BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

VANESSA D. RODRIGUEZ, M.D.
Holder of License No. 43239
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-16-1074A
ORDER FOR LETTER OF
REPRIMAND AND PROBATION;
AND CONSENT TO THE SAME

Vanessa D. Rodriguez, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand and Probation; 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 43239 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-1074A after receiving notification of a malpractice settlement regarding Respondent's care and treatment of a 56 year-old male patient ("RR") alleging negligent pain management, with mixed drug interaction and patient death.

4. Patient RR was a 56 year-old male patient with a past history of back surgery secondary to a fall and subsequent complication of left hemiplegia, with the consequent loss of function of the left upper extremity. This was aggravated by a constant swelling of the extremity for which he had to wear an elastic sleeve which was difficult to place and wear.

5. On December 3, 2012, RR consulted with an orthopedic surgeon to discuss an above-the-elbow amputation. The surgeon's note stated that RR was morbidly obese
with a body mass index of 40, and that RR was taking medications including Diovan, trazodone, gabapentin and Zolpidem. The surgeon also noted that RR had preoperative consultations with his primary care physician and cardiologist. The surgeon concluded that RR was “cleared for surgery.”

6. On December 4, 2012, RR was admitted to the Hospital for elective above-the-elbow amputation of his left arm which occurred on December 5. Respondent acted as the hospitalist during RR’s admission, and was responsible for his pain management through discharge. After the surgery, RR received opioid medication for pain control including Percocet, IV Morphine, Oxycodone and Oxycontin.

7. RR was discharged the evening of December 6, 2012. Respondent was responsible for providing discharge medications and instructions to RR and his wife. RR’s discharge medications were Oxycontin 10mg twice daily and Oxycodone 10mg tablets with instructions to take two tablets every 4 hours as needed for breakthrough pain.

8. RR was found unresponsive the morning of December 7, 2012, and was transported to the hospital where he was subsequently pronounced dead.

9. The standard of care required Respondent to adequately document and inform the patient regarding discharge medication instructions. Respondent deviated from this standard of care by failing to adequately document and inform the patient regarding discharge medication instructions.

10. The standard of care for a patient with congestive heart failure and low ejection fraction required Respondent to obtain a postoperative chest x-ray. Respondent deviated from this standard of care by failing to obtain a postoperative chest x-ray in a patient with congestive heart failure and low ejection fraction.

11. The standard of care required Respondent to properly assess the patient. Respondent deviated from this standard of care by failing to properly assess RR.
12. Actual hārm occurred to the patient in that RR died from mixed drug intoxication, primarily oxycodone.

**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)(e)("Failing or refusing to maintain adequate records on a patient.").

c. 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.

2. Respondent is placed on Probation for a period of 6 months with the following terms and conditions:

   a. **Continuing Medical Education**

   Respondent shall within 6 months of the effective date of this Order obtain no less than 15 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") in an intensive, in-person course regarding opioids and pain management. Respondent shall within thirty days of the effective date of this Order submit her request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall 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 licensure. The Probation shall terminate upon Respondent’s proof of successful completion of the CME.
b. **Obey All Laws**

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

3. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

DATED AND EFFECTIVE this 3rd day of August, 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 she 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 any part of the Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

9. 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.

10. Any violation of this Order constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1401(27)(r) ("Violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.") and 32-1451.
11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), she cannot act as a supervising physician for a physician assistant while her license is on probation.

12. Respondent has read and understands the conditions of probation.

[Signature]
VANESSA D. RODRIGUEZ, M.D.

DATED: 6/12/2017

EXECUTED COPY of the foregoing mailed this 31st day of August, 2017 to:

Neal Alden
Jardine Baker Hickman Houston
3300 N Central Ave, Suite 2600
Phoenix, AZ 85012.
Attorney for Respondent

ORIGINAL of the foregoing filed this 30th day of August, 2017 with:

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

[Signature]
Board staff