

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **GARY L. HENDERSON, M.D.**

6 Holder of License No. 5029
7 For the Practice of Medicine
8 In the State of Arizona.

Case No. MD 99-0805

**CONSENT AGREEMENT FOR
A LETTER OF REPRIMAND AND
PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Board of Medical
10 Examiners (Board) and Gary L. Henderson, M.D. (Respondent) the parties agree to the
11 following disposition of this matter.

12 1. Respondent acknowledges that he has read this Consent Agreement and
13 the stipulated Findings of Fact, Conclusions of Law and Order; and, he is aware of and
14 understands the content of this document.

15 2. Respondent understands that by entering into this Consent Agreement for
16 the issuance of the foregoing Order, Respondent voluntarily relinquishes any rights to a
17 hearing or judicial review in state or federal court on the matters alleged or to challenge
18 this Consent Agreement and the Order in its entirety as issued by the Board and waives
19 any other cause of action related thereto or arising from said Order.

20 3. Respondent acknowledges and understands that this Consent Agreement
21 and the Order will not become effective until approved by the Board and signed by its
22 Executive Director.

23 4. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
25 the Board and Respondent, if this agreement is approved by the Board. Therefore, said

1 admissions by Respondent are not intended or made for any other use, such as in the
 2 context of another state or federal government regulatory agency proceeding, civil or
 3 criminal court proceeding, in the State of Arizona or any other state or federal court.

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

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

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

16
 17 Gary L. Henderson, M.D.
 18 Gary L. Henderson, M.D.

Dated: 4/23/01

19
 20 Reviewed and approved as to form by:

21
 22 C. Blakey
 23 Craig Blakey, Attorney at Law
 (Counsel for Gary L. Henderson, M.D.)

Dated: 4-23-01

24
 25

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. Gary L. Henderson, M.D., holder of license number 5029 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD 99-0805 upon receiving information
7 from Respondent's medical malpractice carrier of a malpractice settlement between
8 Respondent and a former patient.

9 4. On March 31, 1994, Respondent examined the patient in regards to a mass
10 in her right breast. During this initial consultation, Respondent documented the entire visit
11 in a three-sentence statement. He failed to document pertinent medical history, which at
12 least should have included patient's family history of breast cancer. Respondent also
13 failed to describe an organ-specific examination and to comment on axillary contents. The
14 record of the initial consultation lacks any specific instructions on a follow-up.
15 Respondent's medical records regarding the initial office consultation fell below the
16 community standard of care in regards to documentation.

17 **CONCLUSIONS OF LAW**

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Gary L. Henderson, M.D. (Respondent), holder of license number 5029.

20 2. The conduct and circumstances described above in paragraph 4 constitutes
21 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (Any conduct or practice
22 which is or might be harmful or dangerous to the health of the patient or the public).

23 ...

24 ...

25 ...

ORDER

IT IS HEREBY ORDERED THAT:

1. Gary L. Henderson, M.D. (Respondent), holder of license number 5029 is hereby issued a Letter of Reprimand for the unprofessional conduct described above.

2 Respondent is placed on six (6) months probation with the following terms:

(A) Respondent shall within six (6) months of the effective date of this Order, obtain 15 hours of Board staff pre-approved Continuing Medical Education (CME) in Category I CME in medical record keeping/chart documentation and provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical license.

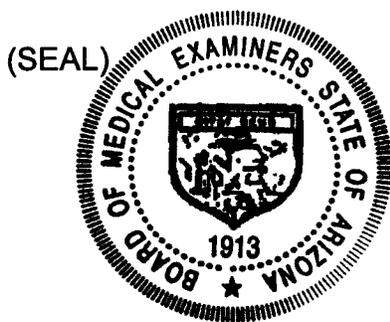
(B) Respondent shall be subjected to a chart review to be conducted by Board staff or its agents with six (6) months of the effective date of this Order. Based upon the chart review, the Board retains jurisdiction to take additional disciplinary or remedial action.

3. This Order is final disposition of case number M.D. 99-0805.

4. The Board retains jurisdiction and may initiate a new action based upon any violation of this order.

DATED and effective this 26th day of April, 2001.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



By Claudia Foutz
CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Deputy Director

1 ORIGINAL of the foregoing filed this
2 27 day of April, 2001 with:

3 The Arizona Board of Medical Examiners
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed by
7 Certified Mail this 27 day of April, 2001 to:

8 Gary Lynn Henderson, M.D.
9 1775 W. St. Mary's Road, Ste. 116
10 Tucson, AZ 85745

11 EXECUTED COPY of the foregoing
12 hand-delivered this 27 day of
13 April, 2001, to:

14 Richard Albrecht, Assistant Attorney General
15 c/o Arizona Board of Medical Examiners
16 9545 E. Doubletree Ranch Road
17 Scottsdale, AZ 85258
18 Counsel for the Board

19 Sandra Waitt
20 ~~Lisa Maxie Mullins, Legal Coordinator~~
21 ~~Board Operations~~
22 Sandra Waitt, Management Analyst

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