

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

3 In the Matter of

4 **DIRK GESINK, M.D.**

5 Holder of License No. 26782  
6 For the Practice of Medicine  
7 In the State of Arizona.

Case No. MD-01-0094

**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 Dirk Gesink, M.D. ("Respondent"), the parties agreed to the  
11 following disposition of this matter at the August 7, 2002 public meeting meeting.

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  
the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government  
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
3 any other state or federal court.

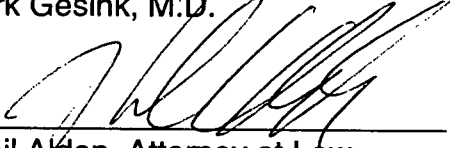
4 5. Respondent acknowledges and agrees that, although the Consent  
5 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
6 upon signing this agreement, and returning this document (or a copy thereof) to the  
7 Board's Executive Director, Respondent may not revoke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

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

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

17   
18 \_\_\_\_\_  
19 Dirk Gesink, M.D.

Reviewed and accepted this 1st  
day of August, 2002.

20   
21 \_\_\_\_\_  
22 Neil Alden, Attorney at Law  
23 (Counsel For Dr. Dirk Gesink)

Reviewed and approved as to  
form this 1st day of August, 2002.

1 **FINDINGS OF FACT**

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 26782 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-01-0094 upon receiving a complaint  
7 regarding Respondent's care and treatment of Patient M.G., a 49 year-old female.

8 4. On January 12, 1999, Patient M.G. sustained an open right distal tibia  
9 fracture in a motor vehicle accident. On the same day, Patient M.G. was admitted into the  
10 hospital, underwent an irrigation and debridement, and a large external fixator was placed.  
11 A second irrigation and debridement was performed on January 15, 1999.

12 5. On January 21, 1999, Patient M.G. was transferred to Respondent's care.  
13 Respondent performed a third irrigation and debridement, a limited open reduction and  
14 internal fixation, and revised the external fixator with a hybrid ring fixator.

15 6. Patient M.G. followed-up with Respondent on February 2 and 18, March 10  
16 and 31, 1999. There were no noted complications. Patient M.G. failed to appear for the  
17 April 23, 1999, follow-up appointment.

18 7. On May 4, 1999, Patient M.G. presented to the Good Samaritan Regional  
19 Medical Center ("Good Samaritan") emergency room with a possible infection. Nursing  
20 notes indicated that the pin site was edematous, red, and warm to touch. The attending  
21 physician noted significant cellulitis of the right ankle and foot.

22 8. During the May 4, 1999, emergency room visit, an orthopedic surgeon  
23 consult noted erythema around the medial ankle but no drainage or fluctuance.  
24 Intravenous antibiotics were administered. Both an x-ray and a bone scan were  
25

1 conducted. The bone scan was consistent with a healing fracture. However, osteomyelitis  
2 could not be excluded.

3 9. On May 19, 1999, Respondent examined Patient M.G., who informed  
4 Respondent of the emergency room visit, that IV antibiotics were administered, and that  
5 Dicloxacillin was prescribed. Patient M.G. also noted she had completed the Dicloxacillin.

6 10. Respondent failed to request the Good Samaritan emergency records and  
7 failed to prescribe additional antibiotics. A four-week follow-up visit was scheduled.

8 11. On June 4 and 19, 1999, Patient M.G. returned for follow-up visits and  
9 complained of redness over the medial aspect of the ankle. During the June 19<sup>th</sup> visit  
10 Respondent prescribed Keflex and recommended a four-week follow-up.

11 12. On July 21, 1999 x-rays revealed that the fracture was healing adequately  
12 with some osteopenia of the tibia/fibula and possible osteomyelitis. Respondent ordered  
13 laboratory studies and again scheduled a four to six-week follow-up visit.

14 13. During an August 11, 1999 visit, fluctuant swelling was noted over the medial  
15 aspect of the ankle. Cultures were obtained and revealed a staphylococcus infection of  
16 the ankle.

17 14. Maxwell MacCollum, M.D., Board Medical Consultant, reviewed the case  
18 and concluded that Respondent failed to meet the acceptable standard of care, in that he  
19 failed to timely and accurately diagnose and treat a staphylococcus infection.

20 15. Dr. MacCollum noted that Respondent failed to obtain x-ray results from  
21 Good Samaritan after Patient M.G.'s emergency room visit, failed to prescribe antibiotics,  
22 and scheduled lengthy follow-up visits with a patient with possible osteomyelitis.

23 16. Respondent's failure to properly treat the staphylococcus infection and  
24 lengthy follow-up visits resulted in an untimely diagnosis of osteomyelitis.

1 17. During a February 13, 2002, investigational interview, Respondent admitted  
2 that he failed to obtain or review the Good Samaritan records until recently and that the  
3 four to six-week intervals scheduled between some visits were definitely excessive  
4 considering there was potential for osteomyelitis.

5 **CONCLUSIONS OF LAW**

6 1. The Board possesses jurisdiction over the subject matter hereof and over  
7 Respondent.

8 2. The conduct and circumstances described above in paragraphs 10 to 17  
9 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (“[a]ny conduct or  
10 practice that is or might be harmful or dangerous to the health of the patient or the  
11 public.”).

12 **ORDER**

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent is issued a Letter of Reprimand for his failure to diagnose and  
15 treat osteomyelitis.

16 2. This Order is final disposition of case number MD-01-0094.

17 DATED and effective this 8<sup>th</sup> day of August, 2002.

18 BOARD OF MEDICAL EXAMINERS  
19 OF THE STATE OF ARIZONA

20 (SEAL)



21 By Barry A. Cassidy  
22 Barry A. Cassidy, Ph.D., P.A.-C  
23 Executive Director  
24  
25

1 ORIGINAL of the foregoing filed this  
2 9 day of August, 2002 with:

3 The Arizona Board of Medical Examiners  
4 9545 E. Doubletree Ranch Road  
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed by Certified  
7 Mail this 9 day of August, 2002 to:

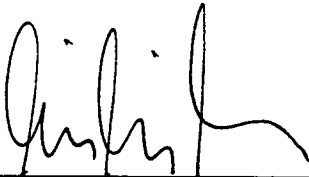
8 Neil Alden, Esq.  
9 Sanders & Parks P C  
10 3030 N. 3<sup>rd</sup> St., Ste. 1300  
11 Phoenix, AZ 85012-3099

12 EXECUTED COPY of the foregoing mailed  
13 this 9 day of August, 2002, to:

14 Dirk Gesink, M.D.  
15 2620 N 3rd St Ste 100  
16 Phoenix AZ 85004-1153

17 EXECUTED COPY of the foregoing  
18 hand-delivered to each of the following  
19 this 9 day of August, 2002, to :

20 Christine Cassetta, Assistant Attorney General  
21 Management Analyst  
22 Compliance Officer  
23 Investigations (Investigation File)  
24 Arizona Board of Medical Examiners  
25 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258



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