribed a controlled substance to a member of his staff and that the staff person filled
14 the prescription and returned the controlled substance to Respondent. Subsequently, the
15 Specialist and a Board staff member ("Board Staff") interviewed Respondent and
16 recommended that he undergo an inpatient evaluation for chemical dependency.

17 5. On February 3, 2003, the Board issued Respondent an Interim Order for
18 inpatient evaluation within 14 days of the Interim Order and on February 9, 2003,
19 Respondent was admitted to Hazelden Springbrook for an inpatient chemical dependency
20 evaluation.

21 6. On February 13, 2003, Board Staff received a telephone call from Hazelden
22 Springbrook stating that Respondent had admitted to a relapse of chemical dependency.

23 7. On February 20, 2003, Respondent signed a Request for Inactive Status
24 with Cause and Order Granting Inactive Status with Cause.

25 8. On April 7, 2003, Board Staff received a Practice Assessment Evaluation
("Report") from Hazelden Springbrook with the recommendation that Respondent return to

1 the practice of medicine in a group setting only, but that others in the group do not need to
2 be physically present at the time he is practicing medicine. In addition, Respondent
3 expressed a desire to be a hospitalist and Hazelden Springbrook determined this would be
4 appropriate and strongly encouraged him to do this in a group practice rather than solo.
5 Hazelden Springbrook also noted that Respondent had a problem with working excessive
6 hours and recommended a practice setting such as a hospitalist or urgent care.

7 9. On April 11, 2003, Respondent successfully completed treatment for
8 chemical dependency at Hazelden Springbrook.

9 10. On April 15, 2003, Respondent entered into a Private Recovery Monitoring
10 Agreement with Specialist. In accordance with the Hazelden Springbrook Report,
11 Specialist recommended that Respondent's license be reactivated with requirement that
12 he participate in the Board's Monitored Aftercare Program and that he be required to
13 practice in a group setting as recommended by Hazelden Springbrook.

14 **CONCLUSIONS OF LAW**

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

17 2. The Board may reactivate Respondent's license upon the presentation of
18 evidence that Respondent possesses the medical knowledge and is physically and
19 mentally able to safely engage in the practice of medicine. A.R.S. § 32-1431(D).

20 **ORDER**

21 IT IS HEREBY ORDERED THAT:

- 22 1. Respondent's license is reactivated upon payment of the renewal fee.
23 2. Respondent shall practice in a group setting only. For purposes of this
24 Consent Agreement "Group Setting" does not require that others in the group be physically
25 present at the time Respondent is practicing medicine. Quarterly reports shall be

1 submitted to Board Staff by the approved supervisor that respondent is complying with the
2 group practice setting requirement.

3 3. Respondent shall take Naltrexone for a period of at least 2 years, or as
4 determined by the Monitored Aftercare Program consultant.

5 4. Respondent is placed on probation for 5 years with the following terms and
6 conditions:

7 A. **Monitored Aftercare Program ("MAP")**

8 Respondent shall participate in MAP and shall submit quarterly declarations
9 under penalty of perjury on forms provided by the Board, stating whether there has been
10 compliance with all conditions of probation. The declarations shall be submitted on or
11 before the 15th March, June, September and December of each year, beginning on or
12 before December 15, 2003.

13 **TERMS:**

14 1. **Participation**

15 Respondent shall promptly enroll in and participate in the Board's
16 confidential substance abuse treatment and rehabilitation program (MAP). As part of the
17 participation in MAP, the Respondent shall cooperate with Board Staff and contracting
18 MAP supervisors. Respondent shall remain in MAP for a period of five years from the
19 effective date of the Order. Respondent's participation in MAP may be unilaterally
20 terminated at the discretion of the Board at any time after issuance of this Order, with or
21 without cause for termination.

22 2. **Group Therapy**

23 Respondent shall attend MAP's group therapy sessions one time per week for the
24 duration of this Order, unless excused by the group therapist for good cause such as
25 illness or vacation. Respondent shall instruct the MAP group therapist to release to the
Board, upon its request, all records relating to Respondent's treatment, and to submit

1 monthly reports to the Board regarding attendance and progress. The reports must be
2 submitted on or before the 10th day of each month.

