

COPY

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

KAREN APODACA, M.D.

License No. 19568
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-03-1039

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND AND
PROBATION**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Karen Apodaca, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that she has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that she has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

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

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

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and 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

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 force
16 and effect.

17 Karen L. Apodaca MD
18 KAREN APODACA, M.D.

DATED: 7/19/04

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 19568 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-03-1039 after receiving notification of a
7 malpractice settlement involving Respondent's care and treatment of a 57 year-old male
8 patient ("BF").

9 4. On June 7, 2000 BF presented to Respondent, an emergency room
10 physician, following a witnessed brief loss of consciousness. BF reported a history of Type
11 II diabetes, hypertension, and a myocardial infarction with angioplasty two years prior. BF
12 had no complaints of shortness of breath or chest pains.

13 5. Respondent performed a complete history and physical and performed
14 laboratory studies, chest x-rays, an electrocardiogram ("EKG") and head computed
15 tomography ("CT") scan. Respondent read the x-ray and CT as normal. Respondent read
16 the EKG and noted an ST segment elevation in leads V2 and V3 with no other reciprocal
17 changes, but attributed this elevation to BF's previous myocardial infarction.

18 6. Respondent diagnosed BF with "petite mal seizure" and discharged him
19 home with stable vital signs and no symptoms. Respondent instructed BF to follow up the
20 next day with his primary care physician.

21 7. Within 24 hours of his discharge, BF died from a cardiopulmonary arrest.

22 8. The Board's Medical Consultant ("Medical Consultant") reviewed the EKG
23 performed in the emergency room and read it as being clearly abnormal. Medical
24 Consultant opined that the abnormality was either from an acute anteroseptal myocardial
25 infarction or a ventricular aneurysm resulting from BF's prior myocardial infarction.

1 However, attributing to the abnormalities to the prior infarction, without undertaking further
2 investigation was below the standard of care.

3 9. Medical Consultant also noted that other than the EKG, the absence of any
4 typical cardiovascular symptoms, such as chest pain, shortness of breath and fatigue,
5 made this a diagnostic challenge for most emergency physicians.

6 10. The standard of care required Respondent to accurately interpret the EKG,
7 recognize any abnormalities and make a final determination of the significance of the EKG
8 abnormality following assessment of the clinical situation.

9 11. Respondent deviated from the accepted standard of care by failing to
10 interpret an abnormal EKG that showed evidence of a possible acute myocardial infarction
11 and by failing to rule out a possible myocardial infarction.

12 12. BF was harmed because he died of a myocardial infarction.

13 **CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

16 2. The conduct and circumstances described above constitute unprofessional
17 conduct pursuant to A.R.S. § 32-1401(24)(ll) - ("[c]onduct that the board determines is
18 gross negligence, repeated negligence or negligence resulting in harm to or death of a
19 patient.")

20 3. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(24)(q) - ("[a]ny conduct or practice that is or might
22 be harmful or dangerous to the health of the patient or the public.").

23 ...

24 ...

25 ...

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failing to properly interpret an EKG.

2. Respondent is placed on probation for 1 year with the following terms and conditions:

A. Continuing Medical Education

Respondent shall, within six months of the effective date of this Order, obtain 20 hours of Board Staff pre-approved Category I Continuing Medical Education (CME) in the diagnosis and treatment of myocardial infarction and provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical license. Upon successful completion of the required continuing medical education, Respondent may request Probation termination.

B. Obey All Laws

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court order criminal probation, payments and other orders.

C. Tolling

In the event Respondent should leave Arizona to reside or practice outside the State or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall notify the Executive Director in writing within ten days of departure and return or the dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days during which Respondent is not engaging in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary period.

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4. This Order is the final disposition of case number MD-03-1039.

DATED AND EFFECTIVE this 17th day of August, 2004.



(SEAL)

ARIZONA MEDICAL BOARD

By Barbara J. Kane Assistant
Director
For BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

ORIGINAL of the foregoing filed this
18 day of August, 2004 with:

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

EXECUTED COPY of the foregoing mailed
this 17 day of August, 2004 to:

Karen E. Apodaca, M.D.
Address of Record

Lisa McGrane



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
Telephone: 480-551-2700 • Toll Free: 877-255-2212 • Fax: 480-551-2704
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January 31, 2005

Karen E. Apodaca, M.D.
9509 S. Stanley Place
Tempe, AZ 85284

**RE: 08/17/04 Consent Agreement for Letter of Reprimand and Probation
MD-03-1039 (License #19568)**

Dear Dr. Apodaca:

This letter confirms you have completed the required twenty (20) Continuing Medical Education (CME) hours in the diagnosis and treatment of myocardial infarction as stated in your Order. The probationary status of your license is hereby terminated based upon your completion of the required CME. A copy of this letter has been placed in your license file.

Thank you for your cooperation regarding this matter. If you have any questions, please contact Paula Arcuri, Senior Compliance Officer, at (480) 551-2745.

Sincerely,

Timothy C. Miller, J.D.
Executive Director

TCM:pa

C: File
Licensing File