


1 4. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

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


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

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

20 
21 Jeffrey M. Pont, M.D.

Dated: 6/19/01

22
23 Reviewed and approved as to form by:

24 
25 Thomas D. Lawless, Esq.
Counsel for Jeffrey M. Pont M.D.

Dated: 6/19/01

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. Jeffrey M. Pont, M.D. (Respondent) is the holder of license number 14308
5 for the practice of allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-98-0692 upon receiving notification
7 from Respondent's malpractice insurer of a malpractice settlement.

8 4. On April 21, 1996, patient R.H., a 46 year-old male patient, was presented to
9 the emergency room of John C. Lincoln Hospital with symptoms of intermittent chest
10 pains. The emergency room physician ordered an electrocardiogram (EKG) and a chest
11 x-ray.

12 5. The EKG showed sinus rhythm with nonspecific ST abnormality noted in
13 inferior leads. The chest x-ray revealed a left upper lobe nodule and the x-ray report
14 indicated "neoplasm is of primary concern." The radiologist recommended a chest
15 computed tomography (CT) scan as follow-up for the abnormal chest x-ray. Richard
16 Settles D.O., who was covering for Respondent, admitted R.H. to the cardiovascular
17 intensive care unit. On the same day, Andrei Damien, M.D. performed a cardiac
18 catheterization.

19 6. On April 22, 1996, Respondent saw the patient and initialed the hospital
20 chart. Respondent in his response to the Board, received October 20, 1998, stated he
21 discussed the abnormal chest x-ray with R.H. and urged him to follow-up with
22 Respondent's office to fully discuss both the cardiac and pulmonary problems. However,
23 the April 22, 1996, hospital note does not mention the chest x-ray abnormality.

24 7. Two days later, on April 24, 1996, Respondent examined R.H. at his office.
25 Although Respondent asserts he advised R.H. to obtain additional workup, his notes of the

1 April 24, 1996, visit do not indicate any discussion with R.H. regarding the abnormal x-ray
2 finding.

3 8. On October 11, 1997, R.H. visited the emergency room at Thunderbird
4 Samaritan Medical Center with complaints of sinus congestion, right leg numbness, and
5 weakness. A chest x-ray showed a large mass located peripherally in the left upper lobe
6 lung mass. A subsequent CT-guided left lung biopsy was performed and was positive for
7 a malignant neoplasm of the left lung, showing small cell undifferentiated carcinoma.

8 9. Respondent fell below the standard of care in his failure to discuss the
9 abnormal chest x-ray with R.H. and his failure to take active and definitive steps to initiate
10 post x-ray workup.

11 **CONCLUSIONS OF LAW**

12 1. The Board possesses jurisdiction over the subject matter hereof and over
13 Jeffrey M. Pont, M.D. holder of license number 14308.

14 2. The conduct and circumstances described above in paragraphs 4 to 9
15 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q)(Any conduct or
16 practice which is or might be harmful or dangerous to the health of the patient or the
17 public).

18 3. The conduct and circumstances described above in paragraphs 4 to 9
19 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(II)(Conduct that the
20 board determines is gross negligence, repeated negligence or negligence resulting in
21 harm to the death of a patient).

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24 ...
25 ...

ORDER

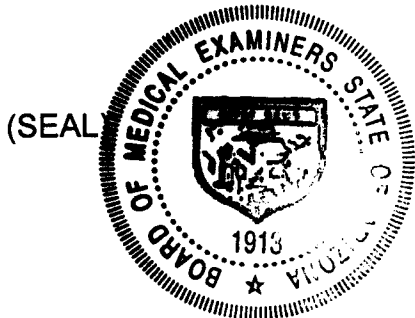
IT IS HEREBY ORDERED THAT:

1. Jeffrey M. Pont, M.D. is issued a Letter of Reprimand for his failure to discuss the abnormal chest x-ray with R.H. and his failure to take active and definitive steps to initiate post x-ray workup.

2. This Order is final disposition of case number MD-98-0692.

DATED and effective this 22 day of June, 2001.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



By *Tom Adams*
CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Deputy Director

ORIGINAL of the foregoing filed this 22 day of June, 2001 with:

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

EXECUTED COPY of the foregoing mailed by
Certified Mail this 22 day of June, 2001 to:

Jeffrey M. Pont, M.D.
10859 E. Karen Drive
Scottsdale, AZ 85259-8417

...

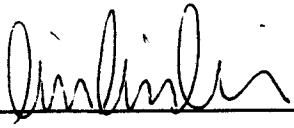
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1 EXECUTED COPY of the foregoing mailed
this 22 day of June, 2001, to:

2
3 Thomas D. Lawless, Esq.
4 Gallagher & Kennedy
2575 East Camelback Road
Phoenix, AZ 85016-8000

5 EXECUTED COPY of the foregoing
6 hand-delivered to each of the following
this 22 day of June, 2001, to :

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

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