

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of

Board Case No. MD-99-0579

4 **ENRIQUE SUAREZ, M.D.**

Inv. No. 13063

5 Holder of License No. **8057**
6 For the Practice of Medicine
7 In the State of Arizona.

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

(Decree of Censure)

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9 This matter was considered by the Arizona Board of Medical Examiners ("Board")
10 at its public meeting on August 16, 2001. Enrique Suarez, M.D., ("Respondent")
11 appeared before the Board, without legal counsel, 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 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of allopathic medicine in the State of Arizona.

18 2. Respondent is the holder of License No. 8057 for the practice of medicine
19 in the State of Arizona.

20 3. Respondent was an employee of the Arizona Department of Corrections
21 ("Department") until February 18, 1999 when he was placed on administrative leave.
22 Respondent later resigned his position in lieu of termination.

23 4. In June of 1998, an inmate ("Patient") presented to Respondent for the first
24 time. Thereafter, Patient saw Respondent occasionally. On December 8, 1998, Patient
25 presented to Respondent and complained of night chills, loss of appetite, shortness of

1 breath and severe headaches. CBCs and ABG's were done on Patient and HIV testing
2 was ordered, but no evidence was found that it was done.

3 5. From December 8, 1998 through December 14, 1998, there was no medical
4 intervention on behalf of Patient.

5 6. On December 15, 1998, a chest x-ray was taken of Patient. The x-ray
6 taken on December 15, 1998, showed a right mid-lung infiltrate. Patient's records
7 indicate that Respondent did not look at the chest x-ray on this date. On December 17,
8 1998, Patient's pulse oximetry was seventy-five percent and he was weak. Patient had
9 lost six pounds in 9 days.

10 7. Respondent did not hospitalize Patient and Patient was returned to his
11 housing unit. Respondent requested an internal medicine consultation with a priority
12 index of "3".

13 8. On December 18, 1998, a bed check found Patient on the floor,
14 unconscious, with a temperature of 102 degrees, pale in color, diaphoretic. Patient had
15 lost ten pounds since December 8, 1998.

16 9. Patient was transferred to St. Mary's Hospital. On December 21, 1998,
17 Patient had respiratory arrest and was pronounced brain dead. Patient later died on this
18 same day. The cause of death was determined to be complications associated with
19 Acquired Immune Deficiency Disorder.

20 10. Patient's Department medical file indicates there was a time delay from
21 when diagnostic tests were ordered for Patient, when they occurred and when the results
22 were made known to Respondent.

23 11. Respondent failed to record vital signs, such as respirations and
24 presentation of symptoms on Patient's medical chart.

25

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law,

3 IT IS HEREBY ORDERED that Respondent is issued a Decree of Censure for
4 failing to recognize, evaluate and treat a critically ill patient.

5 **RIGHT TO PETITION FOR REVIEW**

6 Respondent is hereby notified that he has the right to petition for a rehearing.
7 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed
8 with the Board's Executive Director within thirty (30) days after service of this Order and
9 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a
10 rehearing. Service of this order is effective five (5) days after date of mailing. If a motion
11 for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it
12 is mailed to Respondent.

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

15 DATED this 12th day of October, 2001.

16
17 BOARD OF MEDICAL EXAMINERS
18 OF THE STATE OF ARIZONA

19 By Claudia Foutz
20 CLAUDIA FOUTZ
21 Executive Director

22 ORIGINAL of the foregoing filed this
23 12 day of October, 2001 with:

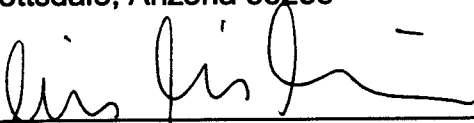
24 The Arizona Board of Medical Examiners
25 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

1 Executed copy of the foregoing
mailed by U.S. Certified Mail this
2 12 day of October, 2001, to:

3 Enrique Suarez, M.D.
4 2685 West Calle Cuero DeVala
Tucson, Arizona 85745-3565

5 Copy of the foregoing hand-delivered this
6 12 day of October, 2001, to:

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

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