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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

RANDALL P. SCOTT, M.D.

Holder of License No. **27944**
For the Practice of Allopathic Medicine
In the State of Arizona.

Board Case No. MD-03-0364A

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

(Letter of Reprimand and Probation)

This matter was considered by the Arizona Medical Board ("Board") at its public meeting on October 8, 2003. Randall P. Scott, M.D., ("Respondent") appeared before the Board without legal counsel for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H). After due consideration of the facts and law applicable to this matter, the Board voted to issue the following findings of fact, conclusions of law and order.

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 No. 27944 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-03-0364A after receiving notification that Respondent's clinical privileges had been revoked by the facility ("Facility") where he was practicing after Respondent admitted that he had stolen prescription medications and prescription drug forms from Facility.
4. In July 2003 Respondent underwent a Board ordered in-patient evaluation and successfully completed in-patient treatment. At the conclusion of his in-patient treatment Respondent voluntarily agreed not to practice until further order of the Board.

1 habitual substance abuse;" 32-1401(26)(g) ("[u]sing controlled substances except if
2 prescribed by another physician for use during a prescribed course of treatment.")

3 **ORDER**

4 Based upon the foregoing Findings of Fact and Conclusions of Law,

5 IT IS HEREBY ORDERED that:

6 1. Respondent is issued a Letter of Reprimand for taking prescription
7 medications from his employer for his own personal use.

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

10 a. Respondent shall submit quarterly declarations under penalty of perjury on
11 forms provided by the Board, stating whether there has been compliance with all
12 conditions of probation. The declarations shall be submitted on or before the 15th of
13 March, June, September and December of each year, beginning on or before December
14 15, 2001.

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

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

1 and progress. The reports shall be submitted on or before the 10th day of each month.

2 **3. 12 Step or Self-Help Group Meetings.** Respondent shall attend ninety 12-
3 step meetings or other self-help group meetings appropriate for substance abuse and
4 approved by the Board, for a period of ninety days beginning not later than either (a) the
5 first day following Respondent's discharge from chemical dependency treatment or (b) the
6 date of this Order.

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

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

23 **6. Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
24 unless the PCP or other health care provider to whom the PCP makes a referral
25 *prescribes the Medication.* Respondent shall not self-prescribe any *Medication.*

1 7. If a controlled substance is prescribed, dispensed, or is administered to
2 Respondent by any person other than PCP, Respondent shall notify the PCP in writing
3 within 48 hours. The notification shall contain all information required for the medication
4 log entry specified in paragraph 8. Respondent shall request that the notification be made
5 a part of the medical record. This paragraph does not authorize Respondent to take any
6 *Medication* other than in accordance with paragraph 6.

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

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

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

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

21 10. **Biological Fluid Collection.** During all times that Respondent is physically
22 present in the State of Arizona and such other times as Board Staff may direct,
23 Respondent shall promptly comply with requests from Board Staff, the MAP group
24 therapist, or the MAP director to submit to witnessed biological fluid collection. If
25 Respondent is directed to contact an automated telephone message system to determine

1 when to provide a specimen, Respondent shall do so within the hours specified by Board
2 Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly
3 comply" means "immediately". In the case of a telephonic request, "promptly comply"
4 means that, except for good cause shown, Respondent shall appear and submit to
5 specimen collection not later than two hours after telephonic notice to appear is given.
6 The Board in its sole discretion shall determine good cause.

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

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

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

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

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

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

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

8 **18. Address and Phone Changes, Notice.** Respondent shall immediately
9 notify the Board in writing of any change in office or home addresses and telephone
10 numbers. Respondent shall provide Board Staff at least three business days advance
11 written notice of any plans to be away from office or home when such absence would
12 prohibit Respondent from responding to an order to provide a biological fluid specimen or
13 to communications from the Board. The notice shall state the reason for the intended
14 absence from home or office, and shall provide a telephone number that may be used to
15 contact Respondent.

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

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

5 **20. Notice Requirements.**

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

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

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

1 service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient
2 reasons for granting a rehearing or review. Service of this order is effective five (5) days
3 after date of mailing. If a motion for rehearing or review is not filed, the Board's Order
4 becomes effective thirty-five (35) days after it is mailed to Respondent.

5 Respondent is further notified that the filing of a motion for rehearing or review is
6 required to preserve any rights of appeal to the Superior Court.

7 DATED this 12th day of November, 2003.



8 ARIZONA MEDICAL BOARD

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10
11 By *Barry Cassidy*
12 BARRY A. CASSIDY, Ph.D., PA-C
13 Executive Director

14 ORIGINAL of the foregoing filed this
15 12th day of November, 2003 with:

16 The Arizona Medical Board
17 9545 East Doubletree Ranch Road
18 Scottsdale, Arizona 85258

19 Executed copy of the foregoing
20 mailed by U.S. Certified Mail this
21 12th day of November, 2002, to:

22 Randall P. Scott, M.D.
23 Address of Record

24 *Lisa M'Graw*
25