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BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of
THOMAS J. ROSE, M.D.
Holder of License No. **17017**
For the Practice of Medicine
In the State of Arizona.

Case No. MD-00-0772

**CONSENT AGREEMENT FOR A
LETTER OF REPRIMAND AND
PRACTICE RESTRICTION**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Medical Examiners ("Board") and Thomas J. Rose, M.D. ("Respondent"), the parties agreed to the following disposition of this matter at the Board's public meeting on June 13, 2002.

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

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

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

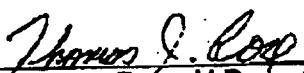
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving

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.

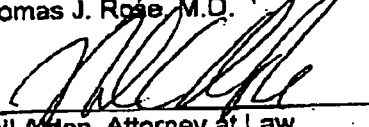
5 5. Respondent acknowledges and agrees that, although the Consent
6 Agreement has not yet been accepted by the Board and issued by the Executive
7 Director, upon signing this agreement, and returning this document (or a copy thereof) to
8 the Board's Executive Director, Respondent may not revoke his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

Reviewed and accepted this 16th
day of May, 2002.

20 
21 Neil Arden, Attorney at Law
22 (Counsel For Thomas J. Rose)

Reviewed and approved as to
form this 16th day of May, 2002.

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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 No. 17017 for the practice of medicine
5 in the State of Arizona.

6 3. The Board initiated case number MD-00-0772 after receiving notice of a
7 malpractice settlement.

8 4. Patient C.A., a twenty-seven year-old female, who had a three month
9 history of severe headaches, presented to urgent care on June 8, 1997. Patient C.A.
10 also complained of vomiting 10-13 times per day, increased sensitivity to noise and light,
11 increased pressure in the back of the head and flickering lights. The urgent care
12 physician recommended a CT scan, non-emergent, and that Patient C.A. follow-up with
13 Respondent, her primary care physician and an ophthalmologist within one week.

14 5. On June 12, 1997, Respondent saw Patient C.A. for the first time. Patient C.A.
15 continued to complain of migraines and informed Respondent of the prior urgent care
16 visit. Respondent did not follow-up on the urgent care recommendation.

17 6. During the June 12, 1997 visit, Respondent administered a trial of Imitrex,
18 SQ in the left arm, followed by Phenergan and Demerol in the right arm. A CT scan was
19 ordered and was negative.

20 7. On June 24, 1997, a nurse practitioner examined Patient C.A., who
21 complained of headaches with increase intensity, dizziness, gait change, palpitations in
22 the right occipital regions, and vision blackouts. The nurse practitioner administered an
23 injection of Toradol 60 mg, prescribed Toradol 10 mg, and made a referral to a
24 neurologist.

25

1 8. On June 26, 1997, Respondent examined Patient C.A., who now
2 complained of transient blindness in the field of vision of both eyes, which is known as
3 homonymous hemianopsia. Patient C.A. also complained of the previous symptoms. A
4 neurological exam was normal and the head CT scan was negative. Respondent
5 administered Phenergan and Demerol and prescribed Inderal and Percocet.

6 9. At that time, the referral to the neurologist had not been authorized but
7 Patient C.A.'s complaints of transient homonymous hemianopsia should have resulted in
8 an immediate neurological consult.

9 10. Patient C.A. continued to complain of severe headaches, dizziness,
10 vomiting, photosensitivity, and vision blackouts. The nurse practitioner saw her on July 3
11 and 10, 1997. However, the referral to the neurologist had not been authorized.

12 11. On July 24, 1997, Patient C.A. received authorization for the neurological
13 consultant and an appointment was scheduled. However, Patient C.A. arrived late and
14 the appointment was cancelled. Respondent did not contact the neurologist about the
15 cancelled appointment.

16 12. Respondent examined Patient C.A. on August 11, 1997. The examination
17 noted the same findings, except for a new complaint of visual scotomata, but Respondent
18 did not examine the eye.

19 13. On August 20, 1997, Patient C.A. returned to Respondent's office with
20 complaints of visual blurring and blackouts. A physical examination revealed fundi with
21 bilateral papilledema. Respondent diagnosed possible pseudotumor cerebri versus a
22 mass lesion.

23 14. Respondent immediately sent Patient C.A. to the emergency room for a CT
24 of the head and lumbar. The CT scans of the lumbar spine puncture revealed a markedly
25

1 high opening pressure of 48 cm. A visual acuity test in the emergency room corroborated
2 that Patient C.A. had no vision.

3 15. Rudolf Kirschner, M.D., Board Medical Consultant, reviewed the case and
4 concluded that Respondent's diagnosis and treatment of Patient C.A. fell below the
5 acceptable standard of care. Specifically, Dr. Kirschner noted Respondent's failure to
6 personally contact the insurance company or the neurologist regarding the degree of
7 urgency. Dr. Kirschner also noted that Respondent failed to exam Patient C.A.'s eye
8 after the complaint of scotoma.

9 16. During an April 8, 2002 investigation interview, Respondent admitted that
10 he failed to ensure that the neurological consult was timely and failed to appreciate the
11 severity of Patient C.A.'s condition and lack of improvement after treatment.

12 17. Respondent did not meet the standard of care in diagnosing and treating
13 patient C.A.'s severe neurologic problem, which resulted in total permanent blindness.