3 **3. 12 Step or Self-Help Group Meetings**

4 A. Respondent shall attend ninety (90) 12-step meetings or other self-
5 help group meetings appropriate for substance abuse and approved by the Board, for a
6 period of ninety (90) days beginning not later than either (a) the first day following his
7 discharge from chemical dependency treatment or (b) the effective date of this Order.

8 B. Following completion of the ninety (90) meetings in ninety (90) days,
9 Respondent shall participate in a 12-step recovery program or other self-help program
10 appropriate for substance abuse as recommended by the group therapist and approved by
11 the Board. Respondent shall attend a minimum of three (3) 12-step or other self-help
12 program meetings per week.

13 **4. Board-Approved Primary Care Physician**

14 Respondent shall promptly obtain a primary care physician (PCP) and shall
15 submit the name of the PCP to Board Staff in writing for approval. The Board-approved
16 PCP shall be in charge of providing and coordinating Respondent's medical care and
17 treatment. Except in an *Emergency*, Respondent shall obtain Respondent's medical care
18 and treatment only from the PCP and from health care providers to whom the PCP refers
19 Respondent from time to time. Respondent shall request that the PCP document all
20 referrals in the medical record. Respondent shall promptly inform the Board-approved
21 PCP of Respondent's rehabilitation efforts and provide a copy of this Order to the PCP.
22 Respondent shall also inform all other health care providers who provide medical care or
23 treatment that Respondent is participating in MAP.

24 **5. Medication**

25 A. Except in an *Emergency*, Respondent shall take no *Medication* unless
the *Medication* is prescribed by the PCP or other health care provider to whom the PCP

1 physician makes referral. Respondent shall not self-prescribe any *Medication*.

2 B. If a controlled substance is prescribed, dispensed, or is administered to
3 Respondent by any person other than the PCP, Respondent shall notify the PCP in writing
4 within 48 hours. The notification shall contain all information required for the medication
5 log entry specified below. Respondent shall request that the notification be made a part of
6 the medical record. This paragraph does not authorize Respondent to take any
7 *Medication* other than in accordance with paragraph A.

8 **6. Medication Log**

9 A. Respondent shall maintain a current legible log of all *Medication* taken by
10 or administered to Respondent, and shall make the log available to the Board and its Staff
11 upon request. For *Medication* (other than controlled substances) taken on an on-going
12 basis, Respondent may comply with this paragraph by logging the first and last
13 administration of the *Medication* and all changes in dosage or frequency. The log, at a
14 minimum, shall include the following:

- 15 i. Name and dosage of *Medication* taken or administered;
16 ii. Date taken or administered;
17 iii. Name of prescribing or administering physician;
18 iv. Reason *Medication* was prescribed or administered.

19 This paragraph does not authorize Respondent to take any *Medication* other
20 than in accordance with paragraph 5.

21 **7. No Alcohol or Poppy Seeds**

22 Respondent shall not consume alcohol or any food/substance containing poppy
23 seeds or alcohol.

24 **8. Biological Fluid Collection**

25 A. During all times that Respondent is physically present in the state of
Arizona and such other times as Board Staff may direct, Respondent shall promptly

1 comply with requests from Board Staff, the group therapist, or the MAP Director to submit
2 to witnessed biological fluid collection. If Respondent is directed to contact an automated
3 telephone message system to determine when to provide a specimen, Respondent shall
4 do so within the hours specified by Board Staff. For the purposes of this paragraph, in the
5 case of an in-person request, "promptly comply" means "immediately". In the case of a
6 telephonic request, "promptly comply" means that, except for good cause shown,
7 Respondent shall appear and submit to specimen collection not later than two hours after
8 telephonic notice to appear is given. The Board in its sole discretion shall determine good
9 cause.

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

17 C. Respondent shall cooperate with collection site personnel regarding
18 biological fluid collection. Repeated complaints from collection site personnel regarding
19 Respondent's lack of cooperation regarding collection may be grounds for termination
20 from MAP.

21 9. **Payment for Services**

22 Respondent shall pay for all costs, including personnel and contractor costs,
23 associated with participating in MAP at time service is rendered or within 30 days of each
24 invoice sent to him.

25 10. **Examination**

 Respondent shall submit to mental, physical, and medical competency

1 examinations at such times and under such conditions as directed by the Board to assist
2 the Board in monitoring Respondent's ability to safely engage in the practice of medicine
3 and compliance with the terms of this Order.

