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8  
9 **BEFORE THE ARIZONA MEDICAL BOARD**

10  
11 In the Matter of:

CIV No. 05A-30315-MDX

12 **MARY GROVES, M.D.,**

**CONSENT AGREEMENT FOR  
SUSPENSION OF LICENSE**

13 Holder of License No. 30315  
14 for the practice of allopathic Medicine in  
the State of Arizona,

15 Respondent.

16  
17 **CONSENT AGREEMENT**

18 RECITALS

19 In the interest of a prompt and judicious settlement of the above-captioned matters  
20 before the Arizona Medical Board (the "Board") and consistent with the public interest,  
21 statutory requirements and responsibilities of the Board and under A.R.S. § 41-  
22 1092.07(F)(5) and A.R.S. § 32-1451(F), Mary Groves, M.D. ("Respondent"), holder of  
23 License No. 30315 for the practice of allopathic medicine in the State of Arizona, and the  
24 Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
25 ("Consent Agreement") as the final disposition of this matter.

26 1. Respondent has read and understands this Consent Agreement as set forth

1 herein, and has had the opportunity to discuss this Consent Agreement with an attorney.  
2 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding  
3 the expense and uncertainty of an administrative hearing.

4       2. Respondent understands that she has a right to a public administrative  
5 hearing concerning each and every allegation set forth in the above-captioned matters, at  
6 which administrative hearing she could present evidence and cross-examine witnesses.  
7 By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes  
8 all right to such an administrative hearing, currently set for December 13, 2005, as well  
9 as all rights of rehearing, review, reconsideration, appeal, judicial review or any other  
10 administrative and/or judicial action, concerning the matters set forth herein. Respondent  
11 affirmatively agrees that this Consent Agreement shall be irrevocable.

12       3. Respondent agrees that the Board may adopt this Consent Agreement or any  
13 part of this agreement under A.R.S. § 32-1451(F). Respondent understands that this  
14 Consent Agreement or any part of the agreement may be considered in any future  
15 disciplinary action against her.

16       4. Respondent understands that this Consent Agreement does not constitute a  
17 dismissal or resolution of other matters currently pending before the Board, if any, that  
18 are not specifically address herein. Respondent further understands that this Consent  
19 Agreement does not constitute any waiver, express or implied, of the Board's statutory  
20 authority or jurisdiction regarding any other pending or future investigation, action or  
21 proceeding. Respondent also understands that acceptance of this Consent Agreement  
22 does not preclude any other agency, subdivision or officer of this state from instituting  
23 other civil or criminal proceedings with respect to the conduct that is the subject of this  
24 Consent Agreement.

25       5. All admissions made by Respondent in this Consent Agreement are made  
26

1 solely for the final disposition of this matter, and any related administrative proceedings  
2 or civil litigation involving the board and Respondent. This Consent Agreement is not to  
3 be used for any other regulatory agency proceedings, or civil or criminal proceedings,  
4 whether in the State of Arizona or any other state or federal court, except related to the  
5 enforcement of the Consent Agreement itself.

6       6. Respondent acknowledges and agrees that, upon signing this Consent  
7 Agreement and returning this document to the Board's Executive Director, Respondent  
8 may not revoke his acceptance of the Consent Agreement or make any modifications to  
9 the document, regardless of whether the Consent Agreement has been issued by the  
10 Executive Director. Any modification to this original document is ineffective and void  
11 unless mutually approved by the parties in writing.

12       7. Respondent understands that the foregoing Consent Agreement shall not  
13 become effective unless and until adopted by the Board and signed by its Executive  
14 Director.

15       8. Respondent understands and agrees that if the Board does not adopt this  
16 Consent Agreement, she will not assert as a defense that the Board's consideration of this  
17 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

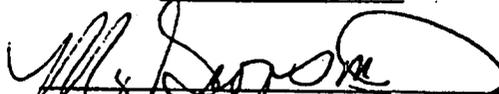
18       9. Respondent understands that this Consent Agreement is a public record that  
19 may be publicly disseminated as a formal action of the Board, and shall be reported as  
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
21 Protection Data Bank.

