BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MARVIN C. SCHNEIDER, M.D.

Case No. MD-17-1123A

Holder of License No. 4036
For the Practice of Allopathic Medicine
In the State of Arizona.

INTERIM CONSENT AGREEMENT

Marvin C. Schneider, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM 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. 4036 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-17-1123A after receiving a complaint regarding Respondent's care and treatment of a 61 year-old female patient ("DC") alleging inappropriate prescribing of controlled substances.

4. A Medical Consultant ("MC") who reviewed Respondent's care of DC noted deviations from the standard of care. The MC stated that Respondent deviated from the standard of care by continuing to prescribe high dose opioids, while the patient was on Carisoprodol and diazepam, and by failing to refer this high risk patient to a pain management specialist for further treatment.

5. There was the potential for patient harm in that DC was at unreasonable risk of increased sedation, respiratory depression, hormonal dysfunction and constipation.
6. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that the interim consent agreement to restrict Respondent's controlled substance prescribing pending the outcome of a formal interview or formal hearing is appropriate.

7. The investigation into this matter is pending Board review.

**INTERIM CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to enter into a consent agreement when there is evidence of danger to the public health and safety.

3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an interim consent agreement when there is evidence that a restriction is needed to mitigate imminent danger to the public's health and safety. Investigative staff, the Board's medical consultant and the lead Board member have reviewed the case and concur that an interim consent agreement is appropriate.

**INTERIM ORDER**

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from prescribing controlled substances in the State of Arizona until he requests release or modification as set forth in paragraph 2 below.

2. Respondent may request, in writing, release and/or modification of this Interim Consent Agreement. Respondent's request for release must be accompanied by proof of completion of at least 10 hours of continuing medical education ("CME") in a Board staff pre-approved intensive, in-person controlled substance prescribing course. The Executive Director, in consultation with and agreement of the lead Board member and
the Chief Medical Consultant, has the discretion to determine whether it is appropriate to
release Respondent from this Interim Consent Agreement.

3. The Board retains jurisdiction and may initiate new action based upon any
violation of this Interim Consent Agreement, including, but not limited to, summarily
suspending Respondent’s license.

4. Because this is an Interim Consent Agreement and not a final decision by
the Board regarding the investigation, it is subject to further consideration by the Board.

5. This Interim Consent Agreement shall be effective on the date signed by the
Board’s Executive Director.

RECITALS

Respondent understands and agrees that:

1. The Board, through its Executive Director, may adopt this Interim Consent
Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
504.

2. Respondent has read and understands this Interim Consent Agreement as
set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and
voluntarily relinquishes all rights to an administrative hearing on the matters set forth
herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
any other administrative and/or judicial action, concerning the matters related to the
Interim Consent Agreement.
4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of this matter or any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding this or any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent further does not relinquish his rights to an administrative hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or judicial action, concerning the matters related to a final disposition of this matter, unless he/she affirmatively does so as part of the final resolution of this matter.

5. Respondent acknowledges and agrees that upon signing this Interim Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke acceptance of this Interim Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.

6. Respondent understands that this Interim Consent Agreement shall not become effective unless and until it is signed by the Board's Executive Director.

7. Respondent understands and agrees that if the Board's Executive Director does not adopt this Interim Consent Agreement, he will not assert in any future proceedings that the Board's consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or other similar defense.
8. Respondent understands that this Interim Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

9. Respondent understands that this Interim Consent Agreement does not alleviate Respondent’s responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent’s allopathic medical license comes up for renewal, Respondent must renew the license if Respondent wishes to retain the license. If Respondent elects not to renew the license as prescribed by statute and rule, Respondent’s license will not expire but rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes final action in this matter. Once the Board takes final action, in order for Respondent to be licensed in the future, Respondent must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.

10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) (“[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.”).

\[Signature\]

MARVIN C. SCHNEIDER, M.D.

DATED: 27 Aug 2018

DATED this 29th day of August, 2018.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley

Executive Director
EXECUTED COPY of the foregoing e-mailed this 31st day of August, 2018 to:

Marvin C. Schneider, M.D.
Address of Record

ORIGINAL of the foregoing filed this 31st day of August, 2018 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

[Signature]

Board staff