

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **IN THE STATE OF ARIZONA**

3 **In the Matter of:**

4
5 **WILBUR C. BAYHAM, M.D.**
6 **Holder of License No. 2694**
7 **For the Practice of Medicine**
8 **In the State of Arizona**

CONSENT AGREEMENT
FOR ORDER OF PROBATION

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11 **Re: Investigation No. MD-99-0453**

12 **CONSENT AGREEMENT FOR ORDER OF PROBATION**

13 By mutual agreement and understanding, between the Arizona Board of Medical
14 Examiners (hereafter "Board") and Wilbur C. Bayham, M.D., the parties agree to the
15 following disposition of this matter.

16 1. Dr. Bayham acknowledges that he has read this Consent agreement and the
17 attached stipulated Findings of Fact, Conclusions of Law and Consent Order; and, he is
18 aware of and understands the content of the documents. Dr. Bayham acknowledges
19 that he understands he has the right to consult with legal counsel regarding this matter
20 and has done so or chooses not to do so.

21 2. Dr. Bayham understands that by entering into this Consent agreement for
22 issuance of the foregoing Consent Order he voluntarily relinquishes any rights to a
23 hearing or judicial review in state or federal court on the matters of fact or law alleged in
24 the Consent Order or to challenge this Consent agreement and the Consent Order in its
25 entirety as issued by the Board and waives any other cause of action related thereto or
26 arising from said Board Orders.

27 3. Dr. Bayham acknowledges and understands that this Consent agreement and
28 the Consent Order will not become effective until approved by the Board and signed by
29 its Executive Director.

30 4. All admissions made by Dr. Bayham are solely for final disposition of this matter
 and any subsequent related administrative proceedings or civil litigation involving the
 Board and Dr. Bayham. Therefore, said admissions by Dr. Bayham are not intended or
 made for any other use, such as in the context of another state or federal government

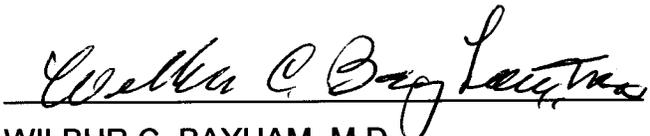
1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona
2 or any other state or federal court.

3 5. Dr. Bayham acknowledges and agrees that, upon signing this agreement, and
4 returning this document (or a copy thereof) to the Board's Executive Director, Dr.
5 Bayham may not revoke acceptance of the Consent agreement and Consent Order or
6 make any modifications to the document, although said Consent agreement and
7 consent Order has not yet been accepted by the Board and issued by the Executive
8 Director. Any modifications to this Consent agreement and Consent Order are
9 ineffective and void unless mutually approved by the parties.

10 6. Dr. Bayham further understands that this Consent agreement and consent
11 Order, once approved and signed, shall constitute a public record document which may
12 be publicly disseminated as a formal action of the Board.

13 7. If any part of the Consent agreement and Consent Order is later declared illegal
14 or otherwise unenforceable, the remainder of the Consent Order in its entirety shall
15 remain in force and effect.

16 REVIEWED AND ACCEPTED this
17 21st day of Feb. 2001


18 WILBUR C. BAYHAM, M.D.

19 **FINDINGS OF FACT**

20 1. BOMEX is the duly constituted authority for the regulation and control of the
21 practice of medicine in the State of Arizona.

22 2. Dr. Bayham is the holder of License No. 2694 for the practice of medicine in the
23 State of Arizona.

24 3. On or about July 16, 1999, the Board of Medical Examiners received a letter
25 concerning the care and treatment rendered to a patient by Dr. Bayham on June 11,
26 1999. Dr. Bayham responded to a private care home for a 79-year old female patient
27 who "had possibly aspirated and was having difficulty breathing." The patient had a
28 past medical history of CHF, COPD, CVA and was not eating or drinking. Dr. Bayham
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1 gave the patient 0.2 ml of epinephrine 1:1000, Lasix 40 mg IV, 20mEq of bicarbonate
2 and hung normal saline 500ml at a rapid drip. The paramedics were called.

