

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

JOHN ISRAEL BISKIND, M.D. :

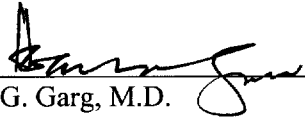
ENTRY OF ORDER

On or about August 5, 1998, John Israel Biskind, M.D., executed a Voluntary Surrender of his Certificate to practice medicine and surgery with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Biskind's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35019703 authorizing John Israel Biskind, M.D., to practice medicine and surgery be permanently REVOKED, effective September 8, 1998.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the eighth day of September, 1998, and the original thereof shall be kept with said Journal.

(seal)


Anand G. Garg, M.D.
Secretary


Date

**STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

I, JOHN ISRAEL BISKIND, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, JOHN ISRAEL BISKIND, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-019703, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-019703 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, No. 35-019703, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, JOHN ISRAEL BISKIND, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

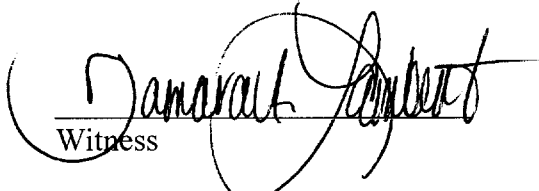
Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

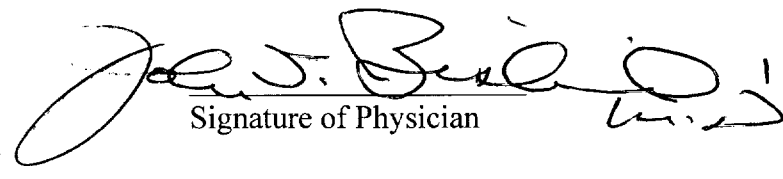
STATE MEDICAL BOARD
OF OHIO
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Surrender
JOHN ISRAEL BISKIND, M.D.
Page 2

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(22), Ohio Revised Code, based on the revocation of my license to practice medicine by the Arizona State Board of Medical Examiners as reflected in the Stipulation for Consent Order, dated August 20, 1998, and Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, dated July 20, 1998, which are attached hereto and fully incorporated herein.

Signed this 5th day of August, 1998.


Witness


Signature of Physician

Witness

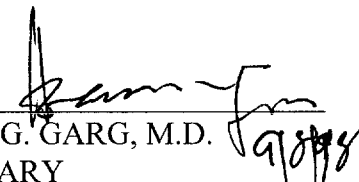
Sworn to and subscribed before me this 5th day of September, 1998.


Notary Public

TAMARA A. LAMBERT
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Commission Expires 2-9-99

SEAL (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:


ANAND G. GARG, M.D.
SECRETARY


RAYMOND J. ALBERT
SUPERVISING MEMBER

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BEFORE THE BOARD OF MEDICAL EXAMINERS
FOR THE STATE OF ARIZONA

In the Matter of:)	Board Case Nos. 11941 and 12077
)	
JOHN ISRAEL BISKIND, M.D.	)	OAH Docket Nos. 99F-11941-MDX;
Holder of License No. 12642	)	99F-12077-MDX
For the Practice of Medicine)	
In the State of Arizona.	)	STIPULATION FOR CONSENT
	)	ORDER
_____)	

STIPULATION

By mutual agreement and understanding, between the Arizona Board of Medical Examiners (hereafter "Board") and John I. Biskind, M.D. (hereafter "Respondent"), the parties agree to the following disposition of this matter.

1. Respondent acknowledges that he has read this Stipulation and the stipulated Findings of Fact, Conclusions of Law and Consent Order; and, he is aware of and understands the content of this document.
2. Respondent understands that by entering into this Stipulation for issuance of the foregoing Consent Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged or to challenge this Stipulation and the Consent Order in its entirety as issued by the Board and the preceding Interim Order of the Board, and waives any other cause of action related thereto or arising from said Orders.
3. Respondent acknowledges and understands that this Stipulation and the Consent Order will not become effective until approved by the Board and signed by its Executive Director.

