

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **MICHAEL S. BISCOE, M.D.**

4 Holder of License No. 20915
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-03-0402

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Michael S. Biscoe, 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 Consent
19 Agreement.

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

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

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

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

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

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

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MICHAEL S. BISCOE, M.D.

DATED: 12-4-03

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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 20915 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-03-0402 after receiving a complaint
7 from a pharmacist ("A.A.") regarding Respondent's practice of writing multiple drug
8 prescriptions on the same prescription form and combining scheduled and unscheduled
9 medications on the same prescription.

10 4. On May 6, 2003, A.A. informed Respondent that his practice was in violation
11 of Arizona law. Respondent refused to change his practice after A.A. notified him.

12 5. Respondent wrote the following prescriptions combining multiple drugs,
13 including controlled substances, on the same prescription form:

- 14 • May 8, 2003 – Tylenol with Codeine (Schedule III) and Augmentin
15 (prescription only)
- 16 • May 6, 2003 – Vicodin 5 (Schedule III) and Amoxicillin (prescription only)
- 17 • May 5, 2003 – Vicodin 5 (Schedule III) and Vioxx (prescription only)
- 18 • April 27, 2003 – Vicodin 5 (Schedule III) and Soma (prescription only)
- 19 • April 24, 2003 – Albuterol and Phenergan VC with Codeine (Schedule V)

20 6. Respondent admitted to writing multiple drug prescriptions on a single
21 prescription forms "for more than twenty years". Respondent also stated, "...pharmacists
22 have called this practice to my attention informing me that it was in violation of state law to
23 combine prescriptions for scheduled and unscheduled medications on a single sheet".
24 Respondent also admitted to routinely doing this practice in a total of five states, including
25 Arizona.

1 2. Respondent shall pay a civil penalty in the amount of \$1,000.00 within 60
2 days.

3 3. This Order is the final disposition of case number MD-03-0402.

4 DATED AND EFFECTIVE this 12th day of December, 2003.

5
6 (SEAL)



ARIZONA MEDICAL BOARD

7
8 By *Barry Cassidy*
9 BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

10 ORIGINAL of the foregoing filed this
11 12^m day of December, 2003 with:

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

14 EXECUTED COPY of the foregoing mailed by
15 Certified Mail this 12^m day of December, 2003 to:

16 Michael S. Biscoe, M.D.
17 7907 S Stephanie Lane
18 Tempe AZ 85284-1349

19 EXECUTED COPY of the foregoing
20 hand-delivered this 12^m day of
21 December, 2003, to:

22 Sandra Waitt, Information Systems Analyst
23 Arizona Medical Board
24 9545 E. Doubletree Ranch Road
25 Scottsdale, AZ 85258

Liz McGraw
Information Services