

BEFORE THE BOARD OF MEDICAL EXAMINERS  
IN THE STATE OF ARIZONA

In the Matter of

**PHILIP JAMES, M.D.**

Holder of License No. 20691  
For the Practice of Medicine  
In the State of Arizona.

Board Case No. MD-01-0383

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

(Letter of Reprimand)

On May 1, 2002, Philip James, M.D., ("Respondent") appeared before a Review Committee ("Review Committee") of the Arizona Board of Medical Examiners ("Board") with legal counsel, Gordon Lewis, for a formal interview pursuant to the authority vested in the Review Committee by A.R.S. § 32-1451(Q). The matter was referred to the Board for consideration at its public meeting on July 10, 2002. After due consideration of the facts and law applicable to this matter, the Board voted to issue the following findings of fact, conclusions of law and order.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 20691 for the practice of medicine in the State of Arizona.
3. The Board initiated case number MD-01-0383 after receiving a complaint from Respondent's former patient ("Patient") that Respondent had not disclosed or treated a "hole" of two to three centimeters in her right lung. According to Patient, after being treated by Respondent she moved out of town and another treating physician diagnosed a bacterial infection of the lung that Patient had for some time. According to Patient, the infection was visible on an x-ray Respondent reviewed.

1           4.     In his response to the Board, Respondent indicated that he had ordered an  
2 x-ray of Patient that was interpreted by a radiologist. The x-ray indicated a lobulated right  
3 upper lobe cavity that may have represented sequelae of tuberculosis,  
4 coccidioidomycosis, or bacterial infection. According to Respondent, it did not appear to  
5 be an active component. Respondent testified that because Patient was not infectious at  
6 the time, he decided to closely follow her condition and focus on her main problems of  
7 obsessive behavior and anorexia. Respondent also testified that the radiologist did not  
8 make a recommendation after reviewing the x-rays.

9           5.     A Board Medical Consultant ("Medical Consultant") reviewed the records  
10 and opined that in a patient who was immune compromised because of anorexia  
11 nervosa, it was essential that the upper lobe cavity be investigated further, regardless of  
12 whether the radiologist made any comments. The Medical Consultant also opined that  
13 Respondent should have conducted several tests, including a CT scan and applied a TB  
14 and coccidioidomycosis skin test, and treated Patient according to the results of those  
15 tests. The Medical Consultant also opined that Respondent should have considered a  
16 pulmonary consult.

17           6.     Respondent testified at the formal hearing that Patient first came to him in  
18 December 1999 complaining of ankle swelling. Respondent stated that he took a history  
19 and assessed the main presenting complaint in context. Respondent stated that he  
20 recommended baseline lab work and a chest x-ray to rule out the worst-case scenario  
21 that her mild edema was related to early congestive heart failure. Respondent stated that  
22 he was prepared to take some fluid off her legs with a diuretic and remove her from the  
23 situation he believed was precipitating the problem. Respondent testified that his plan  
24 was to follow up within a week.

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1           7.     Respondent then received the blood work results and the written report  
2 from the radiologist regarding the chest x-ray. Respondent testified that his practice is to  
3 review any and all test results and then either contact the patient himself with the results  
4 by telephone or discuss the results at an appointment. In Patient's case, Respondent's  
5 medical assistant relayed the lab work results to Patient. Patient returned for a follow-up  
6 visit on January 4, 2000 and Respondent believes, that consistent with his practice, he  
7 discussed both the lab results and the chest x-ray. Respondent also believes that based  
8 on his practice he informed Patient that the chest x-ray was not consistent with  
9 congestive heart failure, but revealed a lesion that was consistent with a previous  
10 infection. Respondent testified that he informed Patient of the radiologist's impression  
11 that there was not an active component. Respondent testified that he believes he told  
12 Patient that since she was asymptomatic regarding possible infectious disease that the x-  
13 ray should be repeated at regular intervals to ensure stability of the lesion.