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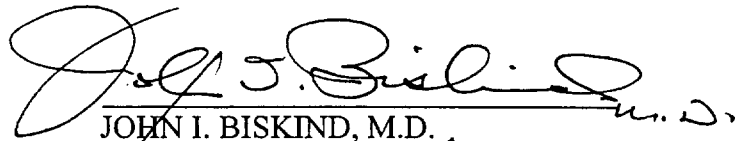
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context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

5. Respondent acknowledges and agrees that, upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, he may not revoke his acceptance of the Stipulation and Consent Order or make any modifications to the document, although said Stipulation has not yet been accepted by the Board and issued by the Executive Director. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

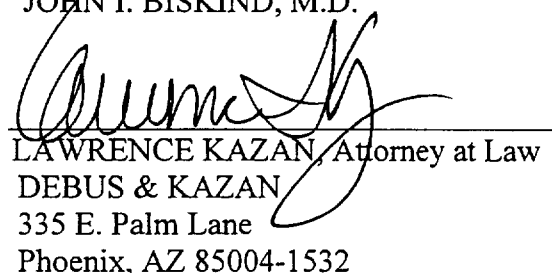
6. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record document which may be publicly disseminated as a formal action of the Board.

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

REVIEWED AND ACCEPTED this
11th day of August, 1998.


JOHN I. BISKIND, M.D.

REVIEWED AND APPROVED as to form
By counsel for Respondent this 12th day of
August, 1998.


LAWRENCE KAZAN, Attorney at Law
DEBUS & KAZAN
335 E. Palm Lane
Phoenix, AZ 85004-1532

STATE MEDICAL BOARD
DEPT. OF HEALTH
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STIPULATED FINDINGS OF FACT

1. The Board of Medical Examiners of the State of Arizona is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona, pursuant to A.R.S. § 32-1401, et. seq.

2. John I. Biskind, M.D., ("Respondent") is the holder of License No. 12642 for the practice of medicine in the State of Arizona.

3. The Board issued, on July 20, 1998, Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License against Respondent, pursuant to A.R.S. § 32-1451(D). The aforementioned Interim Order was served on Respondent by mailing a copy of the document by Certified Mail, (return receipt requested) on July 20, 1998, to Respondent's last known address of record with the Board. The Board's Interim Order, in addition to summarily suspending the Respondent's license to practice medicine in the State of Arizona, also constituted written notification to the Respondent of formal charges of unprofessional conduct made by the Board against him and referring the matter to the Office of Administrative Hearings, pursuant to A.R.S. § 32-1451(J).

4. The Board's Executive Director issued a Notice of Hearing dated July 27, 1998, giving notification to Respondent, his attorney of record and the Office of the Arizona Attorney General, appearing on behalf of the State, of the scheduling of a hearing at the Office of Administrative Hearings for September 1, 1998 on the allegations made in the Board's Interim Order, pursuant to A.R.S. § 41-1061 and § 41-1092, et. seq. .

5. The Respondent through his counsel filed an Answer to the allegations made in the Board's Interim Order which was dated August 4, 1998 and received at the

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Board's Office on August 7, 1998. Said Answer generally denies the Board's Interim Findings of Fact and Conclusions of Law.

6. Pursuant to stipulation, set forth above and made a part hereof, the Respondent admits solely for the disposition of this matter that the Board's Interim Findings of Fact (issued as part of the Board's Interim Order on July 20, 1998) can be established and would be supported by substantial evidence, if this matter proceeded through the Board's entire administrative hearing process.

STIPULATED CONCLUSIONS OF LAW

1. The Board of Medical Examiners for the State of Arizona possesses jurisdiction over the subject matter hereof and over the Respondent, pursuant to A.R.S. § 32-1401 et. seq.
2. The Board has authority to enter into an agreement for the stipulated disposition of this matter pursuant to A.R.S. § 41-1061(D).
3. Pursuant to stipulation between the Respondent and the Board, the Board concludes that Respondent engaged in unprofessional conduct as described in the Board's Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License. See, A.R.S. § 32-1401(25)(a), (e), (n), (q), (dd), (jj), and (ll) for specifically defined unprofessional conduct.