4 **11. Treatment**

5 Respondent shall submit to all medical, substance abuse, and mental health
6 care and treatment ordered by the Board, or recommended by the MAP Director.

7 **12. Obey All Laws**

8 Respondent shall obey all federal, state and local laws, and all rules governing
9 the practice of medicine in the State of Arizona.

10 **13. Interviews**

11 Respondent shall appear in person before the Board and its Staff and
12 committees for interviews upon request, upon reasonable notice.

13 **14. Address and Phone Changes, Notice**

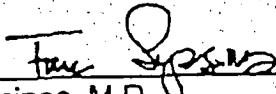
14 Respondent shall immediately notify the Board in writing of any change in office
15 or home addresses and telephone numbers. Respondent shall provide Board Staff at
16 least three business days advance written notice of any plans to be away from office or
17 home for more than five (5) consecutive days. The notice shall state the reason for the
18 intended absence from home or office, and provide a telephone number to contact
19 Respondent.

20 **15. Relapse, Violation**

21 In the case of chemical dependency relapse by respondent or Respondent's use
22 of drugs or alcohol in violation of the Order, Respondent's license shall be **REVOKED**.
23 Respondent agrees to waive formal hearing for determining the probation violation and on
24 the revocation. In the alternative, Respondent may **SURRENDER HIS LICENSE** if he
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1 agrees in writing to being impaired by alcohol or drug abuse pursuant to A.R.S. §§ 32-
2 2551(J) and 32-2551(Q).

3 *Respondent has read and understands the above Relapse, Violation*
4 *paragraph.*

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8 Frank Snipes, M.D.

Dated: 8/22/03

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10 **16. Notice Requirements**

11 A. Respondent shall immediately provide a copy of this Order to all
12 employers and hospitals and free standing surgery centers at which Respondent currently
13 has privileges. Within 30 days of the date of the Order, Respondent shall provide the
14 Board with a signed statement that Respondent has complied with this notification
15 requirement. Upon any change in employer or upon the granting of privileges at additional
16 hospitals or free standing surgery centers, Respondent shall provide the employer,
17 hospital or free standing surgery center with a copy of this Order. Within 30 days of a
18 change in employer or upon the granting of privileges at additional hospitals or free
19 standing surgery centers, Respondent shall provide the Board with a signed statement
20 that Respondent has complied with this notification requirement.

21 B. Respondent is further required to notify, in writing, all employers,
22 hospitals and free standing surgery centers at which Respondent currently has, or in the
23 future gains employment or privileges, of a chemical dependency relapse, use of drugs or
24 alcohol in violation of this Order and/or entry into a treatment program. Respondent shall
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1 provide the Board with written confirmation that he has complied with this notification
2 requirement within seven days of any of these events.

3 C. Respondent shall immediately submit to the Board, under penalty of
4 perjury, on a form provided by the Board, the name(s) and address(es) of all employers
5 and all hospitals and free-standing surgery centers at which Respondent currently holds
6 privileges to practice. Respondent is further required to, under penalty of perjury, on a
7 form provided by the Board, immediately notify the Board of any changes in his
8 employment and of any hospitals and freestanding surgery centers at which Respondent
9 gains privileges after the effective date of this Order.
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11 **17. Public Record**

12 This order is a public record.

13 **18. Out-of State**

14 In the event Respondent resides or practices medicine in a state other than
15 Arizona, Respondent shall participate in the physician rehabilitation program sponsored by
16 that state's medical licensing authority or medical society. Respondent shall cause the
17 other state's program to provide written reports to the Board regarding his attendance,
18 participation, and monitoring. The reports are due on or before the 15th day of March and
19 September of each year, until the Board terminates this requirement in writing.

20 **19. Probation Costs**

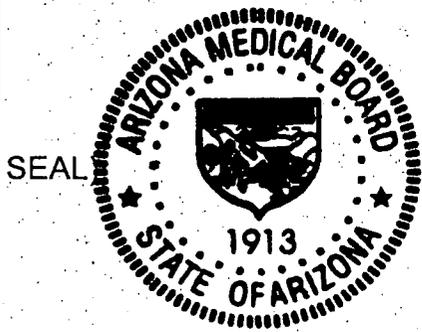
21 Respondent shall pay the costs associated with monitoring his probation as
22 designated by the Board each and every year of probation. Such costs may be adjusted
23 on an annual basis. Costs are payable to the Board no later than 60 days after the
24 effective date of this Order and thereafter on an annual basis. Failure to pay these costs
25 within 30 days of the due date constitutes a violation of probation.

