

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
DAVID L. CHILD, M.D.
License No. 6275
For the Practice of Allopathic Medicine
in the State of Arizona.

Case No. MD-09-0516A
**ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO SAME CONSENT**

David L. Child, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

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 number 6275 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-09-0516A after receiving a complaint regarding Respondent's care and treatment of a thirty-two year-old female patient ("TG").
4. On March 22, 2009, TG presented to a clinic for termination of her pregnancy. An ultrasound revealed that TG was 13 weeks gestation. TG was administered Cytotec intravaginally to soften and help dilate the cervix one hour prior to the procedure and was later taken to the procedure room. Respondent dilated her cervix to a #12 Pratt dilator, but noted that the procedure could not be completed due to TG's inability to tolerate it. TG was subsequently discharged. There was no evidence that TG was counseled or given instructions following the failed procedure as to what she should do or what options were available to her.

1 5. On March 25, 2009, TG presented to another provider and reported
2 cramping, bleeding, and a fever. She was admitted to the hospital with an elevated white
3 blood count and a left shift. An ultrasound revealed a viable intrauterine pregnancy. TG
4 was given antibiotics. A spontaneous rupture of membranes was noted and Prostin was
5 administered to complete the procedure. A repeat ultrasound revealed no fetal heart tones
6 and TG was taken to the operating room when a partial fetal expulsion occurred. A suction
7 dilation and curettage was performed and a deep posterior vaginal defect was identified.
8 TG was discharged three days later.

9 6. The standard of care when performing a therapeutic abortion requires a
10 physician to counsel the patient in regards to postoperative care.

11 7. Respondent deviated from the standard of care because he did not counsel
12 TG following the failed procedure in regards to postoperative care.

13 8. TG suffered an infection subsequent to a failed therapeutic abortion
14 requiring hospitalization and surgery.

CONCLUSIONS OF LAW

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

17 2. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
19 harmful or dangerous to the health of the patient or the public.").
20

ORDER

21 IT IS HEREBY ORDERED THAT:

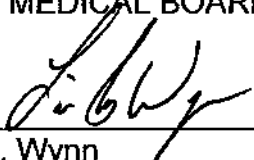
- 22 1. Respondent is issued a Letter of Reprimand.
- 23 2. Respondent shall within **six months** obtain of the effective date of this Order
24 obtain **15 - 20 hours** of Board Staff pre-approved non-disciplinary Category I Continuing
25

1 Medical Education (CME) in **doctor-patient communication**. Respondent shall provide
2 Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to
3 the hours required for the biennial renewal of medical license.

4 DATED AND EFFECTIVE this 2ND day of DECEMBER, 2009.



ARIZONA MEDICAL BOARD

7 By 
8 Lisa S. Wynn
9 Executive Director

10 **CONSENT TO ENTRY OF ORDER**

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
13 acknowledges he has the right to consult with legal counsel regarding this matter.

14 2. Respondent acknowledges and agrees that this Order is entered into freely
15 and voluntarily and that no promise was made or coercion used to induce such entry.

16 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
17 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
18 this Order in its entirety as issued by the Board, and waives any other cause of action
19 related thereto or arising from said Order.

20 4. The Order is not effective until approved by the Board and signed by its
21 Executive Director.

22 5. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
5 the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 10. Any violation of this Order constitutes unprofessional conduct and may result
17 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
18 consent agreement or stipulation issued or entered into by the board or its executive
19 director under this chapter") and 32-1451.

20
21 David L. Child, M.D.
22 DAVID L. CHILD, M.D.

DATED: 11/15/09

23 EXECUTED COPY of the foregoing mailed
24 this 2nd day of December, 2009 to:

25 David L. Child, M.D.
Address of Record

1 ORIGINAL of the foregoing filed
2 this 2nd day of December, 2009 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 
Arizona Medical Board Staff

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25