

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **DALTON CARPENTER, M.D.**

4 Holder of License No. 32356
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-15-0217A

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

7 Dalton Carpenter, 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; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 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 32356 for the practice of
15 allopathic medicine in the State of Arizona.

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

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

24 5. On December 17, 2003, a fine needle aspiration was done and showed
25 Chondrosarcoma, grade 2 and grade 3. OE underwent external radiation therapy, which
was completed on March 1, 2004.

1 6. On March 2, 2004, oncology recommended further staging, which
2 demonstrated evidence of high-grade invasive disease. On April 1, 2004, oncology
3 advised orthopedics that instrument stabilization was favored over hip disarticulation.

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

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

11 9. On April 19, 2004, orthopedics indicated that OE would undergo
12 chemotherapy. Subsequently, OE obtained a second opinion and on July 1, 2004, OE
13 underwent a right hip disarticulation.

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

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

23 12. The standard of care provides that intramedullary nailing through a primary
24 bone tumor is contraindicated and will seed the entire bone and the buttock through which
25 the reamer is passed. Respondent deviated from the standard of care by performing

1 biopsy through the anterior thigh, making even wide resection with an amputation
2 impossible due to contamination of the anterior skin flap.

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

5 **CONCLUSIONS OF LAW**

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

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

11
12 **ORDER**

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent is issued a Letter of Reprimand.

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

16 ARIZONA MEDICAL BOARD

17
18 By Patricia E. McSorley
19 Patricia E. McSorley
20 Executive Director

21 **CONSENT TO ENTRY OF ORDER**

22 1. Respondent has read and understands this Consent Agreement and the
23 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
24 acknowledges he has the right to consult with legal counsel regarding this matter.
25

1 2. Respondent acknowledges and agrees that this Order is entered into freely
2 and voluntarily and that no promise was made or coercion used to induce such entry.

3 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
4 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
5 this Order in its entirety as issued by the Board, and waives any other cause of action
6 related thereto or arising from said Order.

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

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

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

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

23 8. If the Board does not adopt this Order, Respondent will not assert as a
24 defense that the Board's consideration of the Order constitutes bias, prejudice,
25 prejudgment or other similar defense.

1 9. Respondent has read and understands the terms of this agreement.

2
3 Dalton R. Carpenter
4 DALTON R. CARPENTER, M.D.

DATED: 10/30/2019

5
6 EXECUTED COPY of the foregoing mailed
7 this 30th day of October, 2017 to:
8 December

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

11 ORIGINAL of the foregoing filed
12 this 7th day of December, 2017 with:

13 Arizona Medical Board
14 9545 E. Doubletree Ranch Road
15 Scottsdale, AZ 85258

16
17
18
19
20
21
22
23
24
25
Mary Bobey
Board staff