

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **TIMOTHY E. WALKER, M.D.**

4 Holder of License No. 11843
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-13-0818A

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

7 Timothy E. Walker, M.D. ("Respondent"), elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits to the
9 jurisdiction of the Arizona Medical Board ("Board") and the acts described herein; and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 11843 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-13-0818A after receiving notification of
17 a malpractice settlement regarding Respondent's care and treatment of a 60 year-old
18 female patient ("BP") alleging failure to recognize a complication.

19 4. BP presented to Respondent initially on March 7, 2008 as a referral from a
20 gastroenterologist to which she had been referred by her primary care physician for severe
21 abdominal pain. A detailed workup including endoscopy, lab work, ultrasound, and CT
22 scan were negative. The gastroenterologist felt that the pain was likely biliary in nature
23 despite the negative ultrasound and referred BP to Respondent for further evaluation.

24 5. Respondent indicated that BP described the pain as occurring after she ate
25 that started in the mid-epigastric area and radiated to her back. The pain was associated

1 with fatty foods and BP also had nausea and emesis with the episodes. A HIDA scan
2 showed a patent cystic duct. Respondent did not dictate an ejection fraction on the report.
3 However, Respondent's notes describe a calculated ejection fraction of 85%.

4 6. Based upon this, Respondent diagnosed BP with biliary dyskinesia.
5 Respondent stated that he discussed BP with the gastroenterologist and both felt surgery
6 was warranted. Respondent documented that he discussed with BP the possibility that her
7 pain would not be relieved with surgery and the possibility that Medicare would not pay for
8 the surgical procedure. He also had BP sign a Medicare waiver agreeing to this and had
9 her pay in advance.

10 7. Respondent performed a laparoscopic cholecystectomy on March 31, 2008
11 on BP. Respondent's operative report describes an uneventful surgery, performed with an
12 open Hassan technique with a "finger sweep of the umbilical area adhesions for fascial
13 closure." BP was discharged the same day and the pathology was ultimately
14 unremarkable.

15 8. On postoperative day 2, BP complained of nausea, but was otherwise okay.
16 The following day, BP began to have emesis and was referred to the ER where she was
17 found to be slightly distended and dehydrated, but without any significant findings on plain
18 films. A CT scan was not done because of a slightly elevated creatinine level.

19 9. The next day, Respondent performed a laparoscopic "second-look" surgery
20 on BP due to her ongoing pain. Respondent's operative report describes an unremarkable
21 upper abdomen, but a distinctively abnormal lower abdomen. Based on these findings,
22 Respondent converted the surgery to an open procedure. Upon further exploration,
23 Respondent encountered a brown/gray foul smelling fluid, as well as a "dark, angry
24 appearing ileocolic" segment of bowel with a perforation leaking enteric contents.
25

1 Respondent documented a "vascular insult" of unknown etiology to this area with poor
2 blood flow in the mesentery.

3 10. Respondent performed a resection as well as a primary anastomosis. BP
4 was transferred to the ICU and over the next several days she remained intubated,
5 eventually requiring a percutaneous tracheostomy on April 9, 2008.

6 11. BP also remained septic with acute renal failure and on April 10, 2008, a CT
7 scan showed a large amount of fluid in the abdomen. She was taken back to the operating
8 room by Respondent that day, and his operative note describes abscesses, but no
9 evidence of further ischemia or staple line dehiscence.

10 12. The standard of care requires documentation of proper indications for
11 cholecystectomy. Respondent deviated from the standard of care by failing to document
12 proper indications for cholecystectomy.

13 13. The standard of care requires performance of a CT scan or other appropriate
14 imaging study to evaluate possible abdominal surgical postoperative complications.
15 Respondent deviated from the standard of care by failing to perform a CT scan or other
16 appropriate imaging studies to evaluate possible abdominal surgical postoperative
17 complications.

18 14. The standard of care requires prompt reoperation when a CT scan shows
19 anastomotic dehiscence. Respondent deviated from the standard of care by failing to
20 promptly re-operate when a CT scan showed anastomotic dehiscence.

21 15. As a result of Respondent's deviations, BP suffered from iatrogenic bowel
22 injury with sepsis.

23 16. Respondent has reported that he has voluntarily suspended his practice in
24 Arizona.

25

1 **ORDER**

2 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
3 Number 11843, issued to Timothy E. Walker, M.D., for the practice of allopathic medicine
4 in the State of Arizona, and return his certificate of licensure to the Board.

5 DATED and effective this 3rd day of June, 2016.

6 ARIZONA MEDICAL BOARD

7 By: Patricia E. McSorley
8 Patricia E. McSorley
9 Executive Director

10 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

22 5. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

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

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

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

14 10. **Respondent has read and understands the terms of this agreement.**

15 
16 TIMOTHY E. WALKER, M.D.

Dated: May 2/2016

17 EXECUTED COPY of the foregoing mailed by
18 US Mail this 23rd day of May June, 2016 to:

19 Timothy Walker, M.D.
20 Address of Record

21 ORIGINAL of the foregoing filed this
22 3rd day of June, 2016 with:

23 The Arizona Medical Board
24 9545 East Doubletree Ranch Road
25 Scottsdale, AZ 85258


Board Staff