

1 BEFORE THE ARIZONA MEDICAL BOARD

2
3 In the Matter of

4 **JOSEPH M. SCOGGIN, M.D.**

5 Holder of License No. 30290
6 For the Practice of Allopathic Medicine
7 In the State of Arizona.

Case No. MD-05-0336A

**CONSENT AGREEMENT FOR
LICENSE REACTIVATION AND
PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Medical Board
10 ("Board") and Joseph M. Scoggin, M.D. ("Respondent"), the parties agreed to the following
11 disposition of this matter at the Board's public meeting on August 11, 2005.

12 1. Respondent acknowledges that he has read and understands this Consent
13 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.
14 Respondent acknowledges that he understands he has the right to consult with legal
15 counsel regarding this matter and has done so or chooses not to do so.

16 2. Respondent understands that by entering into this Consent Agreement for
17 the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or
18 judicial review in State or federal court on the matters alleged, or to challenge this Consent
19 Agreement and the Order in its entirety as issued by the Board, and waives any other
20 cause of action related thereto or arising from said Order.

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

24 4. All admissions made by Respondent are solely for final disposition of this
25 matter and any subsequent related administrative proceedings or civil litigation involving
the Board and Respondent. Therefore, said admissions by Respondent are not intended

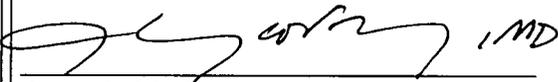
1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in this State or any other
3 state or federal court.

4 5. Respondent acknowledges and agrees that, although the Consent
5 Agreement has not yet been accepted by the Board and issued by the Executive Director,
6 Respondent may not revoke his acceptance of the Consent Agreement and Order.
7 Respondent may not make any modifications to the document. Any modifications to this
8 original document are ineffective and void unless mutually approved by the parties.

9 6. Respondent further understands that this Consent Agreement and Order,
10 once approved and signed, is a public record that may be publicly disseminated as a
11 formal action of the Board.

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

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Joseph M. Scoggin, M.D.

Dated: 8/9/05

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. 30290 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. Respondent had previously been under a Stipulated Rehabilitation
7 Agreement ("SRA") for substance abuse with the Board that expired on June 30, 2004. On
8 March 17, 2005 a hospital where Respondent had privileges reported it had suspended his
9 privileges for suspicious behavior, self-admission to the use of Tramadol, and his refusal
10 to submit to a requested urine drug screen. Respondent then contacted Michel Sucher,
11 M.D., one of the Board's contracted addiction medicine specialists and reported his
12 relapse.

13 4. Respondent entered treatment on March 28, 2005 at Sierra Tucson. On
14 March 28, 2005 Respondent signed a request to inactivate his license with cause because
15 his SRA for substance abuse terminated in 2004 and he had relapsed. A.R.S. § 32-
16 1452(F). On May 3, 2005 Respondent presented to the Betty Ford Center ("Betty Ford")
17 for inpatient treatment. Respondent was discharged on July 1, 2005 after successfully
18 completing treatment. The Board initiated case number MD-05-0336A after Respondent
19 requested that his license be reactivated.

20 5. Subsequent to completing treatment Respondent entered into an Interim
21 Consent Agreement to Participate in the Monitored Aftercare Program. However,
22 Respondent's license remains inactive. Betty Ford has recommended Respondent be
23 permitted to resume practice.
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1 all conditions of probation. The declarations shall be submitted on or before the 15th of
2 March, June, September and December of each year, beginning on or before December
3 15, 2005.

4 4. **Participation.** Respondent shall promptly enroll in and participate in the
5 Monitored Aftercare Program ("MAP") for the treatment and rehabilitation of physicians
6 who are impaired by alcohol or drug abuse. Respondent's participation in MAP may be
7 unilaterally terminated with or without cause at the Board's discretion at any time after the
8 issuance of this Order.

9 5. **Group Therapy.** Respondent shall attend MAP's group therapy sessions
10 one time per week for the duration of this Order, unless excused by the MAP group
11 therapist for good cause such as illness or vacation. Respondent shall instruct the MAP
12 group therapist to release to Board Staff, upon request, all records relating to
13 Respondent's treatment, and to submit monthly reports to Board Staff regarding
14 attendance and progress. The reports shall be submitted on or before the 10th day of
15 each month.

