

1
2 BEFORE THE BOARD OF PODIATRY EXAMINERS

3 STATE OF ARIZONA

4 In the Matter of Podiatry)
License No. 0353 Issued to:) No. 94024-C
5 Gary W. Docks, D.P.M.) DECISION AND ORDER
310 N. Wilmot, Ste. 305)
6 Tucson, Arizona 85711)

7
8 On July 25, 1994, the Board of Podiatry Examiners (Board) received
9 a written complaint from L.H., a patient of licensee, Gary W. Docks
10 (Dr. Docks). Pursuant to A.R.S. §32-852.01, the Board requested that
11 Dr. Docks attend an informal interview. Dr. Docks appeared for an
12 informal interview before the Board at its regular meeting of September
13 14, 1994 and a continuance of the interview on October 12, 1994.
14 Following the Board's consideration and review of the evidence
15 presented at the hearings, the Board enters the following Findings of
16 Fact, Conclusions of Law and Order of Censure, pursuant to A.R.S.
17 §32-852.01(C).

18 FINDINGS OF FACT

19 1. On March 19, 1993, patient L.H. established a professional
20 relationship with Dr. Docks for the purpose of treating the pain in her
21 right and left feet. Dr. Docks diagnosed patient L.H. with neuropathy
22 and onychomycosis. A medical history included gout, high blood
23 pressure, kidney problems, and uncontrolled diabetes.

24 2. On April 27, 1993, patient L.H. visited Dr. Docks with
25 continued pain. Dr. Docks progress notes reveal an infected soft corn
26 of the right 5th toe. Treatment consisted of x-rays of the right foot,
27 debride necrotic tissue at the 4th interspace right foot, and debride
28 ulceration 5th toe right foot.

1
2 3. On May 7 and May 18, 1993, patient L.H. visited Dr. Docks
3 complaining of continued pain. Dr. Docks progress notes indicate the
4 5th toe was still ulcerated. Treatment consisted of local debridement
5 of ulceration 5th toe right foot. Dr. Docks progress notes do not
6 include a lab report or a culture and sensitivity report on the open,
7 infected, and ulcerated 5th toe. Dr. Docks advised patient L.H. that
8 hammertoe surgery was necessary to prevent osteomyelitis and possible
9 loss of her 5th toe. Patient L.H. signed the consent form for
10 hammertoe correction 5th toe right foot to relieve ulcerated soft corn
11 4th interspace right.

12 4. On May 25, 1993, patient L.H. presented to Dr. Docks office
13 for surgery. Dr. Docks progress notes indicate that the 3rd and 4th
14 toes of the right foot were hammered and could possibly be a source of
15 further irritation against shoe gear. Dr. Docks made the decision at
16 the time of surgery, and without the patient's consent, to perform
17 additional tenotomy procedures which were not listed specifically on
18 the consent form. Dr. Docks progress notes do not reflect any
19 antibiotics administered to patient L.H. during surgery for her
20 ulcerated 5th toe. Dr. Docks records do not include an operative
21 report.

22 CONCLUSIONS OF LAW

23 5. The Board has jurisdiction over Dr. Docks and the subject
24 matter of this complaint pursuant to A.R.S. §32-852.01, et. seq.

25 6. The Board has the legal authority pursuant to A.R.S.
26 §32-852.01(C) to issue a Decree of Censure and to fix a period and
27 terms of probation best adapted to the public health, safety and to
28 rehabilitate the podiatrist concerned.

1
2 7. Dr. Docks was provided notice of the patient's complaint, and
3 participated freely in an informal interview pursuant to A.R.S.
4 §32-852.01(C).

5 8. The conduct and circumstances in paragraph 3 constitute
6 a violation of A.R.S. §32-854.01(20). Dr. Docks engaged in conduct or
7 a practice which was harmful or dangerous to the health of patient
8 L.H., i.e., failing to obtain a lab report and failing to obtain a
9 culture and sensitivity report on the patient's open, infected, and
10 ulcerated 5th toe.

11 9. The conduct and circumstances in paragraph 4 constitute a
12 violation of A.R.S. §32-854.01(9). Dr. Docks failed to obtain
13 informed consent from patient L.H. prior to performing additional
14 tenotomy procedures at the time of surgery.

15 10. The conduct and circumstances in paragraph 4 constitute a
16 violation of A.R.S. §32-854.01(11). Dr. Docks failed or refused to
17 maintain adequate records on patient L.H., i.e., Records do not include
18 an operative report, and x-rays taken on April 27, 1993 were of poor
19 quality.

20 ORDER

21 11. Based upon the foregoing Findings of Fact and Conclusions of
22 Law, the Board hereby:

23 a. Issues a decree of censure with regard to Dr. Docks license
24 No. 0353 for the practice of podiatry in the State of Arizona.

25 b. Fixes a period of probation with regard to Dr. Docks
26 license No. 0353 for the practice of podiatry in the State of Arizona
27 for a period of 90 days to become effective at 12:00 a.m. on

28 December 01, 1994 and end at 11:59 p.m. on February 28, 1995.

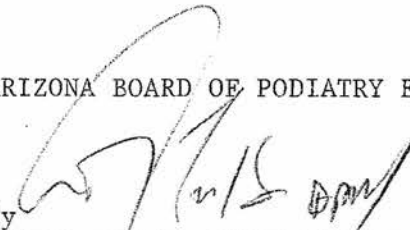
1
2 The terms of said probation shall include:

3 (i) monthly reporting to the Board by the 7th day of each
4 month, to include consent forms on all patients, copies of all pre- and
5 post-operative x-rays, operative reports, and billings of all
6 surgeries.

7 12. It is further ordered that any violations of this order
8 constitutes unprofessional conduct within the meaning of A.R.S.
9 §32-854.01(21) and is grounds for further disciplinary action pursuant
10 to A.R.S. §32-852(6).

11
12 DATED this 9th day of November 1994.

13
14 ARIZONA BOARD OF PODIATRY EXAMINERS

15
16 By 
17 Arthur J. Tallis, D.P.M.
18 President

19 COPY of the foregoing mailed by
20 certified mail No. P199 170380
this 9th day of NOVEMBER, 1994, to:

21 Gary W. Docks, D.P.M.
22 310 N. Wilmot, Ste. 305
Tucson, Arizona 85711

23 Office of the Attorney General
24 Melissa Cornelius, Assistant Attorney General
Phoenix, Arizona 85007