14 CONCLUSIONS OF LAW

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

17 2. The conduct and circumstances above in paragraphs 5 through 16
18 constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (25)(q) ("[a]ny conduct or
19 practice which is or might be harmful or dangerous to the health of the patient or the
20 public.")

21 3. The conduct and circumstances above in paragraphs 5 through 16
22 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(ll) ("[c]onduct that the
23 board determines is gross negligence, repeated negligence or negligence resulting in
24 harm to or the death of a patient.")

25

1 ORDER

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent is issued a Letter of Reprimand for his failure to perform an
4 adequate physical examination, to properly diagnose pseudotumor cerebri, to timely
5 arrange referrals to specialists, to act on the urgent care physician's recommendations,
6 and failure to follow-up or discuss Patient C.A. with the specialist.

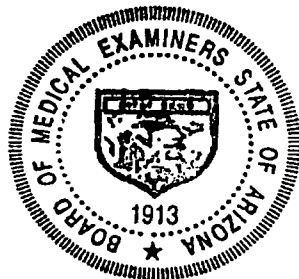
7 2. Respondent shall not practice clinical medicine or any medicine involving
8 direct patient care, and is prohibited from prescribing any form of treatment including
9 prescription medications, until Respondent applies to the Board and affirmatively receives
10 the Board's approval to return to practice. The Board may require any combination of
11 staff approved physical examination, psychiatric and/or psychological evaluations, or
12 successful passage of the Special Purpose Licensing Examination or other competency
13 examination/evaluation or interview it finds necessary to assist it in determining
14 Respondent's ability to safely and competently to return to the active practice of
15 medicine.
16

17 3. The Board retains jurisdiction to initiate a new investigation based on any
18 violation of this Order.

19 4. This Order is the final disposition of case number MD-00-0772.

20 DATED this 13th day of JUNE, 2002.

21
22 BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



Claudia Foutz
CLAUDIA FOUTZ, Executive Director

1 ORIGINAL of the foregoing filed this
2 14th day of June, 2002 with:

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

6 EXECUTED copy of the foregoing
7 mailed by U.S. Certified Mail this
8 14th day of June, 2002, to:

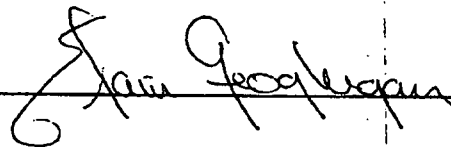
9 Neil Alden, Esq.
10 Sanders & Parks, PC
11 3030 N. Third St., Ste. 1300
12 Phoenix, AZ 85012

13 EXECUTED copy of the foregoing mailed
14 this 14th day of June, 2002, to:

15 Thomas J. Rose, M.D.
16 4141 N Scottsdale Rd Ste 300
17 Scottsdale, AZ 85251-3938

18 COPY of the foregoing hand-delivered this
19 14th day of June, 2002, to:

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



1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **THOMAS J. ROSE, M.D.**

4 Holder of License No. 17017
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-00-0772

**AMENDMENT TO CONSENT
AGREEMENT AND ORDER
DATED JUNE 13, 2002**

7 INTRODUCTION

8 This matter was considered by the Arizona Medical Board ("Board") at its public
9 meeting on October 2, 2002. The Board was presented with the request of Thomas J.
10 Rose, M.D. ("Respondent") to amend the Consent Agreement for a Letter of Reprimand
11 and Practice Restriction ("Board Order"), which he entered into with the Board on June
12 13, 2002. Respondent requested that the Board amend the Board Order to remove the
13 practice restriction component only. After due consideration of the facts and law
14 applicable to this matter, the Board voted to remove the practice restriction upon
15 Respondent providing satisfactory documentation that he had successfully completed a
16 Board approved evaluation program and passed the Special Purpose Licensing
17 Examination ("SPEX").

18 Respondent has provided satisfactory documentation that he has successfully
19 completed the Physician Assessment and Clinical Education Program ("PACE") and
20 passed the SPEX examination.

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ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's practice is no longer restricted and he may return to the practice of clinical medicine.

DATED AND EFFECTIVE this 24th day of December, 2002.

ARIZONA MEDICAL BOARD

[Seal]

By *Barry Cassidy*
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

ORIGINAL of the foregoing filed this 24th day of December, 2002, with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale AZ 85258

EXECUTED COPY of the foregoing mailed by Certified Mail this 24th day of December, 2002 to:

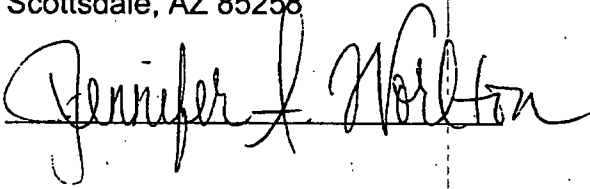
Neil Alden, Esq.
Sanders & Parks, PC
3030 N. Third St., Suite 1300
Phoenix, AZ 85012
Attorney of Record

EXECUTED COPY of the foregoing mailed this 24th day of December, 2002, to:

Thomas J. Rose, M.D.
4141 N. Scottsdale Road, Suite 300
Scottsdale, AZ 85251-3938

1 EXECUTED COPY of the foregoing hand-delivered
2 this 24 day of December 2002, to:

3 Christine Cassetta, Assistant Attorney General
4 Sandra Waitt, Management Analyst
5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

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