

1 BEFORE THE ARIZONA MEDICAL BOARD

2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **ROBERT WOODS, M.D.**

5 Holder of License No. **22242**
6 For the Practice of Medicine
7 In the State of Arizona.

Board Case No. MD-01-0118

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

(Probation)

8 On July 10, 2002, Robert Woods, M.D., ("Respondent") appeared before a Review
9 Committee ("Review Committee") of the Arizona Medical Board ("Board") without legal
10 counsel, for a formal interview pursuant to the authority vested in the Review Committee
11 by A.R.S. § 32-1451(P). The matter was referred to the Board for consideration at its
12 public meeting on August 28, 2002. After due consideration of the facts and law
13 applicable to this matter, the Board voted to issue the following findings of fact,
14 conclusions of law and order.
15

16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of allopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 22242 for the practice of medicine
20 in the State of Arizona.

21 3. The Board initiated case number MD-01-0118 after receiving a complaint
22 regarding Respondent's care and treatment of a patient ("Patient").

23 4. On November 21, 2000 Patient presented to Respondent with complaints of
24 intermittent ear pain and pressure, as well as a loss of hearing acuity. Patient reported
25 that he had recently immersed in hot springs and had been examined by his primary care
physician, who had diagnosed an ear infection and started Patient on Erythromycin.

1 Respondent conducted a medical examination and could not confirm an infectious
2 process. Respondent diagnosed Eustachian tube dysfunction. Respondent did not
3 prescribe any medication or order additional testing.

4 5. Three weeks later, Patient presented to Respondent with symptoms similar
5 to those related on his first visit. Respondent conducted a tuning fork hearing acuity test,
6 which indicated a slight conductive hearing loss. Respondent ordered an MRI and an in-
7 office hearing acuity test. The MRI results were negative. The in-office test confirmed a
8 slight loss of high-frequency hearing, which Respondent attributed to residual Eustachian
9 tube swelling, the hearing loss from the hot springs immersion, or both. Respondent did
10 not observe an infectious process and did not prescribe antibiotics or recommend
11 additional treatment.

12 6. The Board's Chief Medical Consultant ("Medical Consultant") reviewed the
13 case and opined that Respondent failed to demonstrate an adequate evaluation of
14 Patient's problem; that Patient's chart was lacking detail that documented Patient's
15 condition; and that the required history and physical examination was not documented in
16 the records.

17 7. At the formal interview Respondent testified that Patient's initial complaint
18 was left ear pain, pressure and numbness of several months duration. Respondent
19 stated that Patient had no complaint of drainage, fever, or hearing loss. Respondent
20 stated that, based on his examination of Patient, Patient did not need further treatment
21 and any residual symptoms would resolve spontaneously.

22 8. Respondent testified he saw Patient three weeks later, at Patient's request,
23 and Patient complained of an infection. Respondent stated that his examination did not
24 reveal any evidence of infection, but that he felt it was necessary to do something more
25 to make sure he was not missing anything. Respondent then performed the hearing test

1 that demonstrated a small high-frequency hearing loss in the left ear. Respondent stated
2 that he would not ordinarily order an MRI, but because of Patient's demeanor and
3 insistence that there was a problem, he decided to order the MRI to ensure that he had
4 objective information that there was nothing wrong with Patient that needed treatment.
5 When the MRI result came back as normal, Respondent had no further recommendation
6 for Patient. Respondent noted that there was no way to know if the high-frequency
7 hearing loss was related to the infection.

8 9. According to Respondent, when he discussed the MRI results with Patient,
9 Patient was unsatisfied and angry that Respondent could not resolve Patient's problem.

10 10. Respondent was asked why, although he obviously attempted to spend
11 time with Patient and explain his diagnosis, there is nothing in the Patient's record to
12 document this attempt. Respondent agreed that there was not much in chart, but stated
13 that it was because there was not much to write down. Respondent stated that he
14 typically does not write a full review of all the negatives that he discusses with a patient.
15 Respondent stated that he usually writes down the relevant positives because he knows
16 that if they are not written down for the record, they did not occur. Respondent noted that
17 the chart entries were for his own personal documentation and that, although the Board
18 would like to see all that information, it is time consuming to write it all down and is not
19 helpful for his ability to manage his patients.

20 CONCLUSIONS OF LAW

21 1. The Arizona Medical Board possesses jurisdiction over the subject matter
22 hereof and over Respondent.

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

1 DATED this 28 day of August, 2002.



ARIZONA MEDICAL BOARD

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

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8 ORIGINAL of the foregoing filed this
29th day of August, 2002 with:

9 The Arizona Medical Board
10 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

11 Executed copy of the foregoing
12 mailed by U.S. Certified Mail this
13 29th day of August, 2002, to:

14 Robert H. Woods, M.D.
15 9745 North 90th Place
Suite B
16 Scottsdale, Arizona 85258-5066

17 Copy of the foregoing hand-delivered this
29th day of August, 2002, to:

18 Christine Cassetta
19 Assistant Attorney General
20 Sandra Waitt, Management Analyst
Lynda Mottram, Senior Compliance Officer
21 Investigations (Investigation File)
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22 9545 East Doubletree Ranch Road
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23 *Stacy J. Grogan*
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