



1 right small finger trigger finger was released. Respondent's operative note indicated that  
2 the ring finger trigger finger was released.

3 6. Both Respondent's pre-surgery office notes and the consents signed by EB  
4 indicated that the small finger was to be released.

5 7. Respondent acknowledges that he performed wrong-site surgery. Upon  
6 discovery of this error, Respondent offered to perform a trigger finger release on EB's right  
7 small finger at no charge. EB declined his offer.

8 8. The Medical Consultant ("MC") found that Respondent deviated from the  
9 standard of care by performing a wrong-site surgery. As a result of Respondent's conduct,  
10 EB underwent unnecessary surgery and potentially put EB at an increased risk due to the  
11 possible need for a second surgery to address her initial right small finger trigger finger.

12 9. The MC further stated that there was clearly a discrepancy between the  
13 outpatient surgery center copy of the operative note and Respondent's office note.

#### 14 CONCLUSIONS OF LAW

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

17 2. The conduct and circumstances described above constitute unprofessional  
18 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be  
19 harmful or dangerous to the health of the patient or the public").

20 3. The conduct and circumstances described above constitute unprofessional  
21 conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate  
22 records on a patient").

#### 23 ORDER

24 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.  
25

1 DATED AND EFFECTIVE this 21<sup>st</sup> day of April, 2014.

2  
3 ARIZONA MEDICAL BOARD

4 By C Lloyd Vest  
5 C. Lloyd Vest, II  
6 Executive Director

7 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

25 6. Upon signing this agreement, and returning this document (or a copy thereof)  
to the Board's Executive Director, Respondent may not revoke the consent to the entry of

1 the Order. Respondent may not make any modifications to the document. Any  
2 modifications to this original document are ineffective and void unless mutually approved  
3 by the parties.

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

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

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

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

16  
17   
18 Michael Fitzmaurice, M.D.

DATED: 4-10-14

19 EXECUTED COPY of the foregoing mailed  
20 this 21<sup>st</sup> day of April, 2014 to:  
21 Michael Fitzmaurice, M.D.  
22 Address of Record

23 ORIGINAL of the foregoing filed  
24 this 21<sup>st</sup> day of April, 2014 with:  
25 Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

*Maury Bates*

Arizona Medical Board Staff

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