

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **DAVID L. CHILD, M.D.**

4 Holder of License No. 6275  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona

Case No. MD-05-0956A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and David L. Child, M.D. ("Respondent"), the parties agreed to the following  
10 disposition of this matter.

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

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

20 3. This Consent Agreement is not effective until approved by the Board and  
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement of any part thereof. This  
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of other  
matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
2 pending or future investigation, action or proceeding. The acceptance of this Consent  
3 Agreement does not preclude any other agency, subdivision or officer of this State from  
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to  
13 the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will  
21 be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct  
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (“[v]iolating a formal order,  
3 probation, consent agreement or stipulation issued or entered into by the board or its  
4 executive director under this chapter”) and 32-1451.

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7 David L. Child M.D.  
8 DAVID L. CHILD, M.D.

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DATED: 10/11/06

001456

**FINDINGS OF FACT**

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

4           2.     Respondent is the holder of license number 6275 for the practice of  
5 allopathic medicine in the State of Arizona.

6           3.     The Board initiated case number MD-05-0956A after receiving a complaint  
7 regarding Respondent's care and treatment of a fifty-five year-old female patient ("JV").

8           4.     On March 21, 2005, after being referred by her gynecologist  
9 ("Gynecologist"), JV presented to Respondent with a vaginal vault prolapse. Respondent  
10 noted "chronic pelvic pain, rectocele, USI [urinary stress incontinence]" and scheduled JV  
11 for surgery on March 30, 2005. Respondent did not document his discussion with JV about  
12 the procedure.

13           5.     On March 30, 2005 JV was admitted for a sacral colpopexy, enterocele  
14 pilcation and posterior colporrhaphy. JV gave written consent for these procedures, but  
15 stated she informed Respondent in the pre-operative area she did not want her ovaries  
16 removed. There is no documentation in the record of this discussion. During the  
17 procedure, Respondent discovered JV had bilateral cysts of both ovaries and adhesions.  
18 Respondent performed a bilateral salpingo oophorectomy (BSO). Respondent noted he  
19 performed the BSO because JV had hydrosalpinx along with adhesions. However, the  
20 pathology report showed benign changes. Respondent performed the BSO without  
21 indication. JV did not give written informed consent for this procedure. Also, there is no  
22 documentation of Respondent informing JV of the procedure.

23           6.     Respondent noted JV did well post-operatively. Respondent saw JV for post-  
24 operative visits on April 11, 2005, April 25, 2005 and June 2, 2005. However, there is no  
25 documentation in the record to state when he informed JV when he removed her ovaries.

1           7.     On May 17, 2005 JV presented to her gynecologist complaining of pain with  
2 urination and back pain since surgery. Gynecologist ordered an ultrasound and a magnetic  
3 resonance imaging that were both negative. Subsequently, JV requested a copy of her  
4 medical record from Respondent. JV reviewed her record and realized Respondent  
5 removed her ovaries without discussion, her knowledge, and her informed consent.

6           8.     On July 14, 2005 JV presented to Respondent for her post-operative visit  
7 and complained of USI and on-going pelvic pain since surgery. JV refused an examination  
8 and confronted Respondent regarding the BSO procedure he performed without her  
9 permission or knowledge. Respondent referred JV to Gynecologist.

10          9.     A physician is required to maintain adequate legible medical records  
11 containing, at a minimum, sufficient information to identify the patient, support the  
12 diagnosis, justify the treatment, accurately document the results, indicate advice and  
13 cautionary warnings provided to the patient and provide sufficient information for another  
14 practitioner to assume continuity of the patient's care at any point in the course of  
15 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did  
16 not document his discussion with JV about the rectocele and USI procedures and did not  
17 document that JV did not want her ovaries removed.

18          10.    The standard of care for a patient presenting with an enterocele, rectocele  
19 and USI required Respondent to perform a complete examination, discuss options for  
20 surgery with the patient and obtain informed consent for the procedures scheduled or  
21 anticipated. The standard of care when performing the BSO and Burch procedures  
22 requires a physician to have adequate indications for the procedures.

23          11.    Respondent deviated from the standard of care because he did not perform  
24 a complete examination, discuss options for surgery with JV and obtain informed consent  
25 from JV prior to performing a BSO and Burch procedures. Respondent deviated from the

1 standard of care because he did not have adequate indications to perform the BSO and  
2 Burch procedures.

3 12. Respondent's failure to perform a complete examination and discuss surgery  
4 options led to the removal of JV's ovaries without her informed consent.

5 **CONCLUSIONS OF LAW**

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

8 2. The conduct and circumstances described above constitute unprofessional  
9 conduct pursuant to A.R.S. § 32-1401(27)(e) – (“[f]ailing or refusing to maintain adequate  
10 records on a patient.”).

11 3. The conduct and circumstances described above constitute unprofessional  
12 conduct pursuant to A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or might be  
13 harmful or dangerous to the health of the patient or the public”).

14 4. The conduct and circumstances described above constitute unprofessional  
15 conduct pursuant to A.R.S. § 32-1401 (27)(II) (“[c]onduct that the board determines is  
16 gross negligence, repeated negligence or negligence resulting in harm to or the death of a  
17 patient.”)

18 **ORDER**

19 IT IS HEREBY ORDERED THAT:

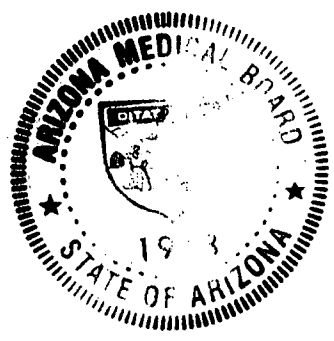
20 1. Respondent is issued a Letter of Reprimand for removal of ovaries without  
21 indication and without informed consent and for failure to inform the patient her ovaries  
22 were removed.

23 2. This Order is the final disposition of case number MD-05-0956A.

24 DATED AND EFFECTIVE this 1<sup>st</sup> day of December, 2006.

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(SEAL)



ARIZONA MEDICAL BOARD

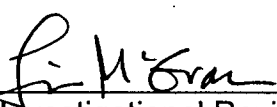
By   
TIMOTHY C. MILLER, J.D.  
Executive Director

ORIGINAL of the foregoing filed  
this 8<sup>th</sup> day of December, 2006 with:

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

EXECUTED COPY of the foregoing mailed  
this 8<sup>th</sup> day of December, 2006 to:

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

  
Investigational Review