

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of

Board Case No. MD-99-0291

4 **PETER VANN, M.D.**

Inv. No. 12791

5 Holder of License No. **13430**  
6 For the Practice of Medicine  
7 In the State of Arizona.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

(Letter of Reprimand)

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9 This matter was considered by the Arizona Board of Medical Examiners ("Board")  
10 at its public meeting on August 15, 2001. Peter Vann, M.D., ("Respondent") appeared  
11 before the Board with legal counsel, Richard Rea, for a formal interview pursuant to the  
12 authority vested in the Board by A.R.S. § 32-1451(I). After due consideration of the facts  
13 and law applicable to this matter, the Board voted to issue the following findings of fact,  
14 conclusions of law and order.

15 **FINDINGS OF FACT**

- 16
- 17 1. The Board is the duly constituted authority for the regulation and control of  
18 the practice of allopathic medicine in the State of Arizona.
  - 19 2. Respondent is the holder of License No. 13430 for the practice of medicine  
20 in the State of Arizona.
  - 21 3. On February 17, 1999, a a 77 year-old female patient ("Patient") was seen  
22 by her podiatrist for a painful left ankle.
  - 23 4. The podiatrist assessed tendon or joint injury, fitted Patient with a dressing  
24 and soft walking shoe, scheduled an MRI to be conducted five days later and prescribed  
25 Ultram for the pain.

1           5.     Later in the evening of the 17th, Patient was in such pain that she called  
2 911 and was taken to the hospital emergency room. The emergency room personnel  
3 changed Patient's dressing and sent her home with a prescription for Vicodin. Patient's  
4 podiatrist subsequently ordered additional Vicodin for Patient.

5           6.     On February 22, 1999, Patient returned to her Podiatrist who found her  
6 ankle to be red, hot and swollen with pain diffuse along the ankle, tibia, fibula and  
7 posterior calf. The Podiatrist altered his prior assessment to include the possibility of  
8 infection and urged Patient and her son to go directly to the hospital.

9           7.     At the hospital on February 22, 1999, Patient reported extreme weakness  
10 and pain in her leg.

11           8.     Respondent treated Patient in the emergency room.

12           9.     Patient's blood work indicated an elevated white count of 14,000. Despite  
13 Patient's symptoms and abnormal blood work, Respondent ordered Patient home without  
14 further treatment or evaluation. Respondent did not unwrap the dressing and examine  
15 Patient's leg.

16           10.    Patient's son insisted she was too ill to return home and hospital staff made  
17 arrangements for Patient to be taken to the Glendale Care Center ("Care Center") for  
18 "subacute care." The results of Patient's laboratory tests were not forwarded to the Care  
19 Center.

20           11.    Patient's condition continued to worsen at the Care Center and she was  
21 returned to the hospital on the morning of the 25th. Patient was evaluated, diagnosed  
22 with sepsis and admitted to the Intensive Care Unit.

23           12.    Patient passed away on February 25, approximately 24 hours after being  
24 admitted.

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1           13.    Respondent acknowledged that it was a judgment error to not remove the  
2 dressing on Patient’s leg.

3           14.    Respondent also acknowledged that based on his belief that Patient was  
4 presenting to the hospital post-operatively, the standard of care required he remove the  
5 bandage and examine the wound.

6           15.    Respondent had adequate time to assess the patient and did not feel any  
7 time constraints.

8   **CONCLUSIONS OF LAW**

9           1.     The Board of Medical Examiners of the State of Arizona possesses  
10 jurisdiction over the subject matter hereof and over Respondent.

11          2.     The Board has received substantial evidence supporting the Findings of  
12 Fact described above and said findings constitute unprofessional conduct or other  
13 grounds for the Board to take disciplinary action.

14          3.     The conduct and circumstances above in paragraphs 9 through 10 and 13  
15 through 14 constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (25)(q) “[a]ny  
16 conduct or practice which is or might be harmful or dangerous to the health of the patient  
17 or the public;” and 32-1451(25)(II) “[c]onduct that the board determines is gross  
18 negligence, repeated negligence or negligence resulting in harm to or the death of a  
19 patient.”

20   **ORDER**

21           Based upon the foregoing Findings of Fact and Conclusions of Law,  
22 IT IS HEREBY ORDERED that Respondent is issued a Letter of Reprimand.

23   **RIGHT TO PETITION FOR REVIEW**

24           Respondent is hereby notified that he has the right to petition for a rehearing.  
25 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed

1 with the Board's Executive Director within thirty (30) days after service of this Order and  
2 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a  
3 rehearing. Service of this order is effective five (5) days after date of mailing. If a motion  
4 for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it  
5 is mailed to Respondent.

6 Respondent is further notified that the filing of a motion for rehearing is required to  
7 preserve any rights of appeal to the Superior Court.

8 DATED this 12<sup>th</sup> day of October, 2001.

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BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

By Claudia Foutz  
CLAUDIA FOUTZ  
Executive Director

ORIGINAL of the foregoing filed this  
12 day of October, 2001 with:

The Arizona Board of Medical Examiners  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing  
mailed by U.S. Certified Mail this  
12 day of October, 2001, to:

Richard Rea  
Goodwin Raup PC  
3636 North Central  
Suite 1200  
Phoenix, Arizona 85012-1998

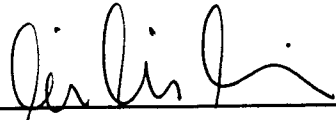
Executed copy of the foregoing mailed this  
12 day of October, 2001, to:

1 Peter Vann, M.D.  
2000 West Bethany Home Road  
2 Phoenix, Arizona 85015-2443

3  
4 Copy of the foregoing hand-delivered this  
5 12 day of October, 2001, to:

6 Christine Cassetta  
7 Assistant Attorney General  
8 Sandra Waitt, Management Analyst  
9 Lynda Mottram, Compliance Officer  
10 Lisa Maxie-Mullins, Legal Coordinator (Investigation File)  
11 Arizona Board of Medical Examiners  
12 9545 East Doubletree Ranch Road  
13 Scottsdale, Arizona 85258

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