CONSENT ORDER

Based upon the foregoing and pursuant to A.R.S. §§ 41-1061(D) and 32-1401, et. seq., IT IS HEREBY ORDERED by the Board:

1. Pursuant to stipulation which is incorporated herein, the license to practice medicine in the State of Arizona issued to John I. Biskind, M.D., No. 12642, is hereby

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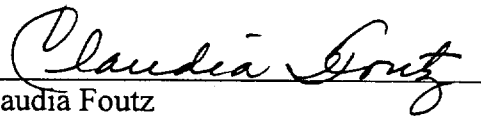
revoked; and, pursuant to stipulation, Dr. Biskind waives and surrenders all rights to reapply for a Board license subsequent to the issuance of this Order.

2. Pursuant to A.R.S. § 32-1451(M), a copy of this Stipulation and Consent Order shall be mailed to the State Board of Pharmacy; and, Board staff personnel shall distribute copies of this document to any other state or federal agency and hospital in conformity with the Board's customary procedure.

3. Issuance of this Consent Order was authorized by the Board during its public meeting on 20th day of August, 1998 and is effective immediately upon issuance.

Issued this 20th day of August, 1998.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA


Claudia Foutz
Executive Director
1651 E. Morten, Suite 210
Phoenix, AZ 85020
(602) 255-3751

Copy of the foregoing mailed by
Certified Mail, Return Receipt Requested
this 21 day of August, 1998,
to:

John I. Biskind, M.D.
24600 Shaker Blvd.
Beachwood, Ohio 44122

Copy of the foregoing mailed this
21st day of August, 1998,
to:

Lawrence I. Kazan, Attorney at Law
DEBUS & KAZAN
335 E. Palm Lane
Phoenix, AZ 85004-1532
Counsel for Respondent

Copy sent interagency mail/hand-delivered
this 21st day of August, 1998,
to:

Michael Harrison
Assistant Attorney General
Office of the Attorney General
Counsel for the State

Janita Parker Harvey

BEFORE THE BOARD OF MEDICAL EXAMINERS
THE STATE OF ARIZONA

In the Matter of	)	Board Case File Nos.: 11941 and 12077
JOHN ISRAEL BISKIND, M.D.)	
Holder of License No. 12642	)	INTERIM FINDINGS OF FACT,
for the practice of medicine	)	CONCLUSIONS OF LAW AND
in the State of Arizona.	)	ORDER FOR SUMMARY
	)	SUSPENSION OF LICENSE

The above captioned matter came on for discussion before the Arizona Board of Medical Examiners (hereafter "Board") on July 20, 1998; and, after reviewing relevant information and deliberating on the information concerning the referenced complaint files and being fully advised, IT IS HEREBY ORDERED entering the following Interim Findings of Fact and Conclusions of Law in support of temporary Order for Summary Suspension of License, pending final disposition of this matter.

INTERIM FINDINGS OF FACT

1. The Arizona Board of Medical Examiners is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona, pursuant to A.R.S. § 32-1401, et. seq.

2. John I. Biskind, M.D., is the holder of license no. 12642 for the practice of medicine in the State of Arizona.

3. By Order dated January 18, 1996, the Board censured Dr. Biskind for the following unprofessional conduct:

(a) Pursuant to A.R.S. § 32-1401(25)(LL), conduct that the Board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient; and,

(b) Pursuant to A.R.S. § 32-1401(25)(Q), any conduct or practice which is or might be harmful or dangerous to the health of the patient or the public.

///

1 4. The Board's Order of Censure, dated January 18, 1996, arose out of Dr. Biskind
2 performing a surgical procedure for termination of pregnancy on February 16, 1995 at a women's
3 health care clinic in Phoenix. The Board's Findings of Fact, Conclusions of Law established that
4 Dr. Biskind's professional care and treatment of this patient resulted in her death on February 17,
5 1995. See attached copy of the Board's Findings of Fact, Conclusions of Law and Order of
6 Censure, dated January 18, 1996.

