

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)	
)	
MICHAEL W. SWEENEY, M.D.)	FINDINGS OF FACT,
)	CONCLUSION OF LAW
Holder of License No. 22866)	AND DECREE OF CENSURE
For the Practice of Medicine)	
In the State of Arizona.)	
_____)	

MICHAEL W. SWEENEY, M.D., holder of License No. 22866 for the practice of medicine in the State of Arizona, appeared with legal counsel, Stephen W. Myers, before the Arizona Board of Medical Examiners ("Board") for an informal interview on October 21, 1995. Based on the information presented, the Board adopted the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Board of Medical Examiners of the State of Arizona "(Board)" is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.
2. MICHAEL W. SWEENEY, M.D. is the holder of License No. 22866 for the practice of medicine in the State of Arizona and is Board Certified in psychiatry by the American Board of Psychiatry and Neurology with added qualification in addiction psychiatry by the same board.
3. Dr. SWEENEY, at all times material, was a staff psychiatrist at the Phoenix Veteran's Administration Hospital and Assistant Director for the

Substance Abuse Treatment Program responsible for substance abuse treatment both inpatient and outpatient.

4. On or about July 9, 1995, Dr. SWEENEY and a houseguest, a lifetime personal friend, "snorted" or otherwise consumed a compound that was later revealed upon autopsy of the houseguest to be a morphine derivative and at the time of use assumed to be heroin. The compound was injected twice by Dr. SWEENEY concurrent with the use of alcohol at or about 10:00 p.m. and 11:00 p.m. on that same day.

5. Pursuant to A.R.S. § 13-3401, morphine is considered to be an "opiate" which is considered to be a "narcotic drug" pursuant to A.R.S. §13-3401(17).

6. Dr. SWEENEY has a past history of self-prescribing controlled substances in that he prescribed Percocet #20 to his then wife for his own self use following a laminectomy in 1990.

CONCLUSIONS OF LAW

1. The Board of Medical Examiners of the State of Arizona possesses jurisdiction over the subject matter herof and over MICHAEL W. SWEENEY, M.D.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-1401 (24)(a)¹ (violation of any federal or state laws or rules and regulations applicable to the practice of medicine, to wit: A.R.S. §13-3408(A)(1) (possession or use of a narcotic drug)).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-1401 (24)(d)² (commission of a

¹ Now A.R.S. §32-1401(25)(a).

² Now A.R.S. §32-1401(25)(d).

felony, to wit: A.R.S. §32-3408(A)(1) (possession or use of a narcotic drug, a Class 4 felony)).

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-1401(24)(g)³ (use of controlled substances except if prescribed by another physician for use during a prescribed course of treatment).

ORDER

IT IS HEREBY ORDERED that MICHAEL W. SWEENEY, M.D. is censured.

DATED this 21st day of October, 1995.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]

By 
MARK R. SPEICHER
Executive Director

COPY of the foregoing Findings of Fact,
Conclusions of Law and Decree of Censure
mailed by Certified Mail this 8th day of
November, 1995 to:

Michael W. Sweeney, M.D.
650 E. Indian School Road
Phoenix, Arizona 85012-1894

³Now A.R.S. §32-1401(25)(g).

COPY of the foregoing Findings of Fact,
Conclusions of Law and Decree of Censure
mailed this 8th day of November, 1995 to:

Stephen W. Myers, Esq.
Myers & Jenkins, P.C.
Two North Central, Suite 1200
Phoenix, Arizona 85004-2305

COPY of the foregoing Findings of Fact,
Conclusions of Law and Decree of Censure
delivered this 8th day of November, 1995 to:

James M. McGee
Assistant Attorney General
1651 E. Morten Ave., Suite 210
Phoenix, Arizona 85020-4160


Secretary

BM952970030

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)
)
MICHAEL W. SWEENEY, M.D.)
)
Holder of License No. 22866)
For the Practice of Medicine)
In the State of Arizona.)
)
Re: BOMEX Inquiry (8/14/95))
Michael W. Sweeney, M.D.)
(Inv. # 9179))
_____)

ORDER

It is hereby ordered terminating the Stipulation and Order dated October 21, 1995.

DATED this 21 day of February, 1996.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]

By 
MARK R. SPEICHER
Executive Director

COPY of the foregoing Order
mailed by Certified Mail this
27th day of February, 1996
to:

Michael W. Sweeney, M.D.
Address of Record

COPY of the foregoing Order
mailed this 27th day of
February, 1996 to:

Stephen W. Myers, Esq.
Myers & Jenkins, P.C.
Two North Central, Suite 1200
Phoenix, Arizona 85004-2305

COPY of the foregoing Order
delivered this 27th day of
February, 1996 to:

James M. McGee
Assistant Attorney General
1651 E. Morten Ave., Suite 210
Phoenix, Arizona 85020-4160



Secretary

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)
)
MICHAEL W. SWEENEY, M.D.)
)
Holder of License No. **22866**)
For the Practice of Medicine)
In the State of Arizona.)
_____)

STIPULATION AND ORDER

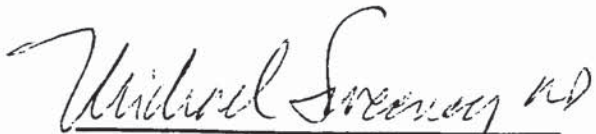
In confirmation of the voluntary agreement made between MICHAEL W. SWEENEY, M.D. and the Arizona Board of Medical Examiners ("Board") at an Informal Interview on October 21, 1995, IT IS HEREBY STIPULATED AND AGREED by and between Dr. SWEENEY and the Board, pursuant to A.R.S. §32-1451(G)(5), that the accompanying Order shall be entered in the above-entitled matter and be effective as of October 21, 1995. MICHAEL W. SWEENEY, M.D. acknowledges that any violation of this Order constitutes unprofessional conduct within A.R.S. §32-1401(24)(r), and may result in disciplinary action pursuant to A.R.S. §32-1451.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



MARK R. SPEICHER
Executive Director

Dated: 10/20/95



MICHAEL W. SWEENEY, M.D.

Dated: 11/7/95

COPY of the foregoing Stipulation
and Order delivered this 9th day of
November, 1995 to:

James M. McGee
Assistant Attorney General
1651 E. Morten Ave., Suite 210
Phoenix, Arizona 85020-4160



Secretary

BM952980003

ORDER

1. IT IS HEREBY ORDERED that MICHAEL W. SWEENEY, M.D. shall not practice medicine in the State of Arizona until further order of the Board.

DATED this 21st day of October, 1995.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]

By 
MARK R. SPEICHER
Executive Director

ORIGINAL of the foregoing Stipulation and Order Mailed by Certified Mail this 9th day of November, 1995 to:

Michael W. Sweeney, M.D.
650 E. Indian School Road
Phoenix, Arizona 85012-1894

COPY of the foregoing Stipulation and Order mailed this 9th day of November, 1995 to:

Stephen W. Myers, Esq.
Myers & Jenkins, P.C.
Two North Central, Suite 1200
Phoenix, Arizona 85004-2305