

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **RICHARD DALEY, M.D.**

4 Holder of License No. 4689  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona

Case No. MD-04-0440

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and Richard Daley, M.D. ("Respondent"), the parties agreed to the following  
10 disposition of this matter.

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

15 2. Respondent understands that by entering into this Consent Agreement, he  
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on  
17 the 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. Respondent acknowledges and understands that this Consent Agreement is  
21 not effective until approved by the Board and 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. 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  
18  
19  
20 *Richard H. Daley, M.D.*  
RICHARD DALEY, M.D.

DATED: 31 August 05

**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 4689 for the practice of  
5 allopathic medicine in the State of Arizona.

6           3.     The Board initiated case number MD-04-0440A after receiving notification of  
7 a malpractice settlement involving Respondent's care and treatment of a 26 year-old male  
8 patient ("R.F.").

9           4.     On November 10, 1997 R.F. was involved in a motor vehicle accident and  
10 sustained multiple injuries including an open both bone forearm fracture in the left upper  
11 extremity, a right femur fracture and multiple lacerations. R.F. was stabilized at a local  
12 hospital and then transferred to a Phoenix, Arizona hospital for treatment by Respondent.

13           5.     Respondent performed surgery to treat R.F.'s orthopedic injuries the same  
14 day. Respondent performed an internal fixation of both the radius and ulna fractures with  
15 semitubular plates and cortical screws on each fracture. Respondent did not place a cast  
16 on R.F.'s arm to protect the limited fixation.

17           6.     The Board's Medical Consultant opined that the use of a semitubular plate to  
18 treat both bone forearm fractures was suboptimal because it is too weak and has a high  
19 risk of breaking. Additionally, the semitubular plate was suboptimal because R.F. would be  
20 expected to perform some weight bearing on the left upper extremity due to his femur  
21 fracture.

22           7.     On November 24, 1997 R.F. complained of pain and clicking in his left arm.  
23 X-rays revealed the semitubular plate on the ulna had broken at the fracture site.

24           8.     Respondent saw R.F. on November 25, 1997 and recommended revision  
25 surgery for the ulna fracture.



1           1.       Respondent is issued a Letter of Reprimand for failure to choose an  
2 appropriate fixation device for a both bone forearm fracture and for failure to appropriately  
3 affix the device.

4           2.       This Order is the final disposition of case number MD-04-0440A.

5           DATED AND EFFECTIVE this 12<sup>th</sup> day of October, 2005.

6  
7 (SEAL)



ARIZONA MEDICAL BOARD

8  
9  
10 By 

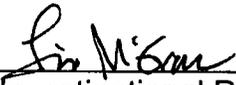
TIMOTHY C. MILLER, J.D.  
Executive Director

11 ORIGINAL of the foregoing filed this  
12 12<sup>th</sup> day of October, 2005 with:

13 Arizona Medical Board  
14 9545 E. Doubletree Ranch Road  
15 Scottsdale, AZ 85258

16 EXECUTED COPY of the foregoing mailed  
17 this 12<sup>th</sup> day of October, 2005 to:

18 Richard Daley, M.D.  
19 Address of Record

20   
21 Investigational Review  
22  
23  
24  
25