14           8.     Although Respondent testified that he believes he relayed the information to  
15 Patient, there is no note in his chart that he did so.

16           9.     In response to a query during the formal interview, Respondent testified that  
17 if he faced a similar circumstance today he would probably be more aggressive in his  
18 treatment. Respondent also indicated it was an option to request previous chest x-rays  
19 to make a comparison to the current x-ray. The Review Committee noted that a CT scan  
20 taken approximately one year before Patient saw Respondent showed nothing in the right  
21 lobe.

22           10.    Respondent was also queried as to improvements to his dictation and  
23 documentation of conversations with patients. Respondent noted that he has become  
24 more specific in his documentation and tries to delineate more specifically what his  
25 assessments are.

1 **CONCLUSIONS OF LAW**

2 1. The Board of Medical Examiners of the State of Arizona possesses  
3 jurisdiction over the subject matter hereof and over Respondent.

4 2. The Board has received substantial evidence supporting the Findings of  
5 Fact described above and said findings constitute unprofessional conduct or other  
6 grounds for the Board to take disciplinary action.

7 3. The conduct and circumstances above in paragraphs 5 and 8 constitute  
8 unprofessional conduct pursuant to A.R.S. § § 32-1401(25)(q) “[a]ny conduct or practice  
9 that is or might be harmful or dangerous to the health of the patient or the public.”

10 **ORDER**

11 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS  
12 HEREBY ORDERED that Respondent is issued a Letter of Reprimand for failure to  
13 further evaluate and act on a newly discovered lung cavity.

14 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

15 Respondent is hereby notified that he has the right to petition for a rehearing or  
16 review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or  
17 review must be filed with the Board’s Executive Director within thirty days after service of  
18 this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons  
19 for granting a rehearing or review. Service of this order is effective five days after date of  
20 mailing. If a motion for rehearing or review is not filed, the Board’s Order becomes  
21 effective thirty-five days after it is mailed to Respondent.

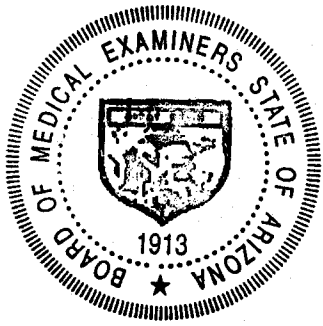
22 Respondent is further notified that the filing of a motion for rehearing or review is  
23 required to preserve any rights of appeal to the Superior Court.

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DATED this 10<sup>th</sup> day of July, 2002.



BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

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

ORIGINAL of the foregoing filed this  
10<sup>th</sup> day of July, 2002 with:

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

Executed copy of the foregoing  
mailed by U.S. Certified Mail this  
10<sup>th</sup> day of July, 2002, to:

Gordon Lewis, Esquire  
Jennings Strouss & Salmon, PLC  
5722 E Placita La Gracias  
Tucson, Arizona 85750-0001

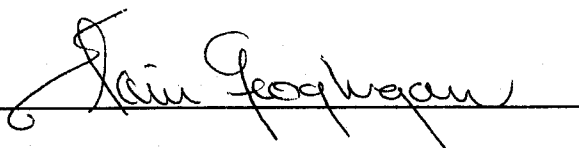
Executed copy of the foregoing  
mailed by U.S. Mail this  
10<sup>th</sup> day of July, 2002, to:

Philip B. James, M.D.  
4131 N. 24<sup>th</sup> Street, Suite B102  
Phoenix, Arizona 85016-6231

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1 Copy of the foregoing hand-delivered this  
2 10<sup>th</sup> day of July, 2002, to:

3 Christine Cassetta  
4 Assistant Attorney General  
5 Sandra Waitt, Management Analyst  
6 Investigations (Investigation File)  
7 Arizona Board of Medical Examiners  
8 9545 East Doubletree Ranch Road  
9 Scottsdale, Arizona 85258

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