

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **FRANCIS K. TINDALL, M.D.**

4 Holder of License No. 14589
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-05-0381A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Francis K. Tindall, M.D. ("Respondent"), the parties agreed to the following
10 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.

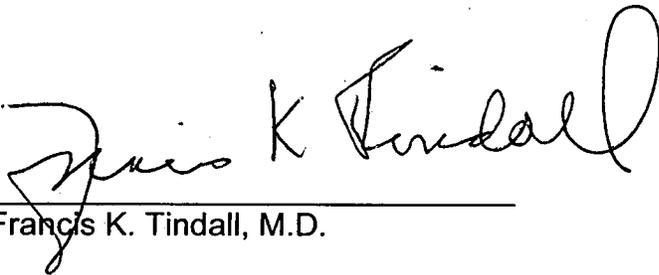
22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in 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. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the acceptance of the
5 Consent Agreement. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

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

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

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17 _____
Francis K. Tindall, M.D.

DATED: 6.12.2006

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 14589 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-05-0381A after receiving notification of
7 a malpractice settlement involving Respondent's care and treatment of a thirty year-old
8 male patient (J.N.).

9 4. On December 29, 2003 J.N. presented to Respondent with complaints of
10 pain on the medial right elbow and tenderness over the medial epicondyle. Respondent
11 recommended a course of physical therapy. At a January 26, 2004 visit J.N. complained
12 of continued symptoms. Respondent injected J.N.'s elbow with steroids. On February 9,
13 2004 J.N. returned with elevated symptoms. Respondent recommended surgery.

14 5. Respondent's operative report of February 18, 2004 documents he
15 performed a microdebridement of J.N.'s lateral and medial epicondyles of the right elbow.
16 Respondent also noted he performed an initial lateral debridement, instead of a medial
17 debridement as he had planned. When J.N. was in recovery, the error was recognized
18 and Respondent returned J.N. to the operating room for a medial debridement.

19 6. The standard of care required Respondent to perform the medial
20 debridement as planned and not an unplanned lateral debridement.

21 7. Respondent deviated from the standard of care because he performed a
22 lateral debridement instead of the planned medial debridement.

23 8. J.N. was harmed because he had persistent pain and subsequent surgery on
24 the correct site.

25

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401 (27)(q) – (“[a]ny conduct or practice that is or might
6 be harmful or dangerous to the health of the patient or the public.”)

7 3. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401 (27)(ll) – (“[c]onduct that the board determines is
9 gross negligence, repeated negligence or negligence resulting in harm to or the death of a
10 patient.”)

11 ORDER

12 IT IS HEREBY ORDERED THAT:

13 1. Respondent is issued a Letter of Reprimand for performing lateral
14 debridement surgery instead of medial debridement surgery.

15 2. This Order is the final disposition of case number MD-05-0381A.

16 DATED AND EFFECTIVE this 11th day of August, 2006.

17
18 (SEAL)



ARIZONA MEDICAL BOARD

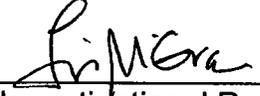
19
20 By Timothy C. Miller
21 TIMOTHY C. MILLER, J.D.
Executive Director

22 ORIGINAL of the foregoing filed this
23 11th day of August, 2006 with:

24 Arizona Medical Board
25 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed
2 this 11th day of August, 2006 to:

3 Francis K. Tindall, M.D.
4 Address of Record

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Investigational Review

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