

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **RICHARD J. WHITMAN, M.D.**

4 Holder of License No. 14188
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-07-0752A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

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

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 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. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of other
matters currently pending before the Board, if any, and does not constitute any waiver,

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.

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Richard J. Whitman, M.D.

DATED: 3/4/08

RICHARD J. WHITMAN, M.D.

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 14188 for the practice of
5 allopathic medicine in the State of Arizona.

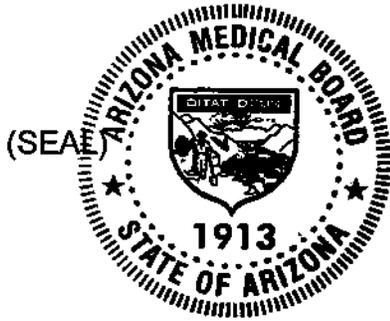
6 3. The Board initiated case number MD-07-0752A after receiving notification of
7 a malpractice settlement involving Respondent's care and treatment of a forty-nine year-
8 old female patient ("JH").

9 4. On March 23, 2005, JH presented to the emergency department (ED)
10 complaining of abdominal distention and pain. An abdominal and pelvic computed
11 tomography (CT) scan was ordered in the ED and JH was diagnosed with severe colonic
12 distention with a suspicion of colonic obstruction, possible colitis, or volvulus. The ED
13 physician ordered a consultation with Respondent. The CT scan report revealed two
14 lumens within the descending thoracic aorta, indicating an ulcerated plaque or short
15 segment dissections.

16 5. On March 24, 2005, Respondent saw JH. Respondent's assessment was
17 ileus, rule out small bowel obstruction (SBO). Respondent's plan was to reassess JH. The
18 note made no mention of the CT studies, indicating Respondent did not familiarize himself
19 with the results. Respondent did not see JH again until March 27, 2005. The internist saw
20 JH on that same date and noted JH had an elevated blood pressure and heart rate;
21 however, Respondent's notes described the vital signs as stable.

22 6. On March 29, 2005, JH was found blue and unresponsive and subsequently
23 died. An autopsy showed a descending aortic dissection with development of a false
24 aneurysm with rupture into the left pleural cavity.

1 DATED AND EFFECTIVE this 3rd day of April, 2008.



ARIZONA MEDICAL BOARD

5
6 By 
Lisa Wynn
Executive Director

7 ORIGINAL of the foregoing filed
8 this 3rd day of April, 2008 with:

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

11 EXECUTED COPY of the foregoing mailed
12 this 3rd day of April, 2008 to:

13 Scott J. Hergenroether
14 Kendhammer, Colburn & Hergenroether, L.L.P.
394 North 3rd Avenue
Phoenix, AZ 85003-1521

15 EXECUTED COPY of the foregoing mailed
16 this 3rd day of April, 2008 to:

17 Richard J. Whitman, M.D.
Address of Record

18
19 
Investigational Review