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**BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA**

In the Matter of
JUDD A. SHAFER, M.D.
Holder of License No. 11268
For the Practice of Medicine
In the State of Arizona

**Investigation No. 12908
CONSENT AGREEMENT
FOR DECREE OF CENSURE**

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11 By mutual agreement and understanding, between the Arizona Board of Medical
12 Examiners (hereafter "Board") and JUDD A. SHAFER, M.D., the parties, agree to the
13 following disposition of this matter.

14 1. Dr. Shafer acknowledges that he has read this Consent Agreement and the stipulated
15 Findings of Fact, Conclusions of Law and Consent Order; and, he is aware of and
16 understands the content of this document.

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

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

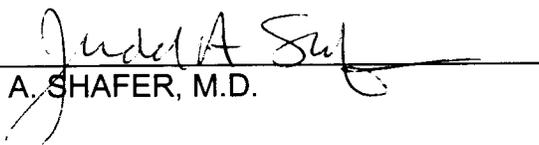
25 4. All admissions made by Dr. Shafer are solely for final disposition of this matter and
26 any subsequent related administrative proceedings or civil litigation involving the Board and
27 Dr. Shafer. Therefore, said admissions by Dr. Shafer are not intended or made for any other

use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

5. Dr. Shafer acknowledges and agrees that, upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Dr. Shafer may not revoke his acceptance of the Consent Agreement and Consent Order or make any modifications to the document, although the Consent Agreement has not yet been accepted by the Board and issued by the Executive Director. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

6. Dr. Shafer further understands that this consent Agreement and Consent Order, once approved and signed, shall constitute a public record document, which may be publicly disseminated as a formal action of the Board.

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


JUDD A. SHAFER, M.D.

Reviewed and accepted this
7 day of ~~March~~ 2000.
April

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the state of Arizona.
2. Dr. Shafer is the holder of License No. 11268 for the practice of allopathic medicine in the State of Arizona.
3. Investigation No. 12908 was initiated on July 27, 1999, when the Board received notification of the settlement of a malpractice action filed on behalf of patient S.T. alleging that Dr. Shafer failed to notify the patient or provide for additional care and treatment by a specialist when the patient's PSA levels were abnormal and a rectal exam revealed that the patient's prostate gland was enlarged. The patient was subsequently diagnosed with prostate cancer.
4. S.T. was a 61-year-old male who presented to Dr. Shafer on May 23, 1994 for an annual checkup. Dr. Shafer had been S.T.'s primary care physician since 1988. S.T. complained of urinary changes at night and change of flow. He had a history of hyperlipidemia, hiatal hernia and diabetes. Dr. Shafer conducted a physical examination that included a rectal exam. There were no abnormalities noted with the exception of an enlarged prostate. Dr. Shafer ordered lab work including PSA.
5. On May 25, 1994, S.T.'s PSA level was 7.0 (normal is 0-4.5).
6. On June 7, 1994, Dr. Shafer saw S.T. for a follow-up on his diabetes. There is no mention of the elevated PSA level in the chart.
7. On June 27, 1994, Dr. Shafer saw S.T. for a follow-up on his diabetes. There is no mention of the elevated PSA level in the chart

8. On July 18, 1994, Dr. Shafer saw S.T. for a follow-up on his diabetes. There is no mention of the elevated PSA level in the chart

9. On September 1, 1994, Dr. Shafer saw S.T. for a follow-up on his diabetes. There is no mention of the elevated PSA level in the chart

10. On December 8, 1994, S.T. presented to Dr. Shafer with complaints of seborrheic keratosis, abdominal pain and bronchitis. S.T. stated that he was having nocturia 3 to 5 times per night. Dr. Shafer performed a rectal examination and found that the prostate was not enlarged. Dr. Shafer ordered another PSA and referred S.T. to a gastroenterologist for further work-up of his abdominal pain.

