BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

DALTON CARPENTER, M.D.

Case No. MD-15-0217A

HOLDER OF LICENSE NO. 32356

For the Practice of Allopathic Medicine

In the State of Arizona.

ORDER FOR LETTER

OF REPRIMAND; AND

CONSENT TO THE SAME

Dalton Carpenter, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

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

2. Respondent is the holder of license number 32356 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-15-0217A after receiving notification of malpractice settlement regarding Respondent's care and treatment of a 67 year-old male patient ("OE") alleging failure to properly treat chondrosarcoma and unnecessary radiation therapy, requiring a right hip disarticulation.

4. In November 2003, while being evaluated for kidney stones, OE had an x-ray showing abnormalities of the right femur. Subsequent CT scans demonstrated a lesion consistent with possible malignancy. On December 1, 2003, OE was referred to orthopedics.

5. On December 17, 2003, a fine needle aspiration was done and showed Chondrosarcoma, grade 2 and grade 3. OE underwent external radiation therapy, which was completed on March 1, 2004.
6. On March 2, 2004, oncology recommended further staging, which demonstrated evidence of high-grade invasive disease. On April 1, 2004, oncology advised orthopedics that instrument stabilization was favored over hip disarticulation.

7. On April 4, 2004, an MRI of the right femur found extensive bone marrow replacement consistent with tumor and numerous soft tissue masses consistent with cortical breakthrough involving a majority of the right femur and constituting involvement of the hip joint.

8. On April 9, 2004, Respondent performed rod stabilization of OE’s right femur as well as excision and biopsy of a soft tissue tumor, which was followed by inpatient rehabilitation.


10. The standard of care required Respondent to refer treatment to an orthopedic oncologist at the time of biopsy or once the patient was diagnosed with sarcoma. Respondent deviated from the standard of care by failing to refer OE to an orthopedic oncologist at the time of biopsy or after he was diagnosed with sarcoma.

11. The standard of care required Respondent to treat chondrosarcoma with a surgical wide resection and reconstruction for an attempt at cure. Respondent deviated from the standard of care by treating chondrosarcoma with an intramedullary nailing, which is contraindicated, making resection with wide margins for cure impossible without a hip disarticulation with an anterior atypical skin flap.

12. The standard of care provides that intramedullary nailing through a primary bone tumor is contraindicated and will seed the entire bone and the buttock through which the reamer is passed. Respondent deviated from the standard of care by performing
biopsy through the anterior thigh, making even wide resection with an amputation impossible due to contamination of the anterior skin flap.

13. There was the potential for patient harm in that radiation treatment of lower grade chondrosarcomas can lead to de-differentiation of the tumor.

CONCLUSIONS OF LAW

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q)("Any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

DATED AND EFFECTIVE this 7th day of December, 2017.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.
2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this 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 Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

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

6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.

8. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.
9. Respondent has read and understands the terms of this agreement.

[Signature]
DALTON R. CARPENTER, M.D.

DATED: 10/30/2019

EXECUTED COPY of the foregoing mailed this 30th day of December, 2017 to:

Dalton R. Carpenter, M.D.
Address of Record

ORIGINAL of the foregoing filed this 3rd day of December, 2017 with:

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

[Signature]
Board staff