

1 5. Board staff attempted to contact Respondent to discuss the issue of whether
2 or not he saw JA in his clinic only on the two dates indicated in the records; however,
3 Respondent did not initially respond to the multiple requests from the Board.

4 6. Board staff subsequently met with Respondent on March 23, 2010.
5 Respondent indicated that he initially saw JA on May 15, 2002; however, there was no
6 progress note for that date. He stated that he had only seen JA once prior to her surgery,
7 and twice postoperatively. Respondent also stated that JA was sent for a mammogram in
8 December 2002, and that it is his usual practice to follow up with patients to go over the
9 mammogram results. However, there was no progress note or documentation indicating
10 that this was done, and Respondent did not recall if this took place.

11 7. On August 27, 2008, Respondent submitted a copy of JA's records to the
12 Board. The records contained only one page from Respondent's office with two brief
13 clinical notes for two separate dates in 2002. The remaining records were from Verde
14 Valley Medical Center.

15 8. A physician is required to maintain adequate legible medical records
16 containing, at a minimum, sufficient information to identify the patient, support the
17 diagnosis, justify the treatment, accurately document the results, indicate advice and
18 cautionary warnings provided to the patient and provide sufficient information for another
19 practitioner to assume continuity of the patient's care at any point in the course of
20 treatment. A.R.S. §32-1401(2). Respondent's medical records were inadequate because
21 he was unable to provide progress notes for all visits in his office for JA and could not
22 provide documentation that he followed up with JA after her mammogram in December
23 2002.

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CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(a) ("[v]iolating any federal or state laws or rules and regulations applicable to the practice of medicine.") and A.R.S. § 12-2293(A) ("[E]xcept as provided in subsections B and C of this section, on the written request of a patient or the patient's health care decision maker for access to or copies of the patient's medical records and payment records, the health care provider in possession of the record shall provide access to or copies of the records to the patient or the patient's health care decision maker.") and A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate records on a patient") and A.R.S. § 32-1401(27)(dd) ("[f]ailing to furnish information in a timely manner to the board or the board's investigators or representatives if legally requested by the board.").

ORDER

IT IS HEREBY ORDERED THAT:

Respondent is issued a Decree of Censure.

DATED AND EFFECTIVE this 8TH day of DECEMBER, 2010.

(SEAL)



ARIZONA MEDICAL BOARD

By [Signature]
Lisa S. Wynn
Executive Director

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CONSENT TO ENTRY OF ORDER

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2 1. Respondent has read and understands this Consent Agreement and the
3 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
4 acknowledges he has the right to consult with legal counsel regarding this matter.

5 2. Respondent acknowledges and agrees that this Order is entered into freely
6 and voluntarily and that no promise was made or coercion used to induce such entry.

7 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
8 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
9 this Order in its entirety as issued by the Board, and waives any other cause of action
10 related thereto or arising from said Order.

11 4. The Order is not effective until approved by the Board and signed by its
12 Executive Director.

13 5. All admissions made by Respondent are solely for final disposition of this
14 matter and any subsequent related administrative proceedings or civil litigation involving
15 the Board and Respondent. Therefore, said admissions by Respondent are not intended
16 or made for any other use, such as in the context of another state or federal government
17 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
18 any other state or federal court.

19 6. Upon signing this agreement, and returning this document (or a copy thereof)
20 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
21 the Order. Respondent may not make any modifications to the document. Any
22 modifications to this original document are ineffective and void unless mutually approved
23 by the parties.

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1 7. This Order is a public record that will be publicly disseminated as a formal
2 disciplinary action of the Board and will be reported to the National Practitioner's Data
3 Bank and on the Board's web site as a disciplinary action.

4 8. If any part of the Order is later declared void or otherwise unenforceable, the
5 remainder of the Order in its entirety shall remain in force and effect.

6 9. If the Board does not adopt this Order, Respondent will not assert as a
7 defense that the Board's consideration of the Order constitutes bias, prejudice,
8 prejudgment or other similar defense.

9 10. Any violation of this Order constitutes unprofessional conduct and may result
10 in disciplinary action pursuant to A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
11 probation, consent agreement or stipulation issued or entered into by the board or its
12 executive director under this chapter") and 32-1451.

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14 Malcolm G. Wilkinson, M.D.
15 MALCOLM G. WILKINSON, M.D.

DATED: 10/29/2010

16 EXECUTED COPY of the foregoing mailed
17 this 29 day of October 2010 to:

18 Malcolm G. Wilkinson, MD
19 ADDRESS OF RECORD

20 ORIGINAL of the foregoing filed
21 this 29 day of October 2010 with:

22 Arizona Medical Board
23 9545 E. Doubletree Ranch Road
24 Scottsdale, AZ 85258

24 Chris Pamp
25 Arizona Medical Board Staff

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