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BEFORE THE BOARD OF PODIATRY EXAMINERS

STATE OF ARIZONA

In the Matter of Podiatry)	No. 89041 C
License No. 232, issued to)	
Paul K. Woodward, D.P.M.)	DECREE OF CENSURE
3832 East Thomas Road)	AND ORDER OF PROBATION
Phoenix, AZ 85018)	
)	

This matter came before the Arizona Board of Podiatry Examiners (Board) for informal interviews on January 13, 1990 and February 7, 1990. The Board has reviewed the evidence and information provided to it by all persons interviewed. After consideration and discussion, the Board enters the following Findings of Fact and Conclusions of Law and issues a Decree of Censure and Order of Probation.

A. Findings of Fact

1. Paul K. Woodward, D.P.M. (Dr. Woodward) is the holder of Podiatry license no. 232.
2. On or about August 5, 1989, Dr. Woodward visited a patient, J.K., at a nursing home. J.K. complained about the toenail on the first toe of his right foot. Dr. Woodward diagnosed the toenail was ingrown and treated it by reconstructing the nail border.

1 3. On or about August 9, 1989, Dr. Woodward
2 visited J.K. at the nursing home. J.K. again complained about
3 the toenail on the first toe of his right foot. Dr. Woodward
4 diagnosed the toenail was ingrown and that a paronychia with
5 abscess of the toe were present. Dr. Woodward treated J.K. by
6 performing a partial nail matrixectomy and an incision and
7 drainage procedure on the first toe of J.K.'s right foot.

8 4. On or about August 22, 1989, Dr. Woodward
9 visited J.K. at the nursing home. Dr. Woodward performed an
10 incision and drainage procedure on, and obtained a culture
11 sample from, the first toe of J.K.'s right foot.

12 5. On or about August 24, 1989, the laboratory
13 advised Dr. Woodward that the culture sample he obtained from
14 J.K. on August 22 was infected and that a staphylococcus
15 epidermidis infection was present. On or about September 1,
16 1989, Dr. Woodward prescribed Erythromycin for J.K. Dr.
17 Woodward failed to prescribe any antibiotics for J.K. between
18 August 24 and September 1, 1989.

19 6. On or about September 7, 1989, Dr. Woodward
20 visited J.K. at the nursing home. Dr. Woodward noted that
21 J.K.'s foot had not been regularly soaked as he had instructed.
22 Dr. Woodward performed an incision and drainage procedure on,
23 and obtained a culture sample from, the first toe of J.K.'s
24 right foot.

1 7. On or about September 11, 1989, the
2 laboratory advised Dr. Woodward that the culture sample he
3 obtained from J.K. on September 7 was infected and that
4 enterobacter cloacae and enterococcus (Group D Strep) infections
5 were present. The laboratory also advised Dr. Woodward that the
6 enterococcus infection was resistant to Erythromycin and
7 Tetracycline. Dr. Woodward prescribed Erythromycin for J.K. on
8 September 25, 1989. Dr. Woodward prescribed Tetracycline for
9 J.K. on September 28, 1989. On both dates, Dr. Woodward failed
10 to prescribe for J.K. any of the antibiotics listed by the
11 laboratory for which the enterococcus infection was
12 susceptible.

13 8. On September 28, October 2 and October 5,
14 1989, Dr. Woodward obtained culture samples from the first toe
15 of J.K.'s right foot and he subsequently received laboratory
16 reports dated October 3, October 6 and October 9, respectively.
17 The laboratory reports advised Dr. Woodward that the culture
18 samples were infected and that three infections, pseudomonas
19 aeruginosa, enterobacter cloacae and enterococcus (Group D
20 Step), were present in each sample. The reports also advised
21 Dr. Woodward that two of the infections, pseudomonas aeruginosa
22 and enterococcus, were resistant to Tetracycline while one
23 infection, enterobacter cloacae, was susceptible to
24 Tetracycline. Despite these laboratory reports, Dr. Woodward
25 indicated in his chart notes for J.K. on October 5 and October 9
26 that he would continue prescribing Tetracycline for J.K.

