

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **HENRY REUSS, M.D.**

4 Holder of License No. 3516
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-04-0588B

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Henry Reuss, 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.

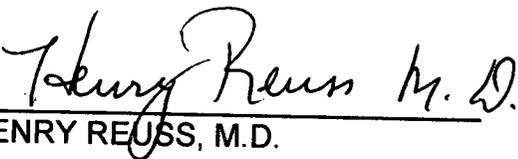
22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in 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.

14
15 
16 HENRY REUSS, M.D.

DATED: 4-28-06

FINDINGS OF FACT

1
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 3516 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-0588B after receiving notification of
7 a malpractice settlement involving Respondent's care and treatment of a 30 year-old
8 female patient ("T.K.").

9 4. On May 3, 1998 T.K. underwent a vaginal delivery by vacuum delivery and
10 sustained a third degree laceration. Respondent repaired the laceration by tying and
11 trimming a loop of suture into the rectum. T.K. was hospitalized until May 5, 2005 and
12 during that time she complained of rectal pain. T.K. was given an enema without
13 significant relief.

14 5. On May 12, 1998 T.K. presented to Respondent for a post-operative follow
15 up. Respondent noted T.K. was healing well.

16 6. On May 19, 1998 T.K. presented to Respondent with complaints of pain at
17 the episiotomy site. Respondent prescribed Cataflam for pain relief.

18 7. At a June 1, 1998 visit Respondent noted T.K. was healing well, but not
19 completely healed.

20 8. On June 15, 1998, six weeks after delivery, Respondent noted T.K. had
21 scarring and tenderness in the rectovaginal septum and recommended massage.

22 9. On September 28, 1998 T.K. presented to Respondent for her annual
23 physical. Respondent noted T.K. had scarring at the posterior fourchette, incomplete
24 healing and rectocele. Respondent diagnosed T.K. with "neuroma type of problem".
25

1 Respondent also performed an anoscopy that revealed two "tags" in the rectum.
2 Respondent referred T.K. to another physician ("Surgeon") for an evaluation and surgery.

3 10. On October 27, 1998 Surgeon performed a coccygectomy and anoplasty
4 repair of a rectal stricture. Respondent performed a colporraphy on the same date. The
5 pathology report from the procedure revealed "anorectal mucosa with scar".

6 11. T.K. was readmitted to the hospital on November 2, 1998 for an abscess.
7 The abscess was drained and she was treated with antibiotics. She continued to have
8 problems and drainage through the incision site through March 1999.

9 12. A colon and rectal surgeon performed a partial coccygectomy on June 4,
10 1999. T.K. continued to undergo debridement and hyperbaric treatments for ongoing
11 problems with the incision site.

12 13. The standard of care required Respondent to recognize and properly repair
13 an episiotomy.

14 14. Respondent deviated from the standard of care because he improperly
15 repaired an episiotomy by tying a suture knot into T.K.'s rectum.

16 15. T.K. was harmed because Respondent improperly repaired her episiotomy
17 resulting in post operative problems that required subsequent surgeries.

18 CONCLUSIONS OF LAW

19 1 The Board possesses jurisdiction over the subject matter hereof and over
20 Respondent.

21 2 The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § 32-1401 (27)(q) – ("[a]ny conduct or practice that is or might
23 be harmful or dangerous to the health of the patient or the public.").

24 3 The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401 (27)(ll) – ("[c]onduct that the board determines is

1 gross negligence, repeated negligence or negligence resulting in harm to or the death of a
2 patient.”).

3 ORDER

4 IT IS HEREBY ORDERED THAT:

5 1. Respondent is issued a Letter of Reprimand for improper repair of an
6 episiotomy resulting in patient harm.

7 2. This Order is the final disposition of case number MD-04-0588B.

8 DATED AND EFFECTIVE this 9th day of June, 2006.



(SEAL)

ARIZONA MEDICAL BOARD

13 By *Timothy C. Miller*
TIMOTHY C. MILLER, J.D.
Executive Director

14 ORIGINAL of the foregoing filed this
15 9th day of June, 2006 with:

16 Arizona Medical Board
17 9545 E. Doubletree Ranch Road
18 Scottsdale, AZ 85258

19 EXECUTED COPY of the foregoing mailed
20 this 9th day of June, 2006 to:

21 Mr. Michael J. Ryan
22 Broenig Oberg Woods & Wilson, PC
23 1122 E. Jefferson Street
24 Phoenix, AZ 85034-2224

25 EXECUTED COPY of the foregoing mailed
this 9th day of June, 2006 to:

Henry Reuss, M.D.
Address of Record

Henry Reuss
Investigational Review