

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **EDWARD LIPAN, M.D.**

5 Holder of License No. 21830
6 For the Practice of Medicine
7 In the State of Arizona.

Board Case No. MD-00-0667

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

(Letter of Reprimand)

8 This matter was considered by the Arizona Board of Medical Examiners ("Board")
9 at its public meeting on December 6, 2001. Edward Lipan, M.D., ("Respondent")
10 appeared before the Board with legal counsel Jeffrey Smith, for a formal interview
11 pursuant to the authority vested in the Board by A.R.S. § 32-1451(I). After due
12 consideration of the facts and law applicable to this matter, the Board voted to issue the
13 following findings of fact, conclusions of law and order.
14

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. 21830 for the practice of medicine
19 in the State of Arizona.
- 20 3. The Board initiated case number MD-00-0667 after receiving a complaint
21 that Respondent provided inadequate care and would not listen to a patient's ("Patient")
22 complaints.
- 23 4. Patient presented to Respondent in the emergency room at Sedona
24 Medical Center complaining of abdominal pain and nausea.
- 25 5. In response to the Board's queries regarding Patient's chart not indicating
for how long Patient was suffering from the pain, the quality of the pain nor Patient's

1 issue of nausea, vomiting and diarrhea, Respondent testified that Patient was vague with
2 information and there was never a good quantification.

3 6. There was nothing indicated on Patient's chart for "review of systems."
4 Respondent stated that he performed a review of systems.

5 7. The only items noted for past history were an oophorectomy. However,
6 subsequent physicians noted that Patient had a hysterectomy about 12 months prior to
7 the hospital visit. Subsequent physicians also noted that Patient was taking several
8 medications, but Respondent's chart did not indicate Patient was taking any medications.

9 8. Respondent testified that the history given by Patient did not corroborate
10 what she had indicated for medications and surgery.

11 9. Although Respondent noted that his chart entries were limited by lack of
12 information provided by Patient, the space on the chart for indicating that a patient is a
13 poor historian was not completed.

14 10. Respondent testified that his examination of Patient's abdomen did not
15 reveal a "surgical abdomen" and that his working diagnosis was constipation.

16 11. Respondent sent Patient home with a prescription for magnesium citrate, a
17 laxative.

18 12. Giving a laxative to Patient with abdominal pain was contraindicated until a
19 bowel obstruction was ruled out as a cause of Patient's pain.

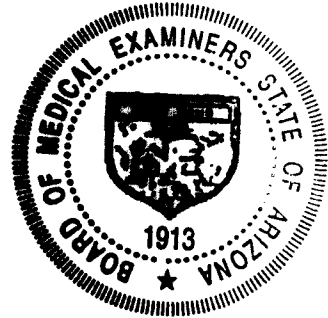
20 13. Patient returned to see Respondent some hours later. Respondent testified
21 that he did not examine Patient on the second visit, other than by viewing Patient and
22 speaking with her. Respondent testified that he believed Patient's condition had
23 improved because on the first visit she arrived by ambulance and on her second visit she
24 arrived on her own.

25

1 for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it
2 is mailed to Respondent.

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

5 DATED this 9th day of January 2002.



7 BOARD OF MEDICAL EXAMINERS
8 OF THE STATE OF ARIZONA

9 By Claudia Foutz
10 CLAUDIA FOUTZ
11 Executive Director
12 TOM ADAMS
13 Deputy Director

14 ORIGINAL of the foregoing filed this
15 9 day of January, 2002 with:

16 The Arizona Board of Medical Examiners
17 9545 East Doubletree Ranch Road
18 Scottsdale, Arizona 85258

19 Executed copy of the foregoing
20 mailed by U.S. Certified Mail this
21 9 day of January, 2002, to:

22 Jeffrey B. Smith
23 The Cavanagh Law Firm PA
24 1850 North Central Avenue, Suite 2400
25 Phoenix, Arizona 85004-4527

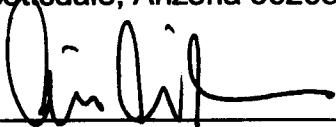
Executed copy of the foregoing
mailed by U.S. Mail this
9 day of January, 2002, to:

Edward Lipan, M.D.
PO Box 4580
Cave Creek, Arizona 85327-4580

Copy of the foregoing hand-delivered this

1 9 day of January, 2002, to:

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

7 

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25