16 6. **12 Step or Self-Help Group Meetings.** Respondent shall attend ninety 12-
17 step meetings or other self-help group meetings appropriate for substance abuse and
18 approved by Board Staff, for a period of ninety days beginning not later than either (a) the
19 first day following Respondent's discharge from chemical dependency treatment or (b) the
20 date of this Order.

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

1 8. Board-Staff Approved Primary Care Physician. Respondent shall
2 promptly obtain a primary care physician and shall submit the name of the physician to
3 Board Staff in writing for approval. The Board-approved primary care physician ("PCP")
4 shall be in charge of providing and coordinating Respondent's medical care and treatment.
5 Except in an *Emergency*, Respondent shall obtain medical care and treatment only from
6 the PCP and from health care providers to whom the PCP refers Respondent.
7 Respondent shall request that the PCP document all referrals in the medical record.
8 Respondent shall promptly inform the PCP of Respondent's rehabilitation efforts and
9 provide a copy of this Order the PCP. Respondent shall also inform all other health care
10 providers who provide medical care or treatment that Respondent is participating in MAP.

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

13 9. Medication. Except in an *Emergency*, Respondent shall take no *Medication*
14 unless the PCP or other health care provider to whom the PCP refers Respondent
15 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.

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

19 10. If a controlled substance is prescribed, dispensed, or is administered to
20 Respondent by any person other than PCP, Respondent shall notify the PCP in writing
21 within 48 hours. The notification shall contain all information required for the medication
22 log entry specified in paragraph 11. Respondent shall request that the notification be
23 made a part of the medical record. This paragraph does not authorize Respondent to take
24 any *Medication* other than in accordance with paragraph 9.

25 11. Medication Log. Respondent shall maintain a current legible log of all

1 *Medication* taken by or administered to Respondent, and shall make the log available to
2 the Board Staff upon request. For *Medication* (other than controlled substances) taken on
3 an on-going basis, Respondent may comply with this paragraph by logging the first and
4 last administration of the *Medication* and all changes in dosage or frequency. The log, at
5 a minimum, shall include the following:

- 6 a. Name and dosage of *Medication* taken or administered;
- 7 b. Date taken or administered;
- 8 c. Name of prescribing or administering physician;
- 9 d. Reason *Medication* was prescribed or administered.

10 This paragraph does not authorize Respondent to take any *Medication* other than in
11 accordance with paragraph 9.

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

14 13. **Biological Fluid Collection.** During all times that Respondent is physically
15 present in the State of Arizona and such other times as Board Staff may direct,
16 Respondent shall promptly comply with requests from Board Staff, the MAP group
17 therapist, or the MAP Director to submit to witnessed biological fluid collection. If
18 Respondent is directed to contact an automated telephone message system to determine
19 when to provide a specimen, Respondent shall do so within the hours specified by Board
20 Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly
21 comply" means "immediately." In the case of a telephonic request, "promptly comply"
22 means that, except for good cause shown, Respondent shall appear and submit to
23 specimen collection not later than two hours after telephonic notice to appear is given.
24 The Board in its sole discretion shall determine good cause.

25 14. Respondent shall provide Board Staff in writing with one telephone number

1 that shall be used to contact Respondent on a 24 hour per day/seven day per week basis
2 to submit to biological fluid collection. For the purposes of this section, telephonic notice
3 shall be deemed given at the time a message to appear is left at the contact telephone
4 number provided by Respondent. Respondent authorizes any person or organization
5 conducting tests on the collected samples to provide testing results to the Board and the
6 MAP Director.

7 15. Respondent shall cooperate with collection site personnel regarding
8 biological fluid collection. Repeated complaints from collection site personnel regarding
9 Respondent's lack of cooperation regarding collection may be grounds for termination
10 from MAP.

11 16. **Out of State Travel and/or Unavailability at Home or Office Telephone**
12 **Number.** Respondent shall provide Board Staff at least three business days advance
13 written notice of any plans to be away from office or home when such absence would
14 prohibit Respondent from responding to an order to provide a biological fluid specimen or
15 from responding to communications from the Board. The notice shall state the reason for
16 the intended absence from home or office, and shall provide a telephone number that may
17 be used to contact Respondent.

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

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

25 19. **Treatment.** Respondent shall submit to all medical, substance abuse, and

1 mental health care and treatment ordered by the Board, or recommended by the MAP
2 Director.