7 5. Pursuant to statutory authority, A.R.S. § 32-1405(C)(12) the Board's investigative
8 staff under the supervision of Executive Director, Claudia Foutz, initiated an investigation into
9 the care and treatment of patient J.R. by Dr. Biskind who saw J.R. for medical treatment at the
10 A-Z Women's Center, Inc., Phoenix, Arizona. See Board investigation file No. 12077. Said
11 investigation was initiated due to public reports in the media and police reports and physician
12 report alleging that Dr. Biskind had initiated for patient J.R. on June 30, 1998, an abortion
13 procedure in the thirty-seventh week of gestation which purportedly had been confused for a
14 pregnancy in the twenty-third week of gestation; and, said abortion procedure was terminated
15 after being initiated by Dr. Biskind and a baby girl was delivered. Patient J.R. was reported to be
16 a 17-year old women who came to the clinic for the purposes of obtaining the termination of the
17 pregnancy initially on or about June 26, 1998. Based on the aforementioned information, the
18 investigation proceeded and subpoenas were issued to obtain the medical records for patient J.R.
19 at the clinic in Phoenix.

20 6. The patient record obtained by Board staff by subpoena concerning J.R. consisted
21 of the following: patient history, pre-operative physical examination, ultra sound report, recovery
22 room record and an addendum document written after delivery of the baby. Additional
23 documents obtained by subpoena included the following: admission history and physical
24 examination report of the baby upon its delivery by clinic staff to Phoenix Children's Hospital/
25 Good Samaritan Regional Hospital. The medical records for J.R. and the baby girl of J.R.
26 confirmed the aforementioned media reports received by Board staff. The medical records do not

1 disclose any unusual medical consequences to patient J.R. as a result of the attempted abortion
2 and subsequent delivery. However, the examining physician at Phoenix Children's Hospital
3 reported that the baby girl sustained two wounds to the head, measuring 2 cm in length each, ½
4 cm wide and skull fracture. Said injuries to the baby girl are attributed to Dr. Biskind's attempted
5 reduction procedure as part of initiating the termination of pregnancy.

6 7. In furtherance of the aforementioned investigation, the expert opinion of a
7 qualified obstetrician and gynecologist was sought, i.e., Joseph Buxer, M.D., to evaluate the
8 treatment of patient J.R. and the baby girl delivered by J.R. on June 30 at the A-Z Women's
9 Center.

10 8. The Board through it's staff subsequently received Dr. Buxer's confidential
11 medical consultant report and recommendations concerning the professional conduct and quality
12 of medical care provided by Dr. Biskind to patient J.R. Said report in its entirety was fully
13 considered by the Board members and constitutes part of the official record in this proceeding.
14 However, due to the confidential medical record information concerning the patient J.R. and the
15 baby girl, said document is treated as confidential and not subject to public disclosure at this time.
16 Nevertheless, the Board takes notice of and has relied upon the following comments submitted by
17 the Board's medical consultant, Dr. Buxer, in his report which reads as follows:

18 Medical consultant's recommendation: Dr. Biskind is incompetent because
19 he may be unable to tell a woman in the middle of her pregnancy from a
20 woman at the end of her pregnancy. Prescribing treatment without the
21 ability to tell the difference is dangerous. Instead, Dr. Biskind may just
22 have been unconcerned by an obvious size/date discrepancy and was
willing to destroy a person without reason and then claims the mistake in
dates was the result of a faulty ultrasound picture. This would be unethical,
immoral, probably illegal and below any standards of care. Dr. Biskind
should not be allowed to practice medicine in our community.

23 9. The Board is in receipt of Dr. Biskind's written response (dated 7-15-98) to the
24 Board's request for a narrative explanation of his professional care and conduct concerning
25 patient J.R. Dr. Biskind denies any suspicion in the case of J.R. that he was confronted with a
26 patient beyond the twenty-fourth week of gestation. He acknowledges that during the course of

1 attempting to grasp the infant's head with Bier forceps he caused the scalp lacerations. However,
2 he asserts that he did not cause any trauma to the baby's head with the Bier forceps; and, therefore
3 cannot explain the skull fracture reported by examining physicians at Phoenix Children's
4 Hospital.

