

BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of

ROBERT SCHULTE, M.D.

Holder of License No. **23206**
For the Practice of Medicine
In the State of Arizona.

Investigation No. MD-00-0096

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND AND
PROBATION**

IT IS HEREBY AGREED by and between Robert Schulte, M.D., holder of License No. 23206, and the Arizona Board of Medical Examiners (Board), that the accompanying Findings of Fact, Conclusions of Law and Order be entered in the above-entitled matter and be effective as of the date issued.

Dr. Schulte acknowledges that any violation of this Consent Agreement constitutes unprofessional conduct within A.R.S. § 32-1401(25)(r), and will result in ~~her~~^{his} license being automatically summarily suspended pursuant to A.R.S. § 32-1451(D). Alternatively, Dr. Schulte may request cancellation of ~~her~~^{his} Board license if he admits to misconduct and so stipulates, pursuant to A.R.S. § 32-1433; however, the Board reserves the authority to take disciplinary action and therefore not grant a requested cancellation of license.

In the event of Dr. Schulte's Board license being revoked or cancelled he agrees that he will not reapply for a license for five (5) years from the date of cancellation. Furthermore, by signing this Consent Agreement, Dr. Schulte waives and relinquishes any right to appeal from or challenge this Order by initiating any type of administrative or judicial review of this Order.


ROBERT SCHULTE, M.D.

Dated: 7/27/00

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of the
3 practice of allopathic medicine in the state of Arizona.

4 2. Robert Schulte, M.D. is the holder of License No. 23206 for the practice of
5 allopathic medicine in the state of Arizona.

6 3. During an interview with Board staff, Dr. Schulte admitted to the use of Marijuana in
7 Massachusetts in or about 1990 with a subsequent arrest by law enforcement authorities.

8 4. As a result of this arrest, the Massachusetts Medical Board required Dr. Schulte to
9 undergo substance abuse treatment and monitoring by the Board.

10 5. Dr. Schulte answered "no" to the following questions on his application for licensure
11 in Arizona: "Have you ever been charged with a violation of any statute, rule or regulation
12 of any domestic or foreign governmental agency? Has there been any action initiated
13 against you by or through any medical board or association? Have you ever been treated
14 for the use of or misuse of any chemical substance or substances?"

15 6. In December, 1999, the Arizona Board of Medical Examiners received information
16 that Dr. Schulte was receiving large amounts of controlled substance medications (Ativan
17 and Dexedrine) by prescription. There was also indication of possible alcohol abuse.

18 7. Dr. Schulte was evaluated at Talbot and Sierra Tucson, where it was recommended
19 that he continue in a substance abuse rehabilitation program.

20 8. This matter was presented to the Board for is final review and approved as part of
21 its public meeting agenda on August 23-25, 2000.

22 **CONCLUSIONS OF LAW**

23 1. The Board possesses jurisdiction over the subject matter hereof and over Robert
24 Schulte, M.D.

1 2. The facts identified in paragraphs 3 through 7 above constitute unprofessional
2 conduct as identified in A.R.S. § 32-1401(25)(ii) "Knowingly making a false or misleading
3 statement to the Board or on a form required by the Board," and A.R.S. § 32-1402(25)(q)
4 "Any conduct or practice which is or might be harmful or dangerous to the health of the
5 patient or the public."

6 3. Pursuant to A.R.S. § 32-1403(A)(5), and § 32-1451(F), the Board may enter the
7 following order.

8 **ORDER**

9 IT IS HEREBY ORDERED THAT

10 1. Robert Schulte, M.D. be issued a letter of reprimand for the unprofessional conduct
11 outlined above.

12 2. The medical license held by Robert Schulte, M.D., shall be placed on probation for
13 five (5) years subject to the following terms:

14 A. In the event that Robert Schulte, M.D., violates any term of his probation, his
15 license will automatically be summarily suspended. Alternatively, Dr. Schulte may request
16 Cancellation of his Board license if he admits to misconduct and so stipulates pursuant to
17 A.R.S. § 32-1433. If his Board license is revoked he shall be prohibited from reapplying
18 for a license for five (5) years.

19 B. Robert Schulte, M.D. shall submit quarterly declarations under penalty of perjury
20 on forms provided by the Board, stating whether there has been compliance with all the
21 conditions of probation. The declarations shall be submitted on or before the 15th of
22 March, June, September and December of each year.

23 C. Robert Schulte, M.D. shall promptly participate in the Monitored Aftercare
24 Program ("MAP") for the treatment and rehabilitation of physicians who are impaired by
25 alcohol or drug abuse. The terms and conditions of MAP are as follows:

1
2 **I. DEFINITIONS**

3 **"Medication"** means "prescription-only drug, controlled substance, and over-the
4 counter preparation, other than plain aspirin and plain acetaminophen."

