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BEFORE THE BOARD OF PODIATRY EXAMINERS  
STATE OF ARIZONA

In the Matter of Podiatry	)	
License No. <u>0176</u> Issued to:	)	No. 90016-C
	)	
BRENT C. HILL, D.P.M.	)	
2302 Stockton Hill Road	)	DECISION AND ORDER
Suite F	)	
Kingman, AZ 86401	)	
_____	)	

On November 6, 1990, the Board of Podiatry Examiners (Board) received a written complaint from T.S., a patient of licensee Brent C. Hill (Dr. Hill). Pursuant to A.R.S. § 32-852.01, the Board requested an informal interview of both Dr. Hill and patient T.S. Dr. Hill appeared for an informal interview before the Board at its regular meeting of December 12, 1990. At the conclusion of that meeting, the investigation was tabled pending an informal interview of patient T.S. which did occur at the regular meeting of the Board on January 9, 1991. As a result of the informal interview of patient T.S., the Board scheduled Dr. Hill before the Board for further investigation.

On February 13, 1991, both Dr. Hill and patient T.S. appeared before the Board at its regular meeting for further informal interview. Following the Board's consideration and review of the evidence presented at all informal interviews, the Board enters the following Findings of Fact, Conclusions of Law and Decree of Censure, pursuant to A.R.S. § 32-852.01(c).

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FINDINGS OF FACT

1. On May 30, 1989, T.S. was a patient of Dr. Hill and had received treatment previously from Dr. Hill which involved, among other things, nail surgery to the right hallux. On May 30, 1989, patient T.S. presented to Dr. Hill with deep bleeding heel fissures of the posterior aspect of both heels, right and left. Patient T.S. is a poorly controlled brittle diabetic with significant peripheral neuropathy.

2. Dr. Hill commenced a course of treatment for the heel fissures which included, among other things, debridements to those fissures on the following dates and for the following charges:

5-30-89	-	No charge delineated
6-15-89	-	No charge delineated
12-15-89	-	\$120
1-8-90	-	\$120
1-17-90	-	No charge delineated
2-1-90	-	\$120
2-22-90	-	\$120
3-8-90	-	\$120

3. In the course of treating patient T.S.'s heel fissures, patient T.S. presented to Dr. Hill on January 8, 1990 with a superficial ulcer secondary callus formation on the plantar medial aspect of the right hallux. Dr. Hill performed extensive debridement of skin and subcutaneous tissues of this abscess as well as the deep heel fissure of the posterior aspect of the right heel. On this date, Dr. Hill took a culture of the right hallux for sensitivities.

1           4. On January 9, 1990, patient T.S. presented to Dr.  
2 Hill with increased pain, tenderness and redness of the first  
3 metatarsal phalangeal joint of the right foot. Patient T.S. had  
4 increased cellulitis and ascending lymphangitis toward the  
5 medial aspect of the right knee and was admitted to the hospital  
6 for IV antibiotic therapy. Dr. Hill performed debridement of  
7 the superficial abscess over the medial aspect of the right  
8 hallux.

9           5. As of January 24, 1990, the erythema and swelling  
10 of the cellulitis of the dorsum of the right foot, ankle and  
11 lower leg had totally resolved. Patient T.S. was advised that  
12 she could discontinue antibiotics.

13           6. Dr. Hill continued debridement of skin and  
14 subcutaneous tissue associated with the ulcer at the plantar  
15 central aspect of the right hallux on the following days and at  
16 the following charges.

17	2-1-90	-	\$120
18	2-16-90	-	\$120
19	2-22-90	-	\$120
20	3-8-90	-	\$120
21	3-29-90	-	\$120

22           7. On March 29, 1990, Dr. Hill also took an x-ray of  
23 the right foot to rule/out osteomyelitis and detected "faint  
24 fuzziness of the medial tuft of the right hallux." Dr. Hill's  
25 progress notes indicate that he would seek approval from the  
26 patient's other physician, Dr. Kelly, for oral antibiotic  
therapy, i.e. Cipro, in an attempt to eradicate probable

1 underlying osteomyelitis. There is no evidence to suggest that  
2 further antibiotic therapy was indeed sought, approved of, or  
3 prescribed.

4 8. On or about May 29, 1990, patient T.S. developed a  
5 new ulcer at the plantar medial aspect of the first metatarsal  
6 head of the right foot, while the previous ulcer continued to  
7 persist.