5 10. Based upon the following information the Board's staff initiated another
6 investigation regarding Dr. Biskind. See Board investigative file no. 11941. On or about May 15,
7 1998, the Board received at its office a letter (dated 5-11-98) from Phillip E. Keen, M.D., Chief
8 Medical Examiner for Maricopa County, Arizona regarding his investigation of the death of L.H.
9 (date of death 4-17-98). Said letter from Dr. Keen urged the Board to investigate quality of care
10 issues associated with the services provided to L.H. at the A-Z Women's Center (hereafter,
11 "Center"), 1002 E. McDowell Road, Phoenix. Dr. Keen reported that L.H. was a women
12 estimated to be twenty-three and one half weeks gestation that was admitted to the Center for an
13 elective interruption of pregnancy. The physician performing the abortion on L.H. at the Center
14 was determined to be Dr. Biskind. Dr. Keen reports that as a result of the abortion procedure
15 being performed on patient L.H., she was transferred on the same day to Good Samaritan Medical
16 Center where L.H. was pronounced dead.

17 11. Dr. Keen reports that the cause of L.H.'s death was determined at a post-mortem
18 examination to have been due to exsanguinating hemorrhage with ruptured uterus due to medical
19 instrumentation.

20 12. Additionally, Dr. Keen reports that his office was contacted by a nurse from the
21 Arizona Women's Center regarding management of this patient case. It was alleged that the
22 decedent, L.H. was left in the recovery room with no nurse in attendance and that the physician
23 performing the abortion (i.e., Dr. Biskind) also left the facility. Allegedly, a delay of
24 approximately three hours occurred before medical emergency service was called and the patient
25 transferred to Good Samaritan Medical Center.

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1 13. Dr. Keen reports an additional allegation that the physician performing the
2 abortion (i.e., Dr. Biskind) requested a substitution of sonogram reports on patient L.H. Dr. Keen
3 asserts that if such a substitution occurred, it would constitute the falsification of medical records.
4 Dr. Keen's office received a copy of a sonogram which was retained as part of the medical
5 records.

6 14. Acting pursuant to statutory authority, the Board's staff sent correspondence to Dr.
7 Biskind (dated May 19, 1998) informing him of the aforementioned letter submitted by Dr. Keen
8 and requesting that he provide a narrative statement concerning the matter, complete copy of the
9 patient's medical records, copy of office billings and copy of all supporting documentation,
10 including related correspondence within five (5) days of the date of the letter to him.

11 15. Dr. Biskind responded by letter dated June 1, 1998. In his letter, Dr. Biskind
12 acknowledges treating patient L.H. initially on April 16, 1998, with the operative procedure
13 beginning on April 17th. He reports reviewing her history and performing a physical examination
14 as described in the enclosed medical records. The patient was seen for purposes of terminating a
15 pregnancy. Dr. Biskind explains that the patient required a two-day procedure because she was in
16 her twenty-third week of pregnancy, when he saw her at A-Z Women's Center. Dr. Biskind
17 provides a description of the nature and extent of services provided to the patient and post-
18 operative care. Said letter of response by Dr. Biskind has been received and reviewed by the
19 Board as part of its deliberations.

20 16. Dr. Biskind asserts that he observed the patient L.H. from approximately 1:30 to
21 4:00 p.m. after the procedure was completed. He asserts that he did not observe any bleeding
22 from the vagina. Patient's pulse and blood pressure remained satisfactory and patient was
23 appropriately responsive. He departed the Center shortly after last seeing the patient. Dr. Biskind
24 asserts that approximately fifteen minutes after departing the Center, he received a "beeper"
25 message from the Center administrator. He responded by telephone and was told that recovery
26 room personnel at the Center could not obtain a pulse or blood pressure fro L.H. He advised

1 calling for emergency medical services. He later learned when he called Good Samaritan
2 Regional Medical Center that L.H. had died.

3 17. As part of the investigation in this matter concerning patient L.H., the Board's staff
4 retained a medical consultant, i.e., Joseph Buxer, M.D., for expert medical opinions concerning
5 the quality of care provided to patient L.H. by Dr. Biskind. Dr. Buxer has submitted a
6 confidential medical report to the Board which is part of the record reviewed and considered by
7 the Board in this matter. For purposes of preparing the medical consultant report, Dr. Buxer was
8 provided with the following documents:

9 Dr. Keen's letter to the Board, Dr. Biskind's letter of response,
10 investigator's findings, the patient medical records from the Center and
11 Good Samaritan Regional Medical Center (emergency department), and
Maricopa County Medical Examiner's preliminary report.

