

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **JOEL A. HAYDEN, M.D.**

4 Holder of License No. 23390
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-17-0705A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION; AND CONSENT TO
THE SAME**

7 Joel A. Hayden, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for a Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 23390 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-17-0705A after receiving a complaint
17 regarding Respondent's care and treatment of a ten year-old female patient ("AB") alleging
18 inadequate care and treatment of a burn patient, and failure to recognize the urgency in
19 referring the patient to the burn center.

20 4. On June 13, 2017, AB presented to the Pediatric Clinic where Respondent
21 holds privileges to see Respondent following a burn to both hands. AB's hands were
22 burned one hour prior with melted wax and counseling occurred regarding the use of
23 aspirin for pain. AB was noted to be "healthy appearing, well developed, well-nourished, in
24 no acute distress." Respondent documented a skin examination that was "normal, except
25 2nd degree thermal burns over both hands." AB was referred to Maricopa Medical Center
("MMC") Burn Center the following day and instructed to use ibuprofen as needed for pain.

1 Respondent prescribed silvadene topical burn treatment and oral narcotic pain medication.
2 Respondent provided AB's parent after care instructions for minor burns. The visit was
3 coded for "Burn of unspecified body region, unspecified degree."

4 5. Later that same day, AB arrived for follow up at the MMC Emergency
5 Department. She was evaluated for a "0.5% TBSA full thickness burns to the right index
6 and middle finger and 0.5% TBSA partial thickness burns to the right little, index and palm
7 with small area of burn to the left hand." Numbness was documented to the right middle
8 and ring fingers on the intake at the ED. A thorough exam documented neurologic
9 assessment of the hand and complete description of the skin findings of the hands,
10 accompanied by photographs of the hands, which show the presence of a ring on the right
11 ring finger. Staff from MMC removed the ring during the course of treatment. AB
12 remained under the care of the Burn Center through June 25, 2017.

13 6. The standard of care requires a physician to correctly assess the patient's
14 burn as full thickness and determine whether emergent intervention is needed.
15 Respondent deviated from the standard of care by failing to correctly assess the patient's
16 burn as full thickness and in need of emergent intervention.

17 7. The standard of care requires removal of a ring from a burnt hand/finger.
18 Respondent deviated from the standard of care by failing to remove a ring from a burnt
19 hand/finger.

20 8. There was actual harm in that AB's lesion required three surgical
21 interventions and a prolonged hospitalization due to her injury. There was potential for
22 patient harm in that if AB's family had waited until the next day to be evaluated at MMC,
23 there could have been more extensive injury to her hand. Failure to remove the ring from
24 the injured finger could result in serious complications including loss of circulation and loss
25 of the finger.

1 **CONCLUSIONS OF LAW**

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

4 b. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(e)(“ Failing or refusing to maintain adequate
6 records on a patient.”).

7 c. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(r)(“Committing any conduct or practice that is or
9 might be harmful or dangerous to the health of the patient or the public.”).

10 **ORDER**

11 IT IS HEREBY ORDERED THAT:

12 1. Respondent is issued a Letter of Reprimand.

13 2. Respondent is placed on Probation for a period of up to six months with the
14 following terms and conditions:

15 a. **Continuing Medical Education**

16 Respondent shall within 6 months of the effective date of this Order obtain no less
17 than 4 hours of Board staff pre-approved Category I Continuing Medical Education
18 (“CME”) in treatment of burns. Respondent shall within **thirty days** of the effective date of
19 this Order submit his request for CME to the Board for pre-approval. Upon completion of
20 the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The
21 CME hours shall be in addition to the hours required for the biennial renewal of medical
22 licensure. The Probation shall terminate upon Respondent’s proof of successful
23 completion of the CME.

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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)(s).

DATED AND EFFECTIVE this 22nd day of August, 2018.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
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.

1 5. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

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

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

15 8. If any part of the Order is later declared void or otherwise unenforceable, the
16 remainder of the Order in its entirety shall remain in force and effect.

17 9. If the Board does not adopt this Order, Respondent will not assert as a
18 defense that the Board's consideration of the Order constitutes bias, prejudice,
19 prejudgment or other similar defense.

20 10. Any violation of this Order constitutes unprofessional conduct and may result
21 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,
22 consent agreement or stipulation issued or entered into by the board or its executive
23 director under this chapter.") and 32-1451.

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1 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he
2 cannot act as a supervising physician for a physician assistant while his license is on
3 probation.

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

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6 
7 JOEL A. HAYDEN, M.D.

DATED: 7/11/18

8 EXECUTED COPY of the foregoing mailed
9 this 27th day of August, 2018 to:

10 Cory Tyszka
11 Jones, Skelton & Hochuli, PLC
12 40 N Central Ave, Suite 2700
13 Phoenix, AZ 85004
14 Attorney for Respondent

15 ORIGINAL of the foregoing filed
16 this 27th day of August, 2018 with:

17 Arizona Medical Board
18 1740 West Adams, Suite 4000
19 Phoenix, Arizona 85007

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21 Nancy Baker
22 Board staff
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