

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **STEVEN R. OTTO, M.D.**

4 Holder of License No. 13323
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-02-0318

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Steven R. Otto, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

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 ("Consent
13 Agreement"). Respondent acknowledges that 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, he
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on
17 the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

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

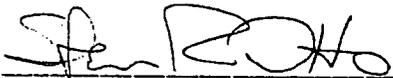
22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

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

10 6. Respondent further understands that this Consent Agreement, once
11 approved and signed, is a public record that may be publicly disseminated as a formal
12 action of the Board and will be reported to the National Practitioner Data Bank and to the
13 Arizona Medical Board's website.

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

17
18
19 

20 STEVEN R. OTTO, M.D.

DATED: 1/8/03

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 13323 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-02-0318 after receiving an anonymous
7 complaint regarding Respondent's care and treatment of his patients.

8 4. On June 18, 2003, a Board medical consultant ("Medical Consultant")
9 reviewed 21 patient charts and found statutory violations in three patient charts.

10 **Patient C.A.**

11 5. C.A. was scheduled to undergo a cesarean section using the same
12 Pfannenstell incision previously used in her two previous cesarean sections. C.A.
13 provided informed consent for this procedure.

14 6. Respondent performed a cesarean section through a low abdominal vertical
15 incision. While the low abdominal vertical incision was within the standard of care because
16 of the baby's breach position, this is not the procedure to which C.A. consented.

17 **Patient L.H.**

18 7. Medical Consultant found inadequate physician coverage for a patient who was
19 14 days postoperative for an urethral sling operation for incontinence. Medical Consultant
20 determined that it was Respondent's responsibility to ensure that the patient was able to
21 reach a covering physician in his absence.

22 **Patient S.D.**

23 8. Medical Consultant found inadequate physician coverage for a patient who had
24 urine leakage following a total abdominal hysterectomy, bilateral oophorectomy and
25 Marshal-Marchettit-Kranz procedure for stress incontinence. Medical Consultant

1 determined that it was Respondent's responsibility to ensure that the patient was able to
2 reach a covering physician in his absence.

3 9. The standard of care required Respondent to supply appropriate coverage
4 with other physicians of equal training and competence when Respondent is unavailable.

5 10. Respondent's conduct deviated from the standard of care because he did not
6 arrange adequate coverage for patients L.H. and S.D. when he was away and unavailable
7 to take calls from patients.

8 11. Patient S.D. was harmed because ultimately, after being seen by an Urologist,
9 she was diagnosed and treated for a vesico-vaginal fistula.

10 **CONCLUSIONS OF LAW**

11 1. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 2. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401 (24)(q) – (“[a]ny conduct or practice which is or
15 might be harmful or dangerous to the health of the patient or the public.”)

16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent is issued a Letter of Reprimand for failure to provide informed
19 consent for the type of surgical incision for a planned repeat surgery with the patient and
20 for failure to arrange adequate coverage when he was away and unavailable to take calls
21 from his patients.

22 ...

23 ...

24 ...

25 ...

2. This Order is the final disposition of case number MD-02-0318.

DATED AND EFFECTIVE this 17th day of February, 2003⁴.

(SEAL)



ARIZONA MEDICAL BOARD

By Amade Riehl
for BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

ORIGINAL of the foregoing filed this
17th day of February, 2003⁴ with:

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

EXECUTED COPY of the foregoing mailed by
Certified Mail this 17th day of February, 2003 to:

Steven R. Otto, M.D.
Address of Record

Jim McGraw
Information Services