12 18. Dr. Buxer's medical consultant report contains confidential medical information
13 and is part of the Board's confidential investigative file. Therefore it shall not be made part of the
14 public record in this proceeding. Nevertheless, the Board in arriving at its preliminary
15 determination in this matter, pending final administrative hearing and adjudication, relies upon
16 the following conclusions and recommendations submitted by the Board's medical consultant.

17 Consultant recommendations: I believe the records presented to this
18 consultant for review are inaccurate and/or incomplete. The recovery room
19 record, 4-17-98 appears to be redacted following the entry "L.H.
20 transported to Good Sam." In addition the pre-op anesthesia record is
21 inadequate in content. Over a 3 ½ hour recovery period at A-Z Clinic
22 under Dr. Biskind's care, there must have been signs and symptoms of a
23 deteriorating condition. And if the doctor left his patient who was rapidly
24 bleeding to death, ignoring her increasing pain, increasing pulse and
25 decreasing BP, he abandoned his patient, and the legal term
"unprofessional conduct" is not adequate to describe that conduct. The
26 doctor says he examined his patient every 30 to 45 minutes during the
recovery period yet there is not a single progress note in the record. Based
on the records presented to his consultant and the narrative comments of
Dr. Biskind, I believe that the care and treatment that he gave his patient
was negligent. I suggest suspension of Dr. Biskind's license until the
investigation is complete.

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1 19. Based upon the foregoing, the Board finds that it has been presented with
2 sufficiently substantial and reliable information concerning the professional conduct of Dr.
3 Biskind to conclude that, pending a formal administrative hearing in this matter, the public health,
4 safety and welfare imperatively requires emergency action by the Board against Dr. Biskind's
5 license to practice medicine in the State of Arizona.

6 **CONCLUSIONS OF LAW**

7 1. The Board of Medical Examiners of the State of Arizona possess as jurisdiction
8 over the subject matter hereof and over John I. Biskind, M.D., holder of Board license no. 12642,
9 pursuant to A.R.S. § 32-1401, et. seq.

10 2. The conduct and circumstances described above provide sufficient evidence to
11 support issuance of this interim order and a formal complaint alleging that Dr. Biskind has
12 engaged in conduct constituting unprofessional conduct as defined at:

13 A.R.S. § 32-1401(25)(LL), i.e., conduct that the Board determines is gross
14 negligence, repeated negligence or negligence resulting in harm to or the
death of a patient; and,

15 A.R.S. § 32-1401(25)(q), (i.e., any conduct or practice which is or might
16 be harmful or dangerous to the health of the patient or the public; and,

17 A.R.S. § 32-1401(25)(jj), i.e., knowingly making a false or misleading
18 statement to the Board or on a form required by the Board or in a written
correspondence, including attachments, with the Board; and,

19 A.R.S. § 32-1401(25)(n), i.e., refusing to divulge to the Board upon
20 demand the means, method, procedure, modality of treatment or medicine
used in the treatment of a disease, injury, ailment or infirmity; and,

21 A.R.S. § 32-1401(25)(dd), i.e., failing to furnish information in a timely
22 manner to the Board or its investigators or representatives if legally
requested by the Board; and,

23 A.R.S. § 32-1401(25)(e), i.e., failing or refusing to maintain adequate
records on a patient; and,

24 A.R.S. § 32-1401(25)(a), i.e., violating any federal or state laws or rules
25 and regulations applicable to the practice of medicine.

26 ///

1 3. The public health, safety and welfare imperatively requires emergency action by
2 the Board, pursuant to A.R.S. § 32-1451(D). Said conclusion is supported by the information set
3 forth herein and the investigative files maintained by the Board in their entirety.

4 **ORDER**

5 Based upon the foregoing and pursuant to A.R.S. § 32-1451(D), IT IS HEREBY
6 ORDERED by the Board:

7 1. Dr. Biskind's license to practice medicine in the State of Arizona, no. 12642, is
8 hereby summarily suspended pending a formal hearing before a hearing officer for the Board and
9 final consideration of the matter by the Board.

