

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **LAURANCE SILVERMAN, M.D.**

4 Holder of License No. 20780  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona

Case No. MD-10-1447A

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

7 Laurance Silverman, M.D. ("Respondent") elects to permanently waive any right to  
8 a hearing and appeal with respect to this Order for 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 20780 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-10-1447A after receiving a complaint  
17 regarding Respondent's care and treatment of a 55 year-old female patient (TL) alleging  
18 inadequate supervision of staff and inadequate performance of a filler injection procedure.

19 4. On February 18, 2010, patient TL presented to Respondent for lip  
20 augmentation with a dermal filler. She signed an Injection Medical History form and a form  
21 entitled Dermal Filler Pre-treatment instructions, but did not sign a Consent For Treatment  
22 form.

23 5. Gustavo Nunez, a medical assistant employed by Respondent, injected the  
24 filler. Soon after the injection TL's lower lip became severely swollen with subsequent  
25 necrosis.

1           6.     TL called the Respondent's office after business hours because she was  
2 experiencing severe pain and continued swelling of her lip. However, TL was unable to  
3 reach anyone at the practice and merely got a recording that provided the business hours  
4 of the office.

5           7.     The Outside Medical Consultant (OMC) retained by the Board to review the  
6 case noted that Gustavo Nunez has no record of being certified as a medical assistant,  
7 although he does meet the minimum standards for acting as a medical assistant under  
8 Arizona law. According to the OMC, certified medical assistants are allowed by many  
9 supervising physicians to provide subcutaneous injections for local anesthesia and  
10 medication administration because of their certified training. The OMC noted, however, in  
11 plastic surgery and dermatology, it is not accepted practice to allow even certified medical  
12 assistants to perform sensitive cosmetic filler injections because their training for injections  
13 does not include those for cosmetic purposes. Weekend courses and company sponsored  
14 training do not qualify as recognized formal training or certification.

15          8.     The standard of care required Respondent to obtain a signed consent form  
16 from the patient for cosmetic dermatologic procedures.

17          9.     Respondent deviated from the standard by failing to obtain a signed consent  
18 form from TL prior to undergoing the procedure.

19          10.    The standard of care requires a physician to have after-hours phone support  
20 available to patients in the event of complications following the performance of cosmetic  
21 procedures.

22          11.    Respondent deviated from the standard of care by failing to have after-hours  
23 phone support available to patients in the event of complications following the performance  
24 of cosmetic procedures.

25

1 12. Without a signed consent agreement, there is no assurance that TL was  
2 aware of the risks of the procedure. Had she been aware of the risks, she may have  
3 decided not to proceed and thus would not have suffered the complications that occurred.  
4 Also, the failure to provide after-hours support led to a delay in treatment of TL's  
5 complications and may have resulted in permanent scarring with significant deformity and  
6 difficulty with phonation.

7 **CONCLUSIONS OF LAW**

8 1. The Board possesses jurisdiction over the subject matter hereof and over  
9 Respondent.

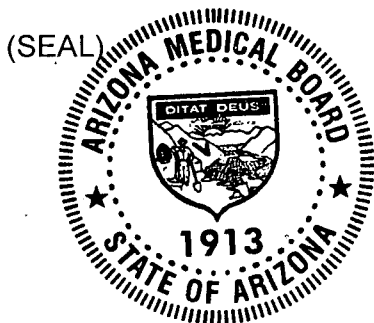
10 2. The conduct and circumstances described above constitute unprofessional  
11 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be  
12 harmful or dangerous to the health of the patient or the public.").

13 3. The conduct and circumstances described above constitute unprofessional  
14 conduct pursuant to A.R.S. § 32-1401 (27)(ii) ("[l]ack of or inappropriate direction,  
15 collaboration or direct supervision of a medical assistant or a licensed, certified or  
16 registered health care provider employed by, supervised by or assigned to the physician.")

17 **ORDER**

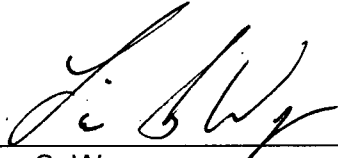
18 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

19  
20 DATED AND EFFECTIVE this 11<sup>th</sup> day of AUGUST, 2011.



ARIZONA MEDICAL BOARD

By

  
\_\_\_\_\_  
Lisa S. Wynn  
Executive Director

1 CONSENT TO ENTRY OF ORDER

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

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

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

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

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

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

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

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

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

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

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14 \_\_\_\_\_  
15 Laurance Silverman, M.D.

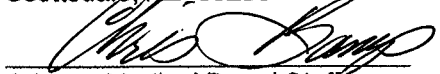
DATED: 6/23/11

16 EXECUTED COPY of the foregoing mailed  
17 this 14 day of August, 2011 to:

18 Adriane Parsons  
19 Munger Chadwick, P.L.C.  
20 333 North Wilmot, Suite 300  
21 Tucson, Arizona 85711

22 ORIGINAL of the foregoing filed  
23 this 14 day of August, 2011 with:

24 Arizona Medical Board  
25 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

  
Arizona Medical Board Staff