

1 BEFORE THE ARIZONA MEDICAL BOARD

2
3 In the Matter of

4 **DAVID L. CHILD, MD**

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

Case No. MD-09-1450A

**ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO SAME**

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

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 physician in the State of Arizona.

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

17 3. The Board initiated case number MD-09-1450A after receiving notification of
18 a malpractice judgment regarding Respondent's care and treatment of a 38 year-old
19 female patient ("VD") alleging inappropriate ligation and removal of a ureter during
20 gynecologic surgery necessitating subsequent reconstructive surgery and resulting in
21 ongoing pain/infections.

22 4. On November 13, 2004, VD underwent a total abdominal hysterectomy.
23 Post operatively, VD developed abdominal and pelvic pain that was not well controlled
24 with multiple analgesics. On August 2, 2005, Respondent performed a bilateral salpingo-
25 oophorectomy, partial omentectomy and massive adhesiolysis. The diagnosis was

1 residual ovary syndrome, chronic pelvic pain and pelvic endometriosis. Three days later,
2 VD was discharged. On August 10, 2005, VD presented to the emergency room for pelvic
3 and abdominal pain. A CT scan showed a non-functioning left kidney and VD
4 subsequently underwent a cystoscopy attempted retrograde placement of ureteral stent.
5 A left retrograde pyelogram showed an approximate 4 cm of ureter visualized. Two days
6 later, VD underwent a left percutaneous nephrostomy. VD developed recurrent urinary
7 tract infections, increasing pelvic, left flank, groin and inguinal pain. On November 21,
8 2005, a lysis of adhesion and left Boari flap to reconstruct the left ureteral drainage was
9 performed.

10 5. The standard of care when performing salpingo-oophorectomy and lysis of
11 extensive pelvic adhesion requires a physician to adequately visualize the ureters
12 intraoperatively and determine at the end of the procedure that the ureters are not injured,
13 cut, removed or obstructed.

14 6. Respondent deviated from the standard of care by failing to visualize the
15 entire course of the left ureter.

16 7. Respondent caused obstruction to VD's left kidney resulting in the need for
17 VD to undergo nephrostomy and subsequent major reconstructive urologic surgery.
18 Respondent potentially could have caused VD to have continued significant pain and to
19 require further urologic procedures, possibly a left nephrectomy. The obstruction to VD's
20 left kidney was, with reasonable medical probability, the proximate cause of VD's recurrent
21 urinary tract infections. Respondent also potentially caused VD's urinary tract damage,
22 obstruction and subsequent serologic surgeries and with reasonable medical probability
23 contributed to VD's persistent pelvic and abdominal pain.

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1 **CONCLUSIONS OF LAW**

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

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

7 **ORDER**

8 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

9
10 DATED AND EFFECTIVE this 15th day of October, 2010.

11
12 (SEAL)



13 ARIZONA MEDICAL BOARD

14 By 

15 Lisa S. Wynn.
16 Executive Director

17 **CONSENT TO ENTRY OF ORDER**

18 1. Respondent has read and understands this Consent Agreement and the
19 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
20 acknowledges he has the right to consult with legal counsel regarding this matter.

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

23 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
24 to a hearing or judicial review in state or federal court on the matters alleged, or to
25

1 challenge this Order in its entirety as issued by the Board, and waives any other cause of
2 action related thereto or arising from said Order.

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

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

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

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

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

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

24 10. Any violation of this Consent Agreement constitutes unprofessional conduct
25 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,

1 probation agreement or stipulation issued or entered into by the board or its executive
2 director under this chapter") and 32-1451.

3 David L. Child, M.D.
4 David L. Child, M.D.

DATED: 8/27/10

5 EXECUTED COPY of the foregoing mailed
6 this 15th day of October 2010 to:

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

9 ORIGINAL of the foregoing filed
10 this 15th day of October, 2010 with:

11 Arizona Medical Board
12 9545 E. Doubletree Ranch Road
13 Scottsdale, AZ 85258
14 Chris [Signature]
15 Arizona Medical Board Staff

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