BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **MARY GROVES, M.D.** Holder of License No. **30315** For the Practice of Allopathic Medicine In the State of Arizona.	**Case No. MD-04-0333A** **INTERIM FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR SUMMARY SUSPENSION OF LICENSE**

INTRODUCTION

The above-captioned matter came on for discussion before the Arizona Medical Board ("Board") on October 17, 2005. After reviewing relevant information and deliberating, the Board considered proceedings for a summary action against the license of Mary Groves, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending formal hearing or other Board action. A.R.S. § 32-1451(D).

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 30315 for the practice of allopathic medicine in the State of Arizona.

3. On March 12, 2004 the Chandler Police Department notified the Board that Respondent was arrested on March 10, 2004 for driving under the influence ("DUI") of drugs. The Chandler Police Department indicated Respondent had been arrested at the scene of a one vehicle motor vehicle accident in front of a junior high school on her way to work. Respondent has been unable to adequately explain the multiple medications in

her urine drug screen at the time of her arrest. As a result of the Chandler Police Department report the Board initiated case number MD-04-0333A.

4. On April 30, 2004 David Greenberg, M.D. the Board's contracted addiction medicine specialist and Board Staff interviewed Respondent. As a result of the interview an Interim Order for Inpatient Evaluation was issued. Respondent underwent the evaluation at Sierra Tucson. Sierra Tucson recommended Respondent undergo two years of urine drug monitoring and/or hair testing and addiction education provided by an addiction counselor. On February 28, 2005 an Interim Order for Random Urine Drug Screens for a period of one year was issued. Respondent complied with the Interim Order and submitted several drug screens that were positive for opiates and benzodiazepines.

5. After Respondent completed the evaluation at Sierra Tucson Board Staff provided Sierra Tucson with additional information and asked Sierra Tucson if its evaluation would have changed if Respondent had revealed the additional information at the time of her evaluation. Sierra Tucson reviewed the additional information and recommended Respondent undergo a second evaluation at another facility and the Board provide the facility with all the relevant information. A second Interim Order for Evaluation was issued on May 17, 2005. Respondent appealed this Interim Order and the Board denied her appeal at its August 2005 meeting.

6. Respondent subsequently completed the second evaluation at Hazeldon Springbrook on September 30, 2005. Hazeldon stated they could not substantiate a firm diagnosis of substance abuse or dependence, but opined that Respondent is impaired by her ongoing medical issues. Hazeldon reported that Respondent told the evaluators that she was unable to work because of the pain issues and her ongoing need to take opiate medications. Hazeldon recommended that Respondent not return to work due to

chronic pain issues and continued opiate use. There is evidence that Respondent diverted multiple medications from family members.

7. Dr. Greenberg informed the Board that he received a verbal report from Hazeldon that during evaluations Respondent would complain of her chronic pain issues and exhibit signs of pain, but when Respondent was unaware she was being observed, she did not exhibit signs of pain.

8. The facts as presented demonstrate that the public health, safety or welfare imperatively requires emergency action.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent, holder of License No. 30315 for the practice of allopathic medicine in the State of Arizona.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(g) ("[u]sing controlled substances except of prescribed by another physician for use during a prescribed course of treatment.")

3. The conduct and circumstances described above constitute evidence that a doctor of medicine is or may be mentally or physically unable to safely engage in the practice of medicine. A.R.S. § 32-1451(A).

4. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

ORDER

Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above, IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice allopathic medicine in the State of Arizona,

License No. 30315, is summarily suspended pending a formal hearing before an Administrative Law Judge from the Office of Administrative Hearings.

2. The Interim Findings of Fact and Conclusions of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against her. Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 18th day of October 2005.

[SEAL]

ARIZONA MEDICAL BOARD

By Amada Bell
for Timothy C. Miller, J.D.
Executive Director

ORIGINAL of the foregoing filed this 18th day of October, 2005, with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing ~~hand delivered~~ FAXED AND ~~by~~ this 18th day of October, 2005, to: MAILED BY CERTIFIED MAIL &9

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

HAND DELIVERED AND 29

Executed copy of the foregoing mailed by certified mail this 18th day of October, 2005 to:

Mary Groves, M.D.
(Address of record)

Executed copy of the foregoing mailed by first class mail this 18th day of October, 2005 to:

Dean Brekke
Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington, CIV/LES
Phoenix, Arizona 85007