

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**

2 **IN THE STATE OF ARIZONA**

3
4 In the Matter of

CASE NO. MD-98-0468

5 **WALLACE KENJI NAKAGAWA, M.D.**

INVESTIGATION NO. 12069

6 Holder of License No. **20760**
7 For the Practice of Medicine
8 In the State of Arizona.

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

(Letter of Reprimand)

9 **INTRODUCTION**

10 This matter was considered by the Arizona Board of Medical Examiners
11 (“Board”) at its public meeting on October 25, 2000. Wallace Kenji Nakagawa, M.D.,
12 appeared before the Board with legal counsel, Jim Kaucher, Esq., for the purpose of
13 the Board conducting a formal interview, pursuant to the authority vested in the Board
14 by A.R.S. § 32-1451(G). After due consideration of the facts and law applicable to this
15 matter, the Board voted to issue the following findings of fact, conclusions of law and
16 order.

17 **FINDINGS OF FACT**

- 18 1. The Board is the duly constituted authority for the regulation and control
19 of the practice of allopathic medicine in the State of Arizona.
- 20 2. Dr. Nakagawa is the holder of License No. 20760 for the practice of
21 medicine in the State of Arizona.
- 22 3. Board Investigation No. 12069 was initiated after the Board was notified,
23 pursuant to a complaint from the family of a 67-year-old male patient.
- 24 4. On November 13, 1993, a patient with a history of medical problems was
25 presented to Dr. Nakagawa in the emergency room at Northern Cochise

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Community Hospital with complaints of abdominal pain. The patient had undergone a recent colonoscopy performed by another physician. Dr. Nakagawa determined that after examination and consultation with the patient's primary physician, that the patient probably did not have a colon perforation and gave the patient an enema, which did provide some relief.

- 5. The patient returned to the hospital on November 15, 1993 and was seen by another physician, Dr. Singer, who determined that the patient indeed had a perforated colon and performed a cecostomy. A leak developed around the cecostomy tube and Dr. Singer arranged to have the patient transferred to Tucson Medical Center, where additional surgery was performed. Despite this, the patient expired on November 28, 1993.

CONCLUSIONS OF LAW

- 1. The Board possesses jurisdiction over the subject matter hereof and over Dr. Nakagawa pursuant to A.R.S. § 32-1401 *et seq.*
- 2. The conduct and circumstances described above in paragraphs 3 through 5 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(II) "Conduct that the Board determines is gross negligence, repeated negligence or negligence resulting in harm to or death of a patient."

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ORDER

Based on the foregoing Findings of Fact and Conclusions of Law,

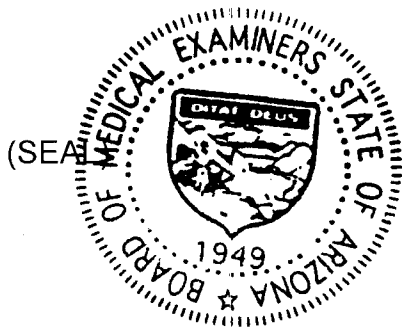
IT IS HEREBY ORDERED that a Letter of Reprimand be issued to Dr. Nakagawa for failure to diagnose and treat patient for perforation of colon, and for not responding to the Board's request for a narrative and records in a timely manner.

RIGHT TO PETITION FOR REVIEW

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

Dr. Nakagawa is further notified that the filing of a petition for rehearing is required to preserve any rights of appeal to the Superior Court that he may wish to pursue.

DATED this 19th day of December, 2000.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ
Executive Director

ORIGINAL of the foregoing filed
this 27 day of December, 2000, with:

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

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EXECUTED COPY of the foregoing mailed by
Certified Mail this 27 day of December, 2000, to:

Wallace Kenji Nakagawa, M.D.
1116 Taylor Road
Willcox, AZ 85643

EXECUTED COPY of the foregoing mailed
this 27 day of December, 2000, to:

James W. Kaucher, Esq.
Goodwin Raup, P.C.
One S. Church Av., Ste. 2130
Tucson, AZ 85701-1624

COPY of the foregoing hand-delivered this
27 day of December, 2000, to:

Richard F. Albrecht, Esq., Assistant Attorney General
c/o Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Counsel for the Board