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

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

7 22. **Address and Phone Changes, Notice.** Respondent shall immediately
8 notify the Board in writing of any change in office or home addresses and telephone
9 numbers.

10 23. **Relapse, Violation.** In the case of chemical dependency relapse by
11 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
12 Respondent's license shall be **REVOKED**. Respondent agrees to waive formal hearing on
13 the revocation. In the alternative, Respondent may **SURRENDER HIS LICENSE** if he
14 agrees in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

15 24. **Notice Requirements.**

16 (A) Respondent shall immediately provide a copy of this Order to all
17 employers and all hospitals and free standing surgery centers where Respondent currently
18 has privileges. Within 30 days of the date of this Order, Respondent shall provide the
19 Board with a signed statement of compliance with this notification requirement. Upon any
20 change in employer or upon the granting of privileges at additional hospitals and free
21 standing surgery centers, Respondent shall provide the employer, hospital or free standing
22 surgery center with a copy of this Order. Within 30 days of a change in employer or upon
23 the granting of privileges at additional hospitals and free standing surgery centers,
24 Respondent shall provide the Board with a signed statement of compliance with this
25 notification requirement.

1 (B) Respondent is further required to notify, in writing, all employers,
2 hospitals and free standing surgery centers where Respondent currently has or in the
3 future gains employment or privileges, of a chemical dependency relapse, use of drugs or
4 alcohol in violation of this Order and/or entry into a treatment program. Within seven days
5 of any of these events Respondent shall provide the Board written confirmation of
6 compliance with this notification requirement.

7 (C) Respondent shall immediately submit to the Board under penalty of
8 perjury, on a form provided by the Board, the name(s) and address(es) of all employers
9 and all hospitals and free standing surgery centers where Respondent currently holds
10 privileges to practice. Respondent is further required to, under penalty of perjury, on a
11 form provided by the Board, immediately notify the Board of any changes in employment
12 and of any hospitals and free standing surgery centers where Respondent gains privileges
13 after the effective date of this Order.

14 25. **Public Record.** This Order is a public record.

15 26. **Out-of-State.** In the event Respondent resides or practices as a physician
16 in a state other than Arizona, Respondent shall participate in the rehabilitation program
17 sponsored by that state's medical licensing authority or medical society. Respondent shall
18 cause the monitoring state's program to provide written reports to the Board regarding
19 Respondent's attendance, participation, and monitoring. The reports shall be due
20 quarterly on or before the 15th day of March, June, September, and December of each
21 year, until the Board terminates this requirement in writing. The monitoring state's
22 program and Respondent shall immediately notify the Board if Respondent: a) is non-
23 compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for
24 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
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1 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
2 additional treatment.

3 27. Respondent shall immediately obtain a treating psychotherapist approved by
4 Board Staff and shall remain in treatment with the psychotherapist for a minimum of 12
5 months. Respondent shall comply with the psychotherapist's recommendations for
6 continuing care and treatment. Respondent shall instruct the psychotherapist to submit
7 quarterly written reports to the Board regarding diagnosis, prognosis, and
8 recommendations for continuing care and treatment. The reports must be submitted on or
9 before the 15th day of March, June, September and December of each year. Respondent
10 shall provide the psychotherapist with a copy of this order. Respondent shall pay the
11 expenses of all psychotherapy care and is responsible for paying for the preparation of the
12 quarterly reports. After 12 months, Respondent may submit a written request to the
13 Executive Director requesting termination of the requirement that he remain in treatment
14 with a psychotherapist. The decision to terminate the requirement will be based, in part,
15 upon the treating psychotherapist's recommendations for continued care and treatment.

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

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

20 This Order is the final disposition of case number MD-05-0336A.
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1 DATED this 11 day of August, 2005.



ARIZONA MEDICAL BOARD

7 By *Timothy C. Miller*
8 TIMOTHY C. MILLER, J.D.
9 Executive Director

10 ORIGINAL of the foregoing filed this
11 11th day of August, 2005 with:

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

15 Executed copy of the foregoing
16 mailed by U.S. Certified Mail this *hand delivered*
17 11th day of August, 2005, to:

18 Joseph M. Scoggin, M.D.
19 (Address of Record)

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Christi J. Bandy