10 2. This Order and the Interim Findings of Fact and Conclusions of Law also
11 constitute written notice to Dr. Biskind of the charges of unprofessional conduct made by the
12 Board against him and that he is entitled to a formal hearing to defend against these charges
13 within sixty (60) days from the effective date of this Order.

14 3. The Board's executive director is instructed to refer this matter to the Office of
15 Administrative Hearings for scheduling of an administrative hearing to be commenced no sooner
16 than thirty (30) days or later than sixty (60) days from the date of issuance of this Order, unless
17 stipulated and agreed to otherwise by Dr. Biskind (or his legal counsel) and counsel appearing for
18 the State in this matter.

19 4. Written notification of the time, date and location of the hearing to be conducted in
20 this matter shall be separately issued and sent by certified mail to Dr. Biskind's last known
21 address of record in the Board's files. Said notification shall be given at least twenty (20) days
22 prior the date set for the hearing.

23 5. Dr. Biskind is urged to submit a formal written answer to the factual and legal
24 allegations set forth herein, within twenty (20) days from the date of mailing of this Order if he
25 intends to oppose the Board's Summary Suspension Order and allegations contained herein and
26 demands a hearing on the matter.

1 DATED AND EFFECTIVE this 20th day of July, 1998.

2 BOARD OF MEDICAL EXAMINERS
3 OF THE STATE OF ARIZONA

4
5 By: Claudia Foutz
6 CLAUDIA FOUTZ
7 EXECUTIVE DIRECTOR
8 1651 E. Morten, Suite 210
Phoenix, AZ 85020
(Telephone: 602/255-3751)

9 COPY mailed via certified mail, return
10 receipt requested this 20th day of
July, 1998, to:

11 John I. Biskind, M.D.
12 1002 E. McDowell Road #B
Phoenix, Arizona 85006
13

14 COPY of the foregoing mailed
15 this 20 day of July, 1998, to:

16 Lawrence I. Kazan
17 Attorney at Law
335 E. Palm Lane
18 Phoenix, AZ 85004-1532
Counsel for Dr. Biskind

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20 By: P. L. Kazan
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22
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24
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BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)	
)	
JOHN I. BISKIND, M.D.)	
)	
Holder of License No. 12642	)	FINDINGS OF FACT,
For the Practice of Medicine	)	CONCLUSIONS OF LAW
In the State of Arizona.)	AND ORDER OF CENSURE
)	
Re: C.B. v. John I. Biskind, M.D.)	
(Inv. #9215))	
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JOHN I. BISKIND, M.D., holder of License No. 12642 for the practice of medicine, appeared with counsel, Calvin Raup, before the Arizona Board of Medical Examiners ("Board") on January 18, 1996. 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 is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.

2. JOHN I. BISKIND, M.D., is the holder of License No. 12642 for the practice of medicine in the State of Arizona.

3. L.B. was a 26 year-old gravida IV para 0 abortus III whose last reported menstrual period was October 28, 1994. She was a resident of northern Arizona.

4. On February 16, 1995, Dr. BISKIND saw L.B. at a women's clinic in Phoenix regarding pregnancy termination. According to Dr. BISKIND's records, on that date he inserted 5 laminaria and conducted a pre-operative examination of L.B. The patient signed a consent form for "pregnancy termination procedure (abortion)

on or about 2/16/95 by Dr. Biskind". Following the patient's signature, the preprinted form states, among other things, as follows:

"IF INDICATED

1. Following laminaria insertion, I will stay within 5 miles/15 minutes from the facility."

At the bottom of the consent form is a handwritten note that states as follows:

"Patient stated during counseling that she will stay overnight in Phoenix - within 15 minutes of clinic. Joy K. Noll."

5. According to an undated sonography report in the medical record, the patient was 20.6 weeks pregnant. The pre-operative and post-operative diagnosis was "intrauterine pregnancy 20+ weeks."

6. The report of surgical procedure, which was undated, was a preprinted form that stated as follows:

The patient was prepared and draped in the dorso lithotomy position under paracervical block anesthesia (Lidocaine 1% 10cc). The cervix was grasped with ☒ tenaculum ☐ Bower forceps. The cervix was dilated with ☒ Laminaria and/or ☐ Pratt ☐ Hawkins-Amber dilators to #_____. Suction curettage was performed. Uterine contents consisted of placental tissue and products of conception. The uterus was then curretted with sharp curettes to remove remaining tissue. The patient tolerated the procedure well and left the operating room for recovery in good condition. Estimated blood loss was 200 cc's.

