

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of

4 **BRENT SANDERS, M.D.**

5 Holder of License No. **6754**
6 For the Practice of Medicine
7 In the State of Arizona.

Case No. MD-01-0066

**CONSENT AGREEMENT FOR A
LETTER OF REPRIMAND
AND PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Board of Medical
10 Examiners ("Board") and Brent Sanders, M.D. ("Respondent"), the parties agreed to the
11 following disposition of this matter at the Board's public meeting on May 1, 2002.

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

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

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

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

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BRENT C SANDERS MD

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 B C Sanders MD
19 Brent Sanders, M.D.

Reviewed and accepted this
day of 4/22, 2002.

20 Kimberly Kent
21 Kimberly Kent, Attorney at Law
22 (Counsel For Dr. Brent Sanders)

Reviewed and approved as to
form this 4/22 day of _____, 2002.

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FINDINGS OF FACT

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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. 6754 for the practice of medicine
5 in the State of Arizona.

6 3. The Board initiated case number MD-01-0066 after receiving notification of
7 a medical malpractice settlement involving Respondent's care and treatment of a 39
8 year-old male patient ("Patient").

9 4. On March 11, 1997, Patient, who had long history of sinus symptoms and
10 headaches, presented to Respondent for an evaluation of sinus problems. Respondent
11 recommended surgery to correct the problems.

12 5. On March 14, 1997, Respondent performed surgery on Patient. The
13 surgery included septoplasty, sinus endoscopy with ethmoid and maxillary sinusectomies
14 and nasal antral windows, right nasal polypectomy and cryopexy of the anterior portion of
15 the inferior nasal turbinates.

16 6. On March 17, 1997, Respondent was notified that post-surgery pathology
17 reports indicated that sinus mucosa in the submitted specimens showed moderate
18 chronic inflammation and edema. The right sample also contained a fragment of brain
19 tissue and the left sample contained a large nerve.

20 7. Respondent, during his March 6, 2002, formal interview, stated that he
21 notified Patient of the findings of the pathology report and also described in detail the
22 risks associated with cerebral spinal fluid leak to the patient.

23 8. There is no documentation in Patient's chart to support Respondent's claim
24 that he notified Patient of either the pathology report or the importance of looking for the
25 CSF leak. Medical records of the post-operative visits noted no CSF leakage. Also, in

1 his complaint, Patient indicated that on each post-operative visit with Respondent Patient
2 complained of watery fluid leaking from his nose.

3 9. From April 8, 1997, to October 21, 1997, several physicians evaluated
4 Patient. However, none of the physicians made a diagnosis regarding a CSF leak.

5 10. Patient continued to have sinus problems and sought treatment from a
6 second physician ("Physician #2") who recommended revision sinus surgery. At that time
7 Physician #2 did not make any diagnosis referencing a CSF leak.

8 11. On January 19, 1998, Physician #2 performed surgery on Patient.
9 Physician #2 noted considerable scarring from prior surgery, particularly in the roof of
10 Patient's nasal-ethmoid area, and, on the right side, found a defect in the roof with
11 considerable leakage of CSF.

12 12. Thereafter, Physician #2 terminated the surgery and recommended Patient
13 be evaluated further by neurosurgical specialists. Thereafter, Patient underwent further
14 radiographic studies that indicated a defect (hole) in the right posterior cribriform plate. A
15 third physician, Physician #3, performed a craniotomy to repair the CSF leak on January
16 24, 1998.

17 13. Respondent's operative notes do not describe or mention the proper
18 landmarks for performing endoscopic sinus surgery.

19 14. There is no documentation in Patient's chart to support Respondent's claim
20 that he notified Patient of either the pathology report or the importance of looking for the
21 CSF leak.

22 15. The hole in the cribriform plate noted by Physician #3 is in an area that
23 should not have been exposed during the surgery performed by Respondent. All of the
24 surgery should have been lateral to the attachment of the middle turbinate.

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1 that indicates he is competent to perform endoscopic sinus surgery and receives the
2 Board's permission to do so. Respondent need not meet with the Board, but the Board
3 will review any evidence submitted by Respondent.

4 (b) Respondent shall within six months of the effective date of this Order,
5 obtain 15 hours of Board staff pre-approved Category I Continuing Medical Education
6 (CME) in medical record keeping. Respondent shall provide Board staff with satisfactory
7 proof of attendance. The CME hours shall be in addition to the hours required for
8 biennial renewal of Respondent's medical license.

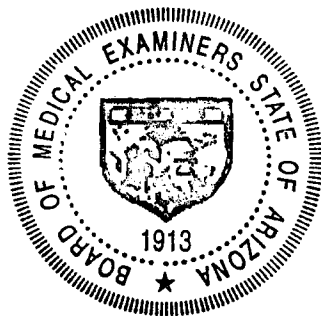
9 (c) During the period between the Board's action at the completion of the
10 formal interview and the effective date of this order Respondent did not perform
11 endoscopic sinus surgery. Respondent has provided the Board with proof of completed
12 CME that indicates that Respondent is competent to perform endoscopic sinus surgery.
13 Based on this information the Board finds that Respondent may resume performing
14 endoscopic sinus surgery.

15 3. Respondent shall be subject to a chart review to be conducted by Board
16 staff or its agents within six months of the completion of the medical record keeping CME.
17 Based upon the chart review, the Board retains jurisdiction to take additional disciplinary
18 or remedial action.

19 4. This Order is the final disposition of case number MD-01-0066.

20 DATED this 2nd day of May, 2002.

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22 BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



Claudia Foutz

CLAUDIA FOUTZ
Executive Director

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ORIGINAL of the foregoing filed this
3RD day of MAY, 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
3RD day of MAY, 2002, to:

Kimberly Kent
Kent & Wittekind PC
40 North Central Avenue
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Executed copy of the foregoing mailed
this 3RD day of MAY, 2002, to:

Brent Sanders, M.D.
1520 South Dobson Road
Suite 310
Mesa, Arizona 85202-4727

Copy of the foregoing hand-delivered this
3RD day of MAY, 2002, to:

Christine Cassetta
Assistant Attorney General
Sandra Waitt, Management Analyst
Lynda Mottram, Compliance Officer
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