

1 BEFORE THE ARIZONA MEDICAL BOARD

2  
3 In the Matter of

4 **ROBERT J. RANKEL, M.D.**

5 Holder of License No. 11680  
6 For the Practice of Medicine  
In the State of Arizona.

Case No. MD-01-0774

**CONSENT AGREEMENT FOR A  
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and Robert J. Rankel, M.D. ("Respondent"), the parties agreed to the following  
10 disposition of this matter at the Board's public meeting on April 2, 2003.

11 1. Respondent acknowledges that he has read and understands this Consent  
12 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.  
13 Respondent acknowledges that he understands he has the right to consult with legal  
14 counsel regarding this matter and has done so or chooses not to do so.

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

20 3. Respondent acknowledges and understands that this Consent Agreement  
21 and the Order will not become effective until approved by the Board and signed by its  
22 Executive Director.

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

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

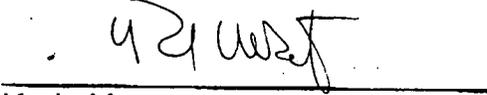
4 5. Respondent acknowledges and agrees that upon signing this agreement,  
5 and returning this document (or a copy thereof) to the Board's Executive Director,  
6 Respondent may not revoke his acceptance of the Consent Agreement and Order.  
7 Respondent may not make any modifications to the document. Any modifications to this  
8 original document are ineffective and void unless mutually approved by the parties.

9 6. Respondent further understands that this Consent Agreement and Order,  
10 once approved and signed, shall constitute a public record document that may be publicly  
11 disseminated as a formal action of the Board.

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

15   
16 Robert J. Rankel, M.D.

Reviewed and accepted this 31<sup>st</sup>  
day of MARCH, 2003.

17   
18 Kraig Marton

Reviewed and approved as to  
form this 31<sup>st</sup> day of March, 2003.

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 11680 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-01-0774 after receiving notice that on  
7 September 20, 2001 Del E. Webb Memorial Hospital ("Hospital") summarily suspended  
8 Respondent based on a technique employed by Respondent during a surgical procedure  
9 when assisting another physician.

10 4. On September 20, 2001 Respondent was assisting another physician  
11 ("Physician") during a laparoscopic cholecystectomy on a 97 year-old female patient  
12 ("AG"). During the procedure the CO2 tank that was responsible for keeping AG's  
13 peritoneum inflated needed to be replaced. While the CO2 tank was being replaced, AG's  
14 peritoneum was deflated. One of the operating room personnel present during the  
15 procedure reported that at this point Respondent aggressively inserted a lateral trocar into  
16 AG's deflated peritoneum.

17 5. After Respondent had placed the trocar, Physician suspected that AG's liver  
18 had been lacerated during the placement. Based on his suspicion, Physician converted  
19 the procedure to an open procedure. Once the procedure was open, Physician noted that  
20 the blood was coming from the abdominal aorta. Physician ultimately repaired the  
21 abdominal aorta and AG was taken to recovery in guarded condition. AG expired on  
22 September 21, 2001.

23 6. The standard of care required that AG's abdominal cavity be insufflated  
24 before inserting a lateral trocar.  
25

1 7. Respondent fell below the standard of care because he inserted the lateral  
2 trocar while AG's abdomen was deflated.

3 8. AG was harmed by Respondent's conduct because her abdominal aorta was  
4 injured and she required additional time in surgery.

5 **CONCLUSIONS OF LAW**

6 1. The Board possesses jurisdiction over the subject matter hereof and over  
7 Respondent.

8 2. The conduct and circumstances described above in paragraphs 4, 7 and 8  
9 constitute unprofessional conduct pursuant to A.R.S. § § 32-1401(24)(II) ("[c]onduct that  
10 the board determines is gross negligence, repeated negligence or negligence resulting in  
11 harm to or the death of a patient;") and 32-1401(24)(q) ("[a]ny conduct or practice which is  
12 or might be harmful or dangerous to the health of the patient or to the public.").

13 **ORDER**

14 IT IS HEREBY ORDERED THAT:

15 1. Respondent is issued a Letter of Reprimand for inappropriately placing a  
16 lateral trocar in a patient's deflated abdomen, which caused an injury to the abdominal  
17 aorta.

18 2. This Order is the final disposition of case number MD-01-0774.

19 DATED AND EFFECTIVE this 7<sup>th</sup> day of APRIL, 2003.

21 ARIZONA MEDICAL BOARD



By *Barry Cassidy*  
BARRY A. CASSIDY, Ph.D., PA-C  
Executive Director

1 ORIGINAL of the foregoing filed this  
2 8<sup>th</sup> day of APRIL, 2003 with:

3 The Arizona Medical Board  
4 9545 E. Doubletree Ranch Road  
5 Scottsdale, Arizona 85258

6 EXECUTED COPY of the foregoing mailed by  
7 Certified Mail this 8<sup>th</sup> day of APRIL, 2003 to:

8 Kraig J. Marton  
9 Jaburg & Wilk PC  
10 3200 North Central Avenue  
11 20th Floor  
12 Phoenix, Arizona 85012-2415

13 EXECUTED COPY of the foregoing mailed  
14 this 8<sup>th</sup> day of APRIL, 2003 to:

15 Robert J. Rankel, M.D.  
16 5539 West Creedance Boulevard  
17 Glendale, Arizona 85310-3603

18 EXECUTED COPY of the foregoing  
19 hand-delivered this 8<sup>th</sup> day of  
20 APRIL, 2003, to:

21 Christine Cassetta, Assistant Attorney General  
22 Sandra Waitt, Management Analyst  
23 Investigations (Investigation File)  
24 c/o Arizona Medical Board  
25 9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

