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

BOARD OF  
MAR 22 2011

In the Matter of  
J. SCOTT HILLMANN, M.D.  
Holder of License No. 12852  
For the Practice of Medicine  
In the State of Arizona

**Investigation No. 13198  
CONSENT AGREEMENT  
FOR LETTER OF REPRIMAND**

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

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

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

22 3. Respondent 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 Respondent are solely for final disposition of this matter and  
26 any subsequent related administrative proceedings or civil litigation involving the Board and  
27 Respondent. Therefore, said admissions by Respondent 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. Respondent acknowledges and agrees that, upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent 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. Respondent 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.

  
\_\_\_\_\_  
J. SCOTT HILLMANN, M.D.

Reviewed and accepted this  
16<sup>th</sup> day of March 2000.

  
\_\_\_\_\_  
Barry Lewin, Attorney at Law  
(Counsel for Dr. Hillmann)

Reviewed and approved as to form  
this 16<sup>th</sup> day of March 2000.

## 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. Hillmann is the holder of License No. 12852 for the practice of allopathic medicine in the State of Arizona.
3. Investigation No. 13198 was initiated when the Board received a complaint from patient S.M. on September 30, 1999, alleging that Dr. Hillmann failed to notify him that a four-month post-operative sperm count showed the presence of live sperm, resulting in his not using additional birth control methods and thereby fathering a child.
4. S.M. was a 36-year-old male who presented to Dr. Hillmann on June 1992 requesting a vasectomy.
5. On June 26, 1992 Dr. Hillmann advised S.M. of the risks and benefits of the procedure and then performed the vasectomy procedure in his office.
6. On August 11, 1992 S.M. presented to Dr. Hillmann for a follow-up.
7. On August 18, 1992 S.M. provided a semen specimen which was submitted to Sonora Laboratories for a sperm count.
8. On August 28, 1992 Dr. Hillmann sent written notification to S.M. that his August 18 semen specimen showed living sperm and advised continued contraception and a repeat semen analysis in four weeks.
9. On October 27, 1992 S.M. submitted a second semen specimen to Dr. Hillmann. The specimen was submitted to Sonora Laboratories for analysis and found to contain live sperm. Sonora Laboratory sent a copy of the report to Dr. Hillmann. Dr. Hillmann did not advise S.M. of the results of the laboratory test.

10. In April of 1996 S.M. conceived a child. Paternity tests indicated S.M. was the father.

**CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter hereof and over Dr. Hillmann.

2. The conduct and circumstances described above in paragraphs 9 and 10 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (conduct which is or might be harmful to the health of the patient).

**ORDER**

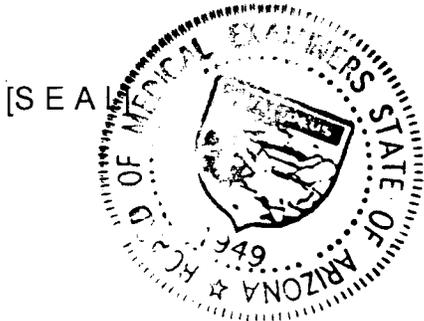
IT IS HEREBY ORDERED that:

1. J. Scott Hillmann, M.D. is hereby issued a Letter of Reprimand for his unprofessional conduct as described above.

2. This Order is final disposition of Investigation No.13198.

DATED this 3<sup>rd</sup> day of ~~March~~ May, 2000.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA



By: Claudia Foutz  
CLAUDIA FOUTZ  
Executive Director  
TOM ADAMS  
Assistant Director/Regulation

Original of the foregoing filed this 3<sup>rd</sup> day of ~~December~~ May, ~~1999~~ 2000, with:

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

Copy of the foregoing mailed by Certified

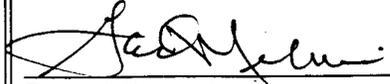
Mail this 3<sup>rd</sup> day of ~~December~~, 1999, to:  
*May 2000*

J. Scott Hillmann, M.D.  
405 E. Bell Road, Ste. 127  
Phoenix, Arizona 85032

Barry E. Lewin  
Lewin & Schneider  
3101 N. Central, Ste #1030  
Phoenix, Arizona 85012  
Attorney for Dr. Hillmann

Copy of the foregoing hand-delivered  
this 3<sup>rd</sup> day of ~~March~~ 2000, to:  
*May*

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



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Board Operations