11. On December 9, 1994, the results of the PSA were determined to be a 9.9 (normal 0-4.5).

12. On January 6, 1995, S.T. underwent a barium enema that showed a 1 to 1.5 cm polyp in the ascending colon.

13. On February 22, 1995, Roger Siddoway, M.D. provided a gastroenterologic consult on S.T. and noted that he was complaining of frequent urination at night. Dr. Siddoway questioned possible prostate disease, examined S.T. and determined his prostate was enlarged and his PSA was 9.9. Dr. Siddoway ordered a colonoscopy to be performed on May 22, 1995.

14. On February 13, 1996, Dr. Shafer performed an annual checkup on S.T., who complained of slowness of urination. Dr. Shafer noted an enlarged prostate, non-tender, soft and symmetric without nodules. Dr. Shafer ordered a PSA test.

15. On February 14, 1996, the PSA results were reported as 12.9 (normal 0-4.5). Dr. Shafer stated he does not recall seeing these test results.

16. On January 28, 1997, S.T. was seen at Cigna Healthplan – Chandler by Paul Pisarik, M.D. for a diabetes recheck and annual checkup. S.T. complained of problems with urination and impotence. Dr. Pisarik performed a rectal exam and noted that the prostate was about 2+ enlarged, smooth, symmetric and nontender. Dr. Pisarik ordered a PSA and referred S.T. to the Urology Department. PSA results were 17.3.

17. February 5, 1997, Peter W. Hebert, M.D. performed a Urological consult and found the prostate to be firm and “somewhat suspicious.” He planned to perform a transrectal ultrasound guided biopsy and would await the results of the January 1997 PSA.

18. On March 6, 1997, Dr. Hebert performed a biopsy of S.T.’s prostate, with results indicating a Gleason IV adenocarcinoma of the left side of the prostate.

19. On April 22, 1997, S.T. was admitted to Desert Samaritan Regional Medical Center. He underwent a bilateral pelvic node dissection and radical retropubic prostatectomy. Cancer was found to be widespread and had grown outside the capsule and invaded the bladder neck and rectum.

20. S.T. filed a medical malpractice action against Dr. Shafer and Cigna Healthcare in Maricopa County Superior Court.

21. On April 23, 1999, Dr. Shafer and Cigna Healthcare settled the lawsuit with S.T.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Dr. Shafer.
2. The conduct and circumstances described above in paragraphs 5 through 15 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (conduct which is or might be harmful to the health of the patient).

3. The conduct and circumstances described above in paragraphs 5 through 15 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(II) (conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient).

ORDER

IT IS HEREBY ORDERED that:

1. Judd A. Shafer, M.D. is hereby issued a Decree of Censure for his unprofessional conduct as described above.
2. This Order is final disposition of Investigation No.12908.

DATED this 3rd day of March, 2000.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]



By: _____

Claudia Foutz

CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Assistant Director/Regulation

Original of the foregoing filed this
3rd day of May, 2000 with:

The Arizona Board of Medical Examiners
1651 E. Morten, Suite 210
Phoenix, Arizona 85020

Copy of the foregoing mailed by Certified
Mail this 3rd day of May, 2000, to:

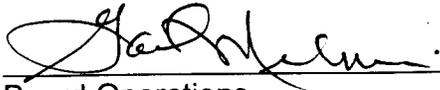
Judd A. Shafer, M.D.
1717 W. Chandler Blvd
Chandler AZ 85224

Copy of the foregoing mailed by Certified
Mail this 3rd day of May, 2000, to:

Peter M. Wittekind, Esq.
Two Renaissance Squaire
40 North Central Suite 775
Phoenix AZ 85004-4468
(Attorney for Dr. Shafer)

Copy of the foregoing hand-delivered
this 3rd day of May, 2000, to:

Michael N. Harrison, Assistant Attorney General
c/o Arizona Board of Medical Examiners
1651 E. Morten, Suite 210
Phoenix, Arizona 85020



Board Operations