1 9. On October 9, October 16 and October 24,
2 1989, Dr. Woodward obtained culture samples from the first toe
3 of J.K.'s right foot and he subsequently received laboratory
4 reports dated October 11, October 19 and October 30. The
5 laboratory reports advised Dr. Woodward that the culture samples
6 were infected and the infections were resistant to
7 Tetracycline. Despite these reports, Dr. Woodward continued to
8 prescribe Tetracycline for J.K. and did not change antibiotics
9 until October 31, 1989 when he prescribed Duricef (cefadroxil)
10 for J.K.

11 10. In November 1989, J.K.'s wife, M.K., became
12 concerned with Dr. Woodward's treatment of J.K.'s infection and
13 called Dr. Gordon, J.K.'s primary physician. Dr. Gordon
14 referred M.K. to Dr. Kates. M.K. contacted Dr. Kates.

15 11. Dr. Kates saw J.K. in November 1989 and
16 diagnosed that J.K. had a staph infection. Dr. Kates obtained a
17 culture sample from the first toe of J.K.'s right foot. Dr.
18 Kates prescribed ciprofloxacin for J.K. J.K. began to improve
19 after taking ciprofloxacin and his condition has begun to
20 stabilize.

21 12. Dr. Woodward's records indicate that he
22 billed J.K. for \$175 for an incision and drainage procedure on
23 each of the following dates: September 25, October 9 and October
24 24, 1989. Dr. Woodward's records also indicate that he billed
25 J.K. \$30 for a sterile instrument tray on each of the following
26 dates: August 10, August 22, September 6, September 25, October

1 9, and October 24, 1989. Dr. Woodward's records further
2 indicate that he submitted his bills for J.K. to Medicare. Dr.
3 Woodward's records further indicate that Medicare approved \$160
4 for the incision and drainage procedure, \$26 for the sterile
5 instrument tray and paid 80% of the approved amount. Dr.
6 Woodward's records do not indicate that he and J.K. had entered
7 into a written contract for a fixed fee.
8

9 B. Conclusions of Law

10 13. The Board has jurisdiction over Dr. Woodward
11 and the medical problem for which Dr. Woodward was treating J.K.

12 14. The Board concludes that the conduct
13 described in paragraphs 5, 7, 8 and 9 establishes that Dr.
14 Woodward failed to adequately treat J.K.'s infection,
15 constitutes conduct which was harmful to the health of the
16 patient in violation of A.R.S. § 32-854.01(20), and provides
17 grounds for taking disciplinary action against Dr. Woodward's
18 license to practice podiatry under A.R.S. §§ 32-852(6) and
19 32-852.01(C).

20 15. The Board concludes that the conduct
21 described in paragraph 12 establishes that Dr. Woodward charged
22 J.K. a clearly excessive fee, constitutes conduct in violation
23 of A.R.S. § 32-854.01(23), and provides grounds for taking
24 disciplinary action against Dr. Woodward's license to practice
25 podiatry under A.R.S. §§ 32-852(6) and 32-852.01(C).
26

1 C. Decree of Censure

2 16. Based upon the foregoing Findings of Fact and
3 Conclusions of Law, the Board censures Dr. Woodward.
4

5 D. Order of Probation

6 17. The Board orders the following additional
7 terms and conditions of probation for Dr. Woodward:

8 (a) Dr. Woodward will provide for a period
9 of one year a monthly log of all infections, nail matrixectomies
10 and surgeries he has performed at every facility. Dr. Woodward
11 will identify each patient by his/her initials and will also
12 provide information concerning the fees he charged each
13 patient. The reporting period will begin on April 1, 1990 and
14 each monthly report will be submitted to the Board five days
15 after the last day of the month.

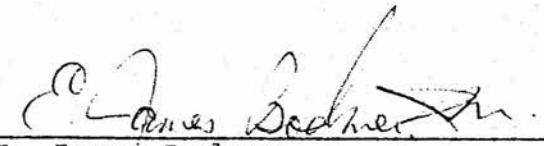
16 (b) Dr. Woodward will reimburse the sum of
17 \$400 to Medicare and will submit proof of such reimbursement to
18 the Board