

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2
3 IN THE STATE OF ARIZONA

4 In the Matter of

5 **ROBERT SKLAR, M.D.**

6 Holder of License No. **22986**
7 For the Practice of Medicine
8 In the State of Arizona.

INVESTIGATION NO. 11625

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER FOR
LETTER OF REPRIMAND**

9 **INTRODUCTION**

10 This matter was initially considered by the Arizona Board of Medical Examiners
11 (Board) at its public meeting on September 23, 1999. Robert Sklar, M.D. appeared for the
12 purpose of the Board conducting a formal interview, pursuant to the authority vested in it
13 by A.R.S. § 32-1451(G). The Board resumed consideration of the matter on
14 November 18, 1999. After due consideration of the facts and law applicable to this matter,
15 the Board voted to issue the following findings of fact, conclusions of law and order.

16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of allopathic medicine in the State of Arizona.

19 2. Dr. Sklar is the holder of License No. 22986 for the practice of medicine in
20 the State of Arizona.

21 3. Investigation No. 11625 was initiated after the Board received information
22 from Boswell Memorial Hospital that Dr. Sklar resigned while under investigation regarding
23 his medical record keeping and inappropriate surgical procedures.

24 4. The Board conducted its own investigation regarding the 11 cases that
25 Boswell Memorial Hospital cited as examples of Dr. Sklar's poor medical care. Outpatient

1 and inpatient records of 11 patients covering 13 surgical procedures were reviewed. Of
2 the 11 cases reviewed, nine cases involved post-menopausal bleeding either on or off
3 estrogen replacement therapy. These patients were subjected to general anesthesia,
4 dilation and curettage, cervical biopsy, and diagnostic hysteroscopy. Dr. Sklar performed
5 a total abdominal hysterectomy with bilateral salpingo-oophorectomy on a patient with a
6 diagnosis of abnormal pap smears and abnormal bleeding, which was not documented,
7 who had a normal pap smear just prior to the procedure. Dr. Sklar performed an
8 anesthetic and laser vaporization cone on a patient who would have more appropriately
9 been treated with office follow with serial pap smears and serial colposcopy. Dr. Sklar
10 performed a laparotomy on a patient, who less than four weeks earlier has a laparoscopic
11 lysis of adhesions. Not enough time had elapsed to see if the earlier procedure was
12 successful and the pathology report did not support the adhesive process.

13 5. Dr. Sklar's documentation and record keeping in all 11 of the cases reviewed
14 was inadequate. In addition, Dr. Sklar subjected patients to inappropriate and
15 unnecessary surgery.

16 CONCLUSIONS OF LAW

17 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
18 Sklar.

19 2. The conduct and circumstances described above in paragraphs 4 and 5
20 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e)(failing or refusing
21 to maintain adequate records on a patient).

22 3. The conduct and circumstances described above in paragraphs 4 and 5
23 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q)(any conduct or
24 practice which is or might be harmful or dangerous to the health of the patient or the
25 public.)

1 ORDER

2 Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby
3 ordered that: Dr. Sklar be issued a Letter of Reprimand for inadequate record keeping and
4 failure to remain current in obstretical/gynecological surgical procedures.

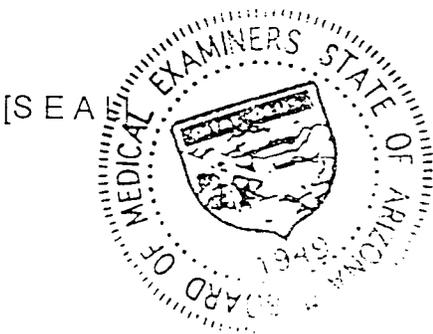
5 RIGHT TO PETITION FOR REVIEW

6 Dr. Sklar is hereby notified that he has the right to petition for a rehearing. Pursuant
7 to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the
8 Board's Executive Director within thirty (30) days after service of this Order and pursuant
9 to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing.
10 Service of this Order is effective five (5) days after the date of mailing. If a petition for
11 rehearing is not filed, the order becomes effective thirty-five (35) days after it has been
12 mailed.

13 Dr. Sklar is further notified that the filing of a petition for rehearing is required to
14 preserve any rights of appeal to the superior court that he may wish to pursue.

15 DATED this 19th day of November, 1999.

16 BOARD OF MEDICAL EXAMINERS
17 OF THE STATE OF ARIZONA



19
20 By Claudia Foutz
21 CLAUDIA FOUTZ
Executive Director

22 ORIGINAL of the foregoing filed this
23 19 day of November, 1999, with:

24 The Arizona Board of Medical Examiners
25 1651 East Morten, Suite 210
Phoenix, AZ 85020

1 EXECUTED COPY of the foregoing mailed by Certified
2 Mail this 19 day of November, 1999, to:

3 Robert Sklar, M.D.
4 31 Brownbury Road
5 Laguna Niguel, CA 92677

6 EXECUTED COPY of the foregoing mailed
7 this 19 day of November, 1999, to:

8 Kraig J. Marton
9 Marton & Hall, P.A.
10 817 N. 2nd Street
11 Phoenix, AZ 85004
12 Attorney for Dr. Sklar

13 COPY of the foregoing hand delivered this
14 19 day of November, 1999, to:

15 Gordon Bueler, Assistant Attorney General
16 The Arizona Board of Medical Examiners
17 1651 East Morten, Suite 210
18 Phoenix, AZ 85020

19 Kosalie Matrascito
20 Board Operations
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