

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **FRANCIS TINDALL, M.D.**

4 Holder of License No. 14589
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-13-1294A

**ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO THE SAME**

7 Francis Tindall, M.D. ("Respondent"), elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 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 14589 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-13-1294A after receiving a complaint
17 regarding Respondent's care and treatment of a 56 year-old female patient ("CM") alleging
18 unnecessary performance of a shoulder surgery and failure to diagnose cervical
19 radiculopathy.

20 4. On July 2, 2012, Respondent saw CM for evaluation of her shoulder pain. X-
21 rays showed a small osteophyte on the inferior humeral head, but were otherwise
22 unremarkable. Respondent diagnosed CM with rotator cuff tendinitis and performed a
23 subacromial corticosteroid injection.

24 5. On October 18, 2012, CM returned to see Respondent and reported deep-
25 seated shoulder pain that rated up to 9 on a scale of 1-10. Respondent ordered an MRI.

1 6. On October 30, 2012, Respondent saw CM and recommended arthroscopic
2 surgery based upon the extensive labral pathology and rotator cuff fibrillation evident on
3 the MRI scan.

4 7. On November 9, 2012, Respondent performed right shoulder arthroscopy
5 with debridement of the rotator cuff and glenoid labrum, chondroplasty of the humeral
6 head, microfracture of the humeral head, and a glenoid labral repair. At the time of
7 arthroscopy, CM was noted to have a 2.5cm area of exposed subchondral bone on the
8 humeral head, extensive degenerative glenoid labral changes, and significant glenoid
9 chondral wear with exposed subchondral bone.

10 8. On November 20, 2012, Respondent saw CM for postoperative follow up and
11 recommended that she use a sling and begin pendulum exercises.

12 8. On December 4, 2012, CM reported a recent fall and was noted to have
13 decreased range of motion with pain. Respondent diagnosed CM with a shoulder sprain
14 and recommended physical therapy. On December 26, 2012, Respondent saw CM and
15 prescribed Percocet and Soma. On January 8, 2013, CM reported severe pain and
16 Respondent's exam revealed significantly limited range of motion. Respondent diagnosed
17 CM with frozen shoulder and recommended that CM undergo manipulation under
18 anesthesia and arthroscopy.

19 9. On January 21, 2013, Respondent performed right shoulder manipulation
20 under anesthesia, arthroscopic lysis of adhesions, and arthroscopic glenoid labral
21 debridement, during which CM was noted to have extensive chondral wear on the glenoid
22 labrum with exposed subchondral bone. CM returned to Respondent one week later and
23 Respondent recommended that CM begin physical therapy.

24 10. On April 29, 2013, a right upper extremity EMG study for CM showed chronic
25 cervical radiculopathy in either the C6 or C7 nerve root distribution.

1 11. The standard of care in patients over the age of 50 with diffuse degenerative
2 labral fraying and diffuse chondral loss on the humeral head and glenoid requires a
3 physician to consider non-surgical treatment measures, arthroscopic debridement, or
4 shoulder arthroplasty surgery.

5 12. Respondent deviated from the standard of care by performing labral repair
6 and humeral head microfracture on CM, a patient over the age of 50, with preoperative
7 radiographic evidence of arthritis combined with arthroscopic evidence of diffuse chondral
8 and labral degenerative changes.

9 13. As a result of Respondent's actions, CM underwent unnecessary surgery.
10 The January 21, 2013 manipulation under anesthesia, arthroscopic lysis of adhesions, and
11 glenoid labral debridement surgery could have been avoided if the microfracture and labral
12 repair had not been performed on November 9, 2012. Furthermore, if CM had not been
13 immobilized for 6 weeks after the November 9, 2012 surgery, the second shoulder
14 procedure likely could have been avoided. Additionally, the prolonged delay in diagnosing
15 the cervical radiculitis may have resulted in an irreversible neurologic injury.

16 **CONCLUSIONS OF LAW**

17 a. The Board possesses jurisdiction over the subject matter hereof and over
18 Respondent.

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

22 **ORDER**

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

24
25 DATED AND EFFECTIVE this 4th day of June, 2015.

1
2 ARIZONA MEDICAL BOARD

3
4 By Patricia E. McSorley
5 Patricia E. McSorley
6 Interim Acting 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
the Order. Respondent may not make any modifications to the document. Any

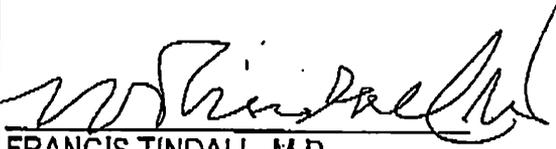
1 modifications to this original document are ineffective and void unless mutually approved
2 by the parties.

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

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

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

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

15
16 

DATED: 3/21/15

17 FRANCIS TINDALL, M.D.

18 EXECUTED COPY of the foregoing mailed
19 this 4th day of June, 2015 to:

20 Francis Tindall, M.D.
21 Address of Record

22 ORIGINAL of the foregoing filed
23 this 4th day of June, 2015 with:

24 Arizona Medical Board
25 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258


Board Staff