

1 BEFORE THE ARIZONA MEDICAL BOARD

2
3 In the Matter of

4 **ABEDON SAIZ, JR., M.D.**

5 Holder of License No. 24387
6 For the Practice of Medicine
7 In the State of Arizona.

**CASE NO. MD-01-0604
MD-02-0623**

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY RESTRICTION OF
LICENSE**

8
9 **INTRODUCTION**

10 The above-captioned matter came on for discussion at a meeting of the Arizona
11 Medical Board ("Board") on October 29, 2002. After reviewing relevant information and
12 deliberating, the Board voted to consider proceedings to restrict Respondent's license.
13 Following the review of information obtained, pursuant to A.R.S. § 32-1451, and having
14 considered the information in the matter and being fully advised, the Board enters the
15 following Interim Findings of Fact, Conclusions of Law and Order for Restriction of
16 License, pending formal hearings or other Board action.

17 **INTERIM FINDINGS OF FACT**

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

20 2. Abedon Saiz, Jr., M.D. ("Respondent") is the holder of License No. 24387 for the
21 practice of allopathic medicine in the State of Arizona.

22 3. The Board considered case numbers MD-01-0604 and MD-02-0623 involving
23 Respondent's care and treatment of a total of seven patients, six of whom are deceased.
24 The Board's Medical Consultant who reviewed each of the cases testified that the cases
25 were below the standard of care and contain numerous examples of poor surgical

1 judgment, a rush to take patients to surgery without appropriate thoughtful work-up and
2 raise questions about Respondent's accuracy in describing intra-operative complications.
3 The Medical Consultant testified that there was no evidence that Respondent's pattern of
4 practice had changed.

5 4. The cases reviewed by the Medical Consultant revealed, among other
6 information, instances where there had been no evidence of a pre-operative consultation
7 for a patient with multiple co-morbid problems facing a high-risk surgery; that Respondent
8 exercised poor clinical judgment in submitting a patient with significant co-morbid disease
9 to an unrecognized surgical procedure; that a patient was taken to surgery based on
10 inappropriate tests and insufficient findings; that Respondent fell below the standard of
11 care in considering vascular surgery on an impaired patient without prior studies to
12 indicate the extent of vascular disease; and that Respondent demonstrated a lack of
13 judgment in the management of amputations in general and in the aged in particular.

14 5. Based upon the foregoing, the Board finds that it has been presented with
15 sufficient substantial and reliable information concerning Respondent's professional
16 conduct to conclude that, pending formal administrative hearing, the public health, safety
17 and welfare imperatively requires emergency action by the Board against Respondent's
18 license to practice medicine in the State of Arizona.

19 **INTERIM CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over
21 Respondent.

22 2. The conduct and circumstances described above constitute unprofessional
23 conduct pursuant to A.R.S. § § 32-1401(24)(q) ("[a]ny conduct or practice that is or might
24 be harmful or dangerous to the health of the patient or the public.")

25 3. Pursuant to A.R.S. § 32-1451(D), and based on the foregoing Interim Findings of

1 Fact and Conclusions of Law, the public health, safety or welfare imperatively requires
2 emergency action.

3 **ORDER**

4 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
5 above,

6 **IT IS HEREBY ORDERED THAT:**

7 1. Respondent's license to practice allopathic medicine in the State of Arizona,
8 License No. 24387, is restricted in that Respondent may not perform major surgical
9 procedures. "Major Surgical Procedure" is defined using the common working definition of
10 practicing surgeons and prohibits Respondent from performing any procedure that
11 requires conscious or unconscious sedation of a patient or any procedure within any major
12 body cavity of a patient. Respondent may perform minor surgery that requires a local
13 anesthetic, not including for instance, a hernia repair that necessitates an anesthesia
14 "stand-by." This restriction is in place pending a formal hearing before an Administrative
15 Law Judge from the Office of Administrative Hearings and further action from this Board.

16 2. The Interim Findings of Fact and Conclusions of Law constitute written notice
17 to Respondent of the charges of unprofessional conduct made by the Board against him.
18 Respondent is entitled to a formal hearing to defend these charges as expeditiously as
19 possible from the effective date of this order. A formal complaint will be filed.

20 3. The Board's Executive Director is instructed to refer this matter to the Office
21 of Administrative Hearings for scheduling of an administrative hearing to be commenced
22 as expeditiously possible from the date of the issuance of this order, unless stipulated and
23 agreed otherwise by Respondent.

1 DATED this 29th day of October, 2002.

2 ARIZONA MEDICAL BOARD

3
4 (SEAL)



5 By: Barry A. Cassidy
6 BARRY A. CASSIDY, Ph.D., PA-C
7 Executive Director

8 ORIGINAL of the foregoing filed this
9 29th day of October, 2002, with:

10 The Arizona Medical Board
11 9545 E. Doubletree Ranch Road
12 Scottsdale, AZ 85258

13 Executed copy of the foregoing mailed by Certified
14 Mail this 30th day of October, 2002, to:

15 Dan Jantsch
16 Olson Jantsch & Bakker PA
17 7243 North 16 Street
18 Phoenix, Arizona 85020-7250

19 Executed copy of the foregoing mailed by U.S.
20 Mail this 30th day of October, 2002, to:

21 Abedon Saiz, Jr.
22 329 Lake Havasu Avenue South
23 Lake Havasu City, Arizona 86403-9368

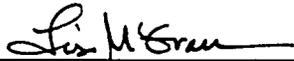
24 Executed copy of the foregoing delivered via
25 interoffice mail this 30th day of October, 2002,
to:

Dean Brekke
Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington
Phoenix, Arizona 85007

Executed copy of the foregoing

1 hand-delivered this
2 30th day of October, 2002 to:

3 Christine Cassetta
4 Assistant Attorney General
5 Sandra Waitt, Management Analyst
6 Lynda Mottram, Senior Compliance Officer
7 Investigations (Investigation File)
8 Arizona Medical Board
9 9545 E. Doubletree Ranch Road
10 Scottsdale, AZ 85258

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