The record states that Time Entered O.R. was 10:33 a.m., and that the patient was administered intravenous Demerol 75 mg, Valium 10 mg, and Compazine 5 mg at 10:36 a.m. At 10:47 a.m. the record states that she received an additional 75 mg of Demerol. According to the medical records, the patient was asleep when she was taken to the recovery room at 11:00 a.m. At 11:05 a.m. her blood pressure is noted as 120/80, pulse 88, and at 11:20 a.m., blood pressure was 110/60, pulse 76. Under

the Additional Observations section of the record, the patient was noted to be alert and oriented. She was discharged at 11:30 a.m.

7. Following the procedure, the patient and her companion began the return trip to their home in northern Arizona. En route, when the patient began to feel ill, she and her companion stopped at a motel in Camp Verde. When the patient experienced difficulty breathing, emergency medical service personnel were called. The patient was transported to a hospital in Cottonwood, where she was pronounced dead at 1655 hours on February 17, 1995.

8. At autopsy, there was an 8 cm vertical laceration on the posterior wall of the uterus, along with approximately 2000 cc of blood in the abdomen. Cause of death listed as was intra-abdominal hemorrhage secondary to perforation of the uterus secondary to pregnancy termination. The report of autopsy listed the following final anatomic diagnoses:

I. Status post second trimester pregnancy [sic] termination

- A. Posterior laceration, uterus
- B. Incomplete removal of placental tissue
- C. Intra-abdominal hemorrhage, massive

II. Pulmonary congestion and edema

III. Miscellaneous

- A. Leiomyoma, uterus
- B. Mild intimal proliferation, coronary arteries

9. The Opinion in the autopsy report stated as follows:

This death falls under the general heading of therapeutic misadventure. The cause of death is massive intra-abdominal hemorrhage due to laceration of the uterus during a pregnancy termination. Incomplete removal of placental material may have also contributed to the hemorrhage. Because death resulted from unintentional physical injury, the manner of death is accidental. Termination of pregnancy in the second trimester presents higher risks than pregnancy termination in the first trimester. The determination of the manner of death as accidental is not intended to preclude discussion of whether this procedure should have been performed in a

non-hospital setting or whether the patient was observed for an appropriate period of time following the procedure.

On January 18, 1990, the Board voted to issue Dr. BISKIND a Letter of Concern for failing to appropriately diagnose the patient's pregnancy and follow-up treatment of the patient after the attempted induced termination of her pregnancy. The Letter of Concern was dated March 7, 1990. The Board issued a Letter of Concern to Dr. BISKIND on May 20, 1991 for inappropriately signing blank and undated prescription forms.

CONCLUSIONS OF LAW

1. The Board of Medical Examiners of the State of Arizona possesses jurisdiction over the subject matter hereof and over JOHN I. BISKIND, M.D.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-1401(25)(II) (conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (any conduct or practice which is or might be harmful or dangerous to the health of the patient or the public).

ORDER

BASED on the foregoing Findings of Fact and Conclusions of Law, it is ordered that JOHN I. BISKIND, M.D. is hereby censured.

DATED this 18th day of January, 1996.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]

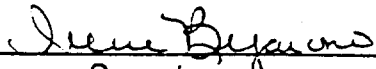
By Mark R. Speicher
MARK R. SPEICHER
Executive Director

COPY of the foregoing Findings of Fact,
Conclusions of Law, and Order of Censure
mailed by Certified Mail this 22nd day
of February, 1996 to:

John I. Biskind, M.D.
1002 E. McDowell Road, Suite B
Phoenix, Arizona 85006

COPY of the foregoing Findings of Fact,
Conclusions of Law, and Order of Censure
mailed this 22nd day of February, 1996 to:

Calvin Raup, Esq.
Mitten, Goodwin & Raup
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Phoenix, Arizona 85012-1942
Attorney for Dr. Biskind


Secretary