

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

C.W. BRYANT, M.D.

Holder of License No. 20954
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-05-0806A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

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

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

2. By entering into this Consent Agreement, Respondent 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. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

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

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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C.W. Bryant, M.D. DATED: *10-9-06*

C.W. BRYANT, 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 20954 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-05-0806A after receiving notification of
7 a malpractice settlement involving Respondent's care and treatment of a sixty year-old
8 male patient ("SK").

9 4. On October 2, 2000 SK presented as a new patient to Respondent with a
10 rash and reported a history of diabetes, hypertension, hyperlipidemia and psoriasis. SK
11 also reported he had a disabled parking permit because he was unable to walk 200 feet
12 without stopping. Respondent diagnosed SK's rash as allergic dermatitis and treated him
13 accordingly.

14 5. On March 12, 2001 SK presented to Respondent with an acute illness that
15 included cough, shortness of breath, cold sweats, chills, burping and nausea.
16 Respondent's examination revealed a respiratory rate of 24, wheezes and a borderline O2
17 saturation of 91% on room air. Respondent diagnosed SK with bronchitis and treated him
18 accordingly.

19 6. On March 14, 2001 SK returned to Respondent with worsening symptoms,
20 including an inability to catch his breath, dry mouth and increased belching. SK developed
21 orthopnea, his O2 saturation dropped into the 70s, his pulse was elevated at 124 and
22 respiratory rate was markedly elevated at 32. Respondent diagnosed SK with pneumonia
23 and gave him intramuscular Rocephin, Kenalog and Levaquin. Respondent also ordered
24 an Albuterol inhaler and a prescription for home oxygen at 4-5L for SK's hypoxia.
25 Respondent stated he requested SK obtain a chest x-ray, but SK declined. Respondent

1 did not document this request or refusal in the record. SK returned to Respondent's office
2 on March 15, 2001. Respondent noted him to be better and scheduled to see him again for
3 follow up in four days.

4 7. On March 26, 2001 SK died of congestive heart failure.

5 8. A physician is required to maintain adequate legible medical records
6 containing, at a minimum, sufficient information to identify the patient, support the
7 diagnosis, justify the treatment, accurately document the results, indicate advice and
8 cautionary warnings provided to the patient and provide sufficient information for another
9 practitioner to assume continuity of the patient's care at any point in the course of
10 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because they did
11 not document his March 14, 2001 request for SK to obtain a chest x-ray or SK's refusal.

12 9. The standard of care for a patient such as SK who was hypoxic, tachypneic,
13 tachycardic patient requires a physician to hospitalize the patient until these life
14 threatening alterations in vital signs are treated and evaluated. The standard of care
15 requires a physician to order additional diagnostic tests such as a chest x-ray and lab
16 work. The standard of care also requires a physician to appropriately treat a patient with
17 hypoxia.

18 10. Respondent deviated from the standard of care because he did not
19 hospitalize SK when he presented on March 14, 2001 and again on March 15, 2006 and
20 for failing to order additional diagnostic tests such as a chest x-ray or lab work.
21 Respondent also failed to treat SK for hypoxia.

22 11. SK died from cardiac complications that might have been prevented with
23 more aggressive treatment and diagnosis of his condition.

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)(e) ("[f]ailing or refusing to maintain adequate
6 records on a patient.")

7 3. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401 (27)(II) ("[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 failure to adequately address
14 acute respiratory decompensation and for inadequate medical records.

15 2. This Order is the final disposition of case number MD-05-0806A.

16 DATED AND EFFECTIVE this 7th day of December, 2006.

17
18 (SEAL)



ARIZONA MEDICAL BOARD

19
20 By [Signature]
21 TIMOTHY C. MILLER, J.D.
22 Executive Director

23 ORIGINAL of the foregoing filed
24 this 8th day of December, 2006 with:

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

1 EXECUTED COPY of the foregoing mailed
2 this 8th day of December, 2006 to:

3 Mr. Stephen C. Yost
4 Campbell, Yost, Clare & Norell, PC
5 101 N 1st Avenue, Suite 2500
6 Phoenix, AZ 85003-1904

7 EXECUTED COPY of the foregoing mailed
8 this 8th day of December, 2006 to:

9 C.W. Bryant, M.D.
10 Address of Record

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12 _____
13 Investigational Review

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