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MAY 30 2000

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

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In the Matter of
JAMES W. MCCARVER, M.D.
Holder of License No. 8652
For the Practice of Medicine
In the State of Arizona

**Investigation No. 12714
CONSENT AGREEMENT
FOR LETTER OF REPRIMAND**

By mutual agreement and understanding, between the Arizona Board of Medical Examiners (hereafter "Board") and JAMES W. MCCARVER, M.D. (hereafter "Respondent") the parties agree to the following disposition of this matter.

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

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

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

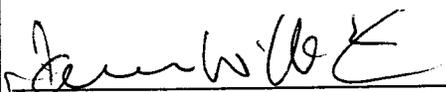
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any

1 other use, such as in the context of another state or federal government regulatory agency
2 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or
3 federal court.

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

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

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

16 
17 _____
18 JAMES W. MCCARVER, M.D.

Reviewed and accepted this
19 19th day of May 2000.

20 FINDINGS OF FACT

21 1. The Board is the duly constituted authority for the regulation and control of the
22 practice of allopathic medicine in the state of Arizona.

23 2. Dr. McCarver is the holder of License No. 8652 for the practice of allopathic medicine
24 in the State of Arizona.

25 3. Investigation No. 12714 was initiated when the Board received notice of the
26 settlement of a malpractice case brought against Dr. McCarver by G.F., a 62 year old male.
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1 4. G.F. presented to the emergency room at Yavapai Regional Medical Center on
2 6/17/96 complaining of low back pain, left-sided abdominal pain, flank and testicular pain
3 and fever. The emergency room intake sheet showed that G.F. was allergic to penicillin.

4 5. Dr. McCarver ordered Toradol 30mg, Demerol 30mg, Phenergan 12.5mg, and
5 Unasyn 1.5gm. Unasyn's generic name is ampicillin.

6 6. At 2123 an IV with Unaxyn was started. G.F. told the nurse he was allergic to
7 penicillin and the nurse stopped the IV drip after approximately 5 to 7 ccs had been
8 administered.

9 7. G.F.'s face turned red and his skin was diaphoretic. He was treated in the
10 emergency room for an anaphylactic reaction. He suffered a drop in blood pressure, had
11 tonic clonic activity and was intubated, then transferred to Intensive Care. He was treated
12 for anaphylactic shock from 6/18 to 6/28/96, when he was discharged from the hospital.

13 CONCLUSIONS OF LAW

14 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
15 McCarver.

16 2. The conduct and circumstances described above in paragraphs 3 through 7
17 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (conduct which is or
18 might be harmful to the health of the patient).

19 ORDER

20 IT IS HEREBY ORDERED that:

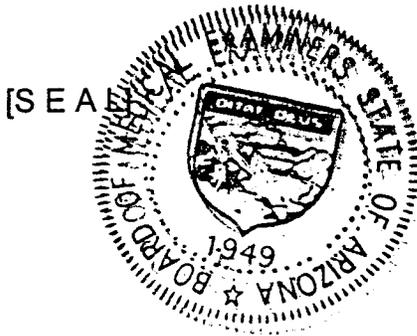
21 1. James W. McCarver, M.D. is hereby issued a Letter of Reprimand for his
22 unprofessional conduct as described above.

23 2. This Order is final disposition of Investigation No.12714.

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DATED this 31 day of ^{May}~~March~~, 2000.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



By: *Claudia Foutz*
CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Assistant Director/Regulation

Original of the foregoing filed this
31 day of ~~December, 1999~~, with:
May 2000

The Arizona Board of Medical Examiners
1651 E. Morten, Suite 210
Phoenix, Arizona 85020

Copy of the foregoing mailed by Certified
Mail this 31 day of ~~December, 1999~~, to:
May 2000

James W. McCarver, M.D.
1876 Royal Oak Circle
Prescott AZ 86301

Copy of the foregoing hand-delivered
this 31 day of ~~March~~ 2000, to:
May

Michael N. Harrison, Assistant Attorney General
c/o Arizona Board of Medical Examiners
1651 E. Morten, Suite 210
Phoenix, Arizona 85020

John Adams
Board Operations