

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **ROBERT GULLEN, M.D.**

6 Holder of License No. 2592
7 For the Practice of Medicine
8 In the State of Arizona.

Case No. MD-01-0857

**CONSENT AGREEMENT FOR A
LETTER OF REPRIMAND**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Board of Medical
10 Examiners ("Board") and Robert Gullen, M.D. ("Respondent"), the parties agreed to the
11 following disposition of this matter at the Board's public meeting on June 5, 2002.

12 1. Respondent acknowledges that he has read and understands this Consent
13 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.
14 Respondent acknowledges that he understands he has the right to consult with legal
15 counsel regarding this matter and has done so or chooses not to do so.

16 2. Respondent understands that by entering into this Consent Agreement for
17 the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or
18 judicial review in state or federal court on the matters alleged, or to challenge this Consent
19 Agreement and the Order in its entirety as issued by the Board, and waives any other
20 cause of action related thereto or arising from said Order.

21 3. Respondent acknowledges and understands that this Consent Agreement
22 and the Order will not become effective until approved by the Board and signed by its
23 Executive Director.

24 4. All admissions made by Respondent are solely for final disposition of this
25 matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended
2 or made for any other use, such as in the context of another state or federal government
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
4 any other state or federal court.

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

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

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

18 Robert L. Gullen M.D.
19 Robert Gullen, M.D.

Reviewed and accepted this 27
day of May, 2002.

20 Thomas G. Bakker
21 Thomas G. Bakker, Attorney at Law
22 (Counsel For Dr. Robert Gullen)

Reviewed and approved as to
form this 26th day of May, 2002.

FINDINGS OF FACT

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

4 2. Respondent is the holder of license number 2592 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-01-0857 after receiving notice of a
7 malpractice settlement.

8 4. On July 1, 1996, Patient K.O., a forty-eight year old female, presented for a
9 routine gynecological examination. Respondent performed the examination, which
10 included a Pap smear.

11 5. On July 8, 1996, Respondent received the Pap smear report, which indicated
12 normal results.

13 6. An amended report, received telephonically on July 9, 1996, indicated
14 epithelial cell abnormality, atypical glandular cells of undetermined origin significance
15 (AGUS) suggested endometrial origin, many white blood cells, and noted that a more
16 significant lesion could not be ruled out. No additional follow-up was recommended at
17 that time.

18 7. On July 25, 1996, Respondent's office received a Pap Net report confirming
19 the July 9, 1996, amended report. Respondent reviewed the amended report on August
20 13, 1996, and recommended a repeat Pap smear within three months.

21 8. Patient K.O. returned for a repeat Pap smear on October 17, 1996, and
22 informed Respondent that she had experienced abnormal uterine bleeding since July
23 1996. A Pap smear was not performed during the visit.

24 9. Patient K.O. continued to complain of abnormal uterine bleeding in the
25 subsequent months.

1 practice which is or might be harmful or dangerous to the health of the patient or to the
2 public.”)

3 3. The conduct and circumstances described above in paragraph 6 to 14
4 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(II)(“[c]onduct that the
5 board determines is gross negligence, repeated negligence, or negligence resulting in
6 harm to or the death of a patient.”)

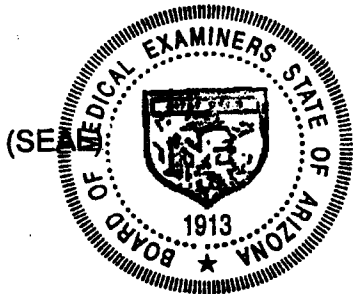
7 **ORDER**

8 IT IS HEREBY ORDERED THAT:

9 1. Respondent is issued a Letter of Reprimand for his failure to timely review
10 the amended Pap smear report and his failure to perform an office endometrial biopsy or
11 any other investigative procedures after the second abnormal Pap smear.

12 2. This Order is the final disposition of case number MD-01-0857.

13 DATED AND EFFECTIVE this 5th day of June, 2002.



20 BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

21 By *Gaudia Foutz*
22 GLAUDIA FOUTZ, Executive Director

23 ORIGINAL of the foregoing filed this
24 6th day of July, 2002 with:

25 The Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 6th day of June, 2002 to:

3 Thomas G. Bakker, Esq.
4 Olson Jantsch & Bakker, PA
5 7243 N. 16th St.
6 Phoenix, AZ 85020-5203

7 EXECUTED COPY of the foregoing mailed
8 this 6th day of June, 2002 to:

9 Robert Gullen, M.D.
10 1108 W. Indian School Road
11 Phoenix, AZ 85013-3107

12 EXECUTED COPY of the foregoing
13 hand-delivered this 6th day of
14 June, 2002, to:

15 Christine Cassetta, Assistant Attorney General
16 Sandra Waitt, Management Analyst
17 Lynda Mottram, Compliance Officer
18 Investigations (Investigation File)
19 c/o Arizona Board of Medical Examiners
20 9545 E. Doubletree Ranch Road
21 Scottsdale, AZ 85258

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