

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

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

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (“[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter”) and 32-1451.

5
6
7 
8 _____
ARTHUR FORD, M.D.

DATED: 1.7.08

1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of license number 11461 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-07-0109A after receiving a complaint
7 regarding Respondent's care and treatment of a seventeen year-old male patient ("JF").

8 4. On August 4, 2005, JF presented for elective knee surgery and underwent
9 general endotracheal anesthesia. Prior to the surgery, Respondent intubated JF using a
10 rigid laryngoscope without administering paralytic medication, which resulted in JF moving
11 or struggling against the intubation.

12 5. Post-operatively, nursing staff suctioned some bloody secretions from JF and
13 informed Respondent of the bloody secretions. JF improved and was discharged. On that
14 same day, after discharge from the surgery center, JF presented to the hospital with
15 hemoptysis. JF was treated and discharged.

16 6. The standard of care requires a physician practicing anesthesiology to
17 administer paralytic medication when intubating with a rigid laryngoscope.

18 7. Respondent deviated from the standard of care because he did not
19 administer a paralytic medication prior to intubating with a rigid laryngoscope.

20 8. Respondent's failure to administer paralytic medication may have led to
21 airway tissue damage from the rigid laryngoscope from JF moving or struggling against the
22 intubation.

23 **CONCLUSIONS OF LAW**

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