3 4. Dr. Bayham briefed the paramedics on their arrival, and they questioned the use
4 of the drugs that had been administered to the patient. Her blood pressure had come
5 up from 50/0 to 80/60 and the patient was beginning to respond.

6 5. Dr. Bayham directed the paramedics to administer another 0.3cc of epinephrine
7 1:1000 subcutaneously. The paramedics explained they could not take orders from
8 him. Dr. Bahyam administered the epinephrine himself, although the paramedics
9 advised him that was against their protocols. The paramedics asked Dr. Bayham if he
10 was continuing medical control of the patient and he said he was. The paramedics
11 insisted that, under those conditions, Dr. Bayham accompany the patient to the hospital
12 in the ambulance.

13 6. Dr. Bayham's outpatient care of the patient appeared to be satisfactory until her
14 acute respiratory distress. At that point, Dr. Bayham revealed a deficiency in his grasp
15 of current ACLS practices and procedures. Dr. Bayham fell below the standard of care
16 in his questionable pharmacologic resuscitative efforts and his ill-advised failure to
17 relinquish acute care to the paramedics.

18 CONCLUSIONS OF LAW

19 1. BOMEX possesses jurisdiction over the subject matter thereof and over Wilbur
20 C. Bayham, M.D.

21 2. Dr. Bayham's actions under Findings of Fact 3 through 5 above constitute
22 unprofessional conduct under A.R.S. § 32-1401(25)(q) (Any conduct or p[ractice which
23 is or might be harmful or dangerous to the health of the patient or the public.)
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25 ORDER

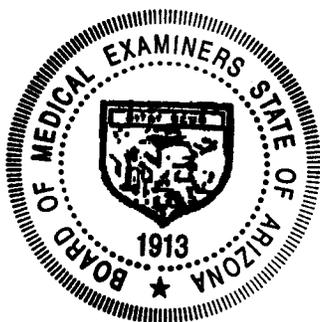
26 Based upon the above Findings of Fact and conclusions of Law and pursuant to
27 the authority granted to the Board by A.R.S. § 41-1092.07(F)(5), A.R.S. § 32-
28 1451(G)(5), and A.R.S. § 32-1451(S) (1) and (2), IT IS HEREBY ORDERED that
29 License No. 2694, issued to Wilbur C. Bayham, M.D., for the practice of allopathic
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1 medicine in the State of Arizona, be placed on probation for one (1) year with the
2 following conditions:

- 3 1. Within one year of the effective date of this order Dr. Bayham obtains forty (40)
4 hours of Board staff approved category I CME in pulmonary and geriatric medicine,
5 which would include the evaluation and treatment of patients requiring resuscitation,
6 and
7 2. Within six (6) months of the effective date of this order Dr. Bayham obtains
8 ACLS certification.

9 DATED and effective this 25th day of April, 2001.

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11 (SEAL)



12 BOARD OF MEDICAL EXAMINERS
13 OF THE STATE OF ARIZONA

14 By

Claudia Foutz

15 CLAUDIA FOUTZ
16 Executive Director
17 TOM ADAMS
18 Deputy Director

19 ORIGINAL of the foregoing filed
20 26 day of April, 2001, with:

21 The Arizona Board of Medical Examiners
22 9545 E. Doubletree Ranch Road
23 Scottsdale, Arizona 85258

24 EXECUTED COPY of the foregoing mailed by
25 Certified Mail this 26 day of April, 2001, to:

26 Wilbur C. Bayham, M.D.
27 6320 N. 27th Ave., Suite B
28 Phoenix, Arizona 85017
29
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1 EXECUTED COPY of the foregoing mailed
2 This 26 day of April, 2001, to:

3 Jerry Gaffaney
4 2901 North Central Avenue, Suite 200
5 Phoenix Arizona 85012

6 EXECUTED COPY of the foregoing hand-delivered
7 this 26 day of April, 2001, to:

8 Richard Albrecht, Assistant Attorney General
9 Legal Counsel to the Board
10 Arizona Board of Medical Examiners
11 9545 E. Doubletree Ranch Road
12 Scottsdale, AZ 85258

13 Sandra Wait
14 _____
15 Board Operations
16 Management Analyst
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