IN THE STATE OF ARIZONA

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In the Matter of

RODNEY L. SMITH, M.D.

Holder of License No. 16325

For the Practice of Medicine

In the State of Arizona.

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INVESTIGATION NO. 10998

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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INTRODUCTION

This matter was considered by the Arizona Board of Medical Examiners (Board) at its public meeting on May 19, 1999; Rodney L. Smith, M.D., appeared with counsel, for the purpose of the Board continuing his informal interview, pursuant to the authority vested in it by A.R.S. § 32-1451(G). After due consideration of the facts and law applicable to this matter, the Board voted to issue the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.
- 2. Dr. Smith is the holder of License No. 16325 for the practice of medicine in the State of Arizona.
- 3. Investigation No. 10998 was initiated after a complaint was received from Tucson Medical Center that Dr. Smith performed an exploratory laparotomy on patient T.B. in the Morenci Clinic without an operating room, surgical staff or anesthesiologist.

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- 4. On May 10, 1997, patient T.B. was brought to the Morenci Clinic in Morenci, Arizona. She was suffering from multiple traumatic injuries, including a closed head injury and multiple lacerations of the face and fractures of facial bones. The patient was hypotensive and tachycardic and had the classical presentation of hypovolemic shock.
- 5. Dr. Smith failed to adequately resuscitate the patient with appropriate amounts of I.V. fluids.
- 6. Dr. Smith attempted a peritoneal lavage on patient T.B., a procedure which is ill-advised in a rural setting without on-site surgical back-up and facilities.
- 7. On the basis of the peritoneal lavage, Dr. Smith performed an exploratory laparotomy on patient T.B. without the benefit of anesthesia or an operating room. Witnesses state that the patient had to be physically restrained on the table during the procedure.
- 8. The laparotomy on patient T.B. was performed by Dr. Smith despite the fact that Air-Evac was present and ready to immediately transport the patient to an appropriate receiving facility.
- 9. Dr. Smith was not qualified to perform a laparotomy on an unstable trauma patient. Dr. Smith in his testimony before the Board exhibited an inadequate knowledge of fluid resuscitation in the trauma patient. Patient T.B. did not have an intra-abdominal injury of consequence and was likely in hypovolemic shock due to blood loss from facial and scalp injuries.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Dr. Smith.

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2. The conduct and circumstances described above in paragraphs 4 through 9 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.)

3. The conduct and circumstances described above in paragraphs 4 through 9 constitutes 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.)

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that:

- 1. For a period of five years, Dr. Smith is not to practice emergency medicine except in a situation where he has on-site concurrent supervision by an appropriately credentialed emergency physician.
 - 2. Dr. Smith shall be issued a Decree of Censure.

RIGHT TO PETITION FOR REVIEW

Dr. Smith is hereby notified that he has the right to petition for a rehearing. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the Board's Executive Director within thirty-five (35) days after service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing. If a petition for rehearing is not filed, the order becomes final and effective thirty-five (35) days after it has been mailed.

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Dr. Smith is further notified that the filing of a petition for rehearing is required to
preserve any rights of appeal to the superior court that he may wish to pursue.
DATED this 20 day of May, 1999.
BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA
[SEAL]
By Claudia Food
CLAUDIA FOUTZ Executive Director
ORIGINAL of the foregoing filed this
25 day of MAY, 1999, with:
The Arizona Board of Medical Examiners 1651 East Morten, Suite 210
Phoenix, Arizona 85020
EXECUTED COPY of the foregoing mailed by Certified Mail this 25. day of MTY, 1999, to:
Rodnev L. Smith. M.D.
Paul J. Giancola
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Phoenix, Arizona 85004-0001 Attorney for Dr. Smith
Board Operations