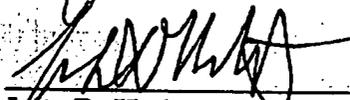
22       10. Respondent understands that any violation of this Consent Agreement  
23 constitutes unprofessional conduct pursuant to A.R. S. §32-1401 (25)(r) ([v]iolating a  
24 formal order, probation, consent agreement or stipulation issued or entered into by the  
25 Board or its executive director under the provisions of this chapter) and may result in  
26

1 disciplinary action pursuant to A.R.S. § 32-1451.  
2  
3

4 ACCEPTED BY:

5 DATED: 12-14-05

6   
7 Mary Groves, M.D.

8   
9 John D. Herbert, Esq.  
10 Attorney for Respondent

11 **FACTUAL ALLEGATIONS**

12 **MD-04-0333A**

- 13
- 14 1. On March 12, 2004, the Board opened an investigation regarding Respondent's
- 15 competency after receiving notification from the Chandler Police Department that
- 16 Respondent had been arrested on a charge of driving while under the influence.
- 17 2. Board investigators obtained a copy of the urine drug screen from the police
- 18 department which indicated Respondent had taken numerous prescription
- 19 medications.
- 20 3. In June, 2004, pursuant to an Interim Order, Respondent completed an inpatient
- 21 evaluation at Sierra Tucson which recommended Respondent undergo two years
- 22 of urine drug monitoring and/or hair testing and addiction education.
- 23 4. Respondent was given an Interim Order for Random Urine Drug Screens on
- 24 February 28, 2005. Several of the drug screens were positive for opiates and
- 25 benzodiazepines. This Interim Order was vacated on June 13, 2005, because
- 26 Respondent's physician treating her for pain management was prescribing these

- 1 medications.
- 2 5. Respondent was referred for inpatient treatment evaluation and treatment at
- 3 Hazelden Springbrook and completed the evaluation on September 30, 2005.
- 4 6. Hazelden Springbrook's evaluation could not substantiate a firm diagnosis of
- 5 substance abuse or dependence, but determined that Respondent is impaired by her
- 6 ongoing medical issues related to chronic pain and the requirement that she
- 7 continue opiates and benzodiazepines to control the pain.
- 8 7. Respondent's license was summarily suspended by the Board on October 17, 2005,
- 9 when the Board determined that she was not able to safely practice medicine due
- 10 to the medications she was using to control chronic pain.
- 11 8. Respondent admits that she is mentally or physically unable safely to engage in the
- 12 practice of medicine at this time.
- 13 9. Respondent further agrees that she will comply with Arizona law and guidelines
- 14 established by the Board in closing her medical practice and the disposition of
- 15 patient medical records.

16 **CONSENT ORDER**

17 IT IS THEREFORE ORDERED that:

- 18 1. The license number 30315, issued to Respondent Mary Groves, M.D., is
- 19 suspended until Respondent applies to the Board for reinstatement.
- 20 Respondent must be able to affirmatively show that she is physically able to
- 21 safely engage in the practice of medicine and is no longer dependant on opiate
- 22 and benzodiazepines. The Board may require any combination of Staff
- 23 approved physical examination, psychiatric and/or psychological evaluations,
- 24 or successful passage of the Special Purpose Licensing Examination or other
- 25 competency examination/evaluation or interview it finds necessary to assist it
- 26

- 1 in determining Respondent's ability to safely and competently return to the  
2 active practice of medicine.
- 3 2. Respondent will establish with a primary care physician (PCP), approved by  
4 Board staff. The PCP will file quarterly reports with the Board regarding  
5 Respondent's current physical condition and dependence on pain medications.
- 6 3. Upon the Board lifting the suspension, Respondent will continue to be  
7 monitored by the Board's Physician Health Program (PHP) for a period NOT  
8 TO EXCEED TWO years and submit to random urine screens.

9 DATED AND EFFECTIVE this 9<sup>th</sup> day of June 2008.

10  
11 (SEAL)



ARIZONA MEDICAL BOARD

*Timothy C. Miller*

12  
13  
14 Timothy C. Miller, J.D.  
Executive Director

15 Original of the foregoing filed this  
16 9<sup>th</sup> day of June, 2008,  
17 with:

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

21 COPY of the foregoing mailed by U.S.  
Certified Mail this 9<sup>th</sup> day of June, 2008, to:

22 John Herbert  
23 Herbert & Associates  
24 PO Box 9620  
Chandler Heights, Arizona 85277

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