1 20. **Tolling**

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

9 THIS ORDER IS THE FINAL DISPOSITION OF CASE NUMBER MD-03-0305.

10 DATED AND EFFECTIVE this 11th day of September, 2003.



ARIZONA MEDICAL BOARD

14

15 By Barry Cassidy

16 BARRY A. CASSIDY, Ph.D., PA-C
 Executive Director

17 ORIGINAL of the foregoing filed this
18 12th day of September, 2003 with:

19 Arizona Medical Board
20 9545 E. Doubletree Ranch Road
 Scottsdale, AZ 85258

21 EXECUTED COPY of the foregoing mailed
22 this 12th day of September, 2003 to:

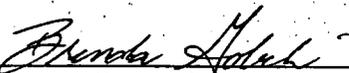
23 Stephen W. Myers
24 Myers & Jenkins
 3003 N. Central Ave., Suite 1900
 Phoenix, AZ 85012
25 Attorney for Dr. Snipes

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 12th day of September, 2003 to:

3 Frank Snipes, M.D.
4 655 S. Dobson Road, Suite 201
5 Chandler, AZ 85224-5669

6 EXECUTED COPY of the foregoing
7 hand-delivered this 12th day of
8 September, 2003, to:

9 Christine Cassetta, Assistant Attorney General
10 D.K. Keenom, Division Chief, Enforcement
11 Michelle Semenuk, Licensing Chief
12 Sandra Waitt, Management Analyst
13 Arizona Medical Board
14 9545 E. Doubletree Ranch Road
15 Scottsdale, AZ 85258

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17 _____
18 Board Operations
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1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **FRANK SNIPES, M.D.**

5 Holder of License No. **20832**
6 For the Practice of Allopathic Medicine
7 In the State of Arizona.

Board Case No. MD-03-0305

**AMENDMENT TO CONSENT
AGREEMENT AND ORDER
FOR LICENSE REACTIVATION
AND PROBATION DATED
SEPTEMBER 11, 2003**

8 At its public meeting on November 10, 2004 the Arizona Medical Board ("Board")
9 was presented with the request of Frank Snipes, M.D. ("Respondent") to modify the
10 Consent Agreement and Order for License Reactivation and Probation ("Consent
11 Agreement") entered by the Board on September 11, 2003. Respondent requested that
12 the Board amend Paragraph 2 of the Order portion of the Consent Agreement to remove
13 the restriction on his practice that requires he work in a group setting. The terms and
14 conditions of the Consent Agreement are incorporated herein by reference.
15

16 Respondent informed the Board that because he was currently practicing as a
17 hospitalist he was in a group practice. However, the restriction on Respondent's license
18 was jeopardizing his current employment because it was preventing him from gaining
19 privileges at certain facilities. The Board voted to amend the Consent Agreement by
20 issuing the following Order after due consideration of the facts and law applicable to this
21 matter.

22 **ORDER**

23 IT IS HEREBY ORDERED that:

24 Paragraph 2 of the Order portion of the September 11, 2003 Consent Agreement is
25 deleted and is replaced with the following: Respondent shall give the Board 60 days

1 advance written notice of his intention to engage in practice as other than a hospitalist and
2 shall, at that time, sign an amendment to the Consent Agreement restricting his practice to
3 a group setting if the Board's Executive Director determines that such an amendment is in
4 the public's best interest.

5 DATED this 15th day of November, 2004.



ARIZONA MEDICAL BOARD

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9 By Barbara J Kane
10 for BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

11 ORIGINAL of the foregoing filed this
12 15 day of November, 2004 with:

13 The Arizona Medical Board
14 9545 East Doubletree Ranch Road
15 Scottsdale, Arizona 85258

16 Executed copy of the foregoing
17 mailed by U.S. Certified Mail this
15 day of November, 2004, to:

18 Stephen Myers
19 Myers & Jenkins, P.C.
3003 North Central Avenue – Suite 1900
Phoenix, Arizona 85012-2910

20 Frank Snipes, M.D.
21 Address of Record