8 9. Dr. Hill continued debridements of skin and  
9 subcutaneous tissues of patient T.S. on the following dates and  
10 at the following charges:

11	5-29-90	\$160.00
	6-4-90	\$160.00
12	6-25-90	\$160.00
	7-5-90	\$160.00
13	7-12-90	\$160.00
	7-23-90	\$160.00
14	7-31-90	\$160.00

15 10. On July 31, 1990, the patient's condition showed  
16 no signs of improvement. On August 6, 1990, x-rays revealed  
17 signs of osteomyelitis of the tibial sesamoid and a tibial  
18 sesamoidectomy of the right foot was conducted that same day. A  
19 culture of the wound was taken inter-operatively and repeated  
20 two days later.

21 11. On August 13, 1990, after final sensitivity  
22 results became available, Dr. Hill determined that a change in  
23 antibiotic therapy was indicated but the patient could not be  
24 reached and failed to keep a scheduled appointment. By then,  
25 patient T.S. had apparently sought treatment with two other  
26 physicians, Dr. Thomas and Dr. Thompson. On September 17, 1990,

1 Dr. Thompson assessed patient T.S.'s condition as chronic  
2 osteomyelitis , right foot.

3 12. The amputation of the patient's right foot, below  
4 the knee, was eventually accomplished by another physician and  
5 as of September 27, 1990, the wound was healing very well. The  
6 patient's eventual recovery, including fitting for her  
7 prosthesis, was unremarkable.

8 CONCLUSIONS OF LAW

9 13. The Board has jurisdiction over Dr. Hill and the  
10 subject matter of this complaint.

11 14. The Board has the legal authority pursuant to  
12 A.R.S. § 32-852.01(c) to issue a decree of censure and to fix a  
13 period and terms of probation best adapted to protect the  
14 public health and safety and rehabilitate the podiatrist  
15 concerned.

16 15. Dr. Hill was provided notice of the patient's  
17 complaint and participated freely in two independent informal  
18 interviews pursuant to A.R.S. § 32-852.01(c).

19 16. The conduct and circumstances described in  
20 paragraphs 2, 6 and 9 constitutes a violation of A.R.S.  
21 § 32-854.01(23) in that Dr. Hill charged and/or collected a  
22 clearly excessive fee.

23 17. The conduct and circumstances described in  
24 paragraphs 1 - 12 constitutes a violation of A.R.S.  
25 § 32-854.01(20) in that Dr. Hill engaged in conduct or a  
26

1 practice which was harmful or dangerous to the health of patient  
2 T.S., to wit:

- 3 a. Failure to timely detect through cultures and  
4 additional diagnostic tests and/or treat probable  
5 underlying osteomyelitis to the bony structures of  
6 the patient's right hallux and tibial sesamoid.

7 ORDER

8 18. Based upon the foregoing Findings of Fact and  
9 Conclusions of Law, the Board hereby:

- 10 a. Issues a decree of censure with regard to Dr.  
11 Hill's License No. 0176 for the practice of  
12 podiatry in the state of Arizona.
- 13 b. Fixes a period of probation with regard to Dr.  
14 Hill's License No. 0176 for the practice of  
15 podiatry in the State of Arizona for a period of 12  
16 months to become effective at 12:00 a.m. on May 1,  
17 1991 and end at 11:59 p.m. on April 30, 1992. The  
18 terms of said probation shall include:
- 19 (i) 18 hours of continuing medical education  
20 in the treatment and diagnosis of  
21 infectious diseases to be completed prior  
22 to the termination of said period of  
23 probation in addition to the 25 hours  
24 annual CME requirements. Dr. Hill shall  
25 report to the Board upon completion of  
26 the additional CME and shall break down  
the CME report by subject matter  
regarding particular infectious diseases;
- (ii) Monthly reporting to the Board concurrent  
with the terms of the probation of all  
treatment rendered to patients by Dr.  
Hill regarding any infectious disease, to  
include patient identification (by  
initials), condition warranting  
treatment, actual treatment rendered, and  
copies of prescriptions written and/or  
filled by Dr. Hill to those patients.  
Monthly treatment reports are to be  
received by the Board within the first  
week of any month so as to be available  
to the Board at their monthly meeting;

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(iii) Dr. Hill shall contact Aetna/Medicare professional liaison services for the purpose of obtaining education regarding appropriate fee schedules for diagnoses and treatment codes for the State of Arizona. Dr. Hill shall obtain this education within the first three (3) months of his probationary period and shall report said education to the Board at the conclusion of that education.

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

DATED this 26 day of March, 1991.

ARIZONA BOARD OF PODIATRY  
EXAMINERS

By Michael Kates  
Michael Kates, D.P.M.  
President

COPY of the foregoing mailed by certified mail No. P 303 447 457 this 26 day of February, 1991, to:

March  
Brent C. Hill, D.P.M.  
2302 Stockton Hill Road  
Suite F  
Kingman, AZ 86401

4545-23a