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

7 **II. TERMS**

8 **1. Participation.** Dr. Schulte shall promptly enroll in and participate in the
9 Board's confidential substance abuse treatment and rehabilitation program (the "program")
10 in accordance with this Consent Agreement. Dr. Schulte shall remain in the program for a
11 period of five years from the Consent Agreement's effective date.

12 **2. Group Therapy.** Dr. Schulte shall attend the program's group therapy
13 sessions one time per week for the duration of this Consent Agreement, unless excused
14 by the group therapist for good cause such as illness or vacation. Dr. Schulte shall instruct
15 the program group therapist to release to the Board, upon its request, all records relating
16 to his treatment, and to submit monthly reports to the Board regarding attendance and
17 progress. The reports shall be submitted on or before the 10th day of each month.

18 **3. 12 Step or Self-Help Group Meetings.** Dr. Schulte shall attend ninety (90)
19 12-step meetings or other self-help group meetings appropriate for substance abuse and
20 approved by the Board, for a period of ninety (90) days beginning not later than either (a)
21 the first day following his discharge from chemical dependency treatment or (b) the date of
22 this Consent Agreement.

23 **4.** Following completion of the ninety (90) meetings in ninety (90) days, Dr.
24 Schulte shall participate in a 12-step recovery program or other self-help program
25 appropriate for substance abuse as recommended by the group therapist and approved by

1 the Board. Dr. Schulte shall attend a minimum of three (3) 12-step or other self-help
2 program meetings per week.

3 **5. Board-Approved Primary Care Physician.** Dr. Schulte shall promptly
4 obtain a primary care physician and shall submit the name of the physician to Board staff
5 in writing for approval.

6 **6.** The Board-approved primary care physician shall be in charge of providing
7 and coordinating Dr. Schulte's medical care and treatment. Except in an *Emergency*, Dr.
8 Schulte shall obtain her medical care and treatment only from the Board-approved primary
9 care physician and from health care providers to whom the Board-approved primary care
10 physician refers Dr. Schulte from time to time. Dr. Schulte shall request that the Board-
11 approved primary care physician document all referrals in the medical record.

12 **7.** Dr. Schulte shall promptly inform the Board-approved primary care physician
13 of her rehabilitation efforts and provide a copy of this Consent Agreement to that
14 physician. Dr. Schulte shall also inform all other health care providers who provide
15 medical care or treatment that he is participating in the Board's rehabilitation program.

16 **8. Medication.** Except in an *Emergency*, Dr. Schulte shall take no *Medication*
17 unless the *Medication* is prescribed by his Board-approved primary care physician or other
18 health care provider to whom the Board-approved primary care physician makes referral.
19 Dr. Schulte shall not self-prescribe any *Medication*.

20 **9.** If a controlled substance is prescribed, dispensed, or is administered to Dr.
21 Schulte by any person other than the Board-approved primary care physician, he shall
22 notify the Board-approved primary care physician in writing within 48 hours. The
23 notification shall contain all information required for the medication log entry specified in
24 paragraph 10. Dr. Schulte shall request that the notification be made a part of the medical
25

1 record. This paragraph does not authorize Dr. Schulte to take any *Medication* other than
2 in accordance with paragraph 8.

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

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

13 This paragraph does not authorize Dr. Schulte to take any *Medication* other than in
14 accordance with paragraph 8.

15 **11. No Alcohol or Poppy Seeds.** Dr. Schulte shall not consume alcohol or any
16 food or other substance containing poppy seeds.

17 **12. Biological Fluid Collection.** During all times that Dr. Schulte is physically
18 present in the state of Arizona and such other times as board staff may direct, Dr. Schulte
19 shall promptly comply with requests from Board staff, the group therapist, or the program
20 director to submit to witnessed biological fluid collection. If Dr. Schulte is directed to
21 contact an automated telephone message system to determine when to provide a
22 specimen, he shall do so within the hours specified by Board staff. For the purposes of
23 this paragraph, in the case of an in-person request, "promptly comply" means
24 "immediately". In the case of a telephonic request, "promptly comply" means that, except
25 for good cause shown, Dr. Schulte shall appear and submit to specimen collection not

1 later than two hours after telephonic notice to appear is given. The Board in its sole
2 discretion shall determine good cause.

3 **13.** Dr. Schulte shall provide Board staff in writing with one telephone number
4 which shall be used to contact her on a 24 hours per day/seven days per week basis to
5 submit to biological fluid collection. For the purposes of this section, telephonic notice
6 shall be deemed given at the time a message to appear is left at the contact telephone
7 number provided by Dr. Schulte. Dr. Schulte authorizes any person or organization
8 conducting tests on the collected samples to provide testing results to the Board and the
9 program director.

10 **14.** Dr. Schulte shall cooperate with collection site personnel regarding biological
11 fluid collection. Repeated complaints from collection site personnel regarding Dr.
12 Schulte's lack of cooperation regarding collection may be grounds for termination from the
13 program.

14 **15. Payment for Services.** Dr. Schulte shall pay for all costs, including
15 **personnel and contractor costs, associated with participating in the Monitored**
16 **Aftercare Program (MAP) at time service is rendered, if required, or within 30 days**
17 **of each invoice sent to her.**

18 **16. Examination.** Dr. Schulte shall submit to mental, physical, and medical
19 competency examinations at such times and under such conditions as directed by the
20 Board to assist the Board in monitoring her ability to safely engage in the practice of
21 medicine and compliance with the terms of this Consent Agreement.

22 **17. Treatment.** Dr. Schulte shall submit to all medical, substance abuse, and
23 mental health care and treatment ordered by the Board, or recommended by the program
24 director.

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1 **18. Obey All Laws.** Dr. Schulte shall obey all federal, state and local laws, and
2 all rules governing the practice of medicine in the state of Arizona.

3 **19. Interviews.** Dr. Schulte shall appear in person before the Board and its staff
4 and committees for interviews upon request, upon reasonable notice.

5 **20. Address and Phone Changes, Notice.** Dr. Schulte shall immediately notify
6 the Board in writing of any change in office or home addresses and telephone numbers.
7 Dr. Schulte shall provide Board staff at least three business days advance written notice of
8 any plans to be away from office or home for more than five (5) consecutive days. The
9 notice shall state the reason for the intended absence from home or office, and shall
10 provide a telephone number that may be used to contact Dr. Schulte.

11 **21. Relapse, Violation.** See paragraph A of this Order.

12 **22. Notice Requirements.** Dr. Schulte shall immediately provide a copy of
13 this Consent Agreement to all hospitals and free standing surgery centers at which Dr.
14 Schulte has any privileges. Within 30 days of signing this Consent Agreement, Dr. Schulte
15 shall provide the Board with a signed statement that he has complied with this notification
16 requirement.

17 Dr. Schulte is further required to notify, in writing, all hospitals and free standing
18 surgery centers at which he has any privileges of a chemical dependency relapse, use of
19 drugs or alcohol in violation of this Consent Agreement and/or entry into a treatment
20 program. Dr. Schulte shall provide the Board, within seven days of any of these events,
21 written confirmation that he has complied with this notification requirement.

22 **23. Public Record.** This Consent Agreement is a public record.

23 **24. Out-of State.** In the event Dr. Schulte resides or practices medicine in a
24 state other than Arizona, he shall participate in the physician rehabilitation program
25 sponsored by that state's medical licensing authority or medical society. Dr. Schulte shall

1 cause the other state's program to provide written reports to the Board regarding his
2 attendance, participation, and monitoring. The reports shall be due on or before the 15th
3 day of March and September of each year, until the Board terminates this requirement in
4 writing.

5 **25.** Dr. Schulte shall immediately obtain a treating psychiatrist approved by
6 Board staff and shall remain in treatment with the psychiatrist until further order of the
7 Board. Dr. Schulte shall instruct the psychiatrist to release to the Board, upon its request,
8 all records relating to treatment of Dr. Schulte, and to submit quarterly written reports to
9 the Board regarding diagnosis, prognosis, and recommendations for continuing care and
10 treatment of Dr. Schulte. The reports shall be submitted on or before the 15th day of
11 March, June, September and December of each year.

12 **26.** This Order supercedes all previous consent agreements, stipulations, and
13 orders between the Board and Robert Schulte, M.D.

14 DATED this 1 day of September, 2000.

15 BOARD OF MEDICAL EXAMINERS
16 OF THE STATE OF ARIZONA

17 (SEAL)

18 By: Tom Adams
19 CLAUDIA FOUTZ
20 Executive Director
21 TOM ADAMS
22 Assistant Director, Regulation

23 Original of the foregoing Consent Agreement For
24 Order of Probation mailed by certified
25 mail for signature this 1st day of
September to:

Robert Schulte, M.D.
16242 N. 110th St.
Scottsdale AZ 85259

1 Kathleen Mulley

2 Coordinator, Monitored Aftercare Program

3
4 Copy of the foregoing Consent Agreement For
5 Order of Probation mailed to:
6 Duane Olson, Esq.
7 Olson, Jantsch, Bakker & Blakey
8 7243 N. 16th Street
9 P.O. Box 47250
10 Phoenix, Arizona 85068-7250

11 Executed Copy of the foregoing **signed** Agreement For
12 Order of Probation mailed by certified
13 mail this 17th day of September 2000 to:

14 Robert Schulte, M.D.
15 Robert Schulte, M.D.
16 16242 N. 110th St.
17 Scottsdale AZ 85259

18 Kathleen Mulley

19 Coordinator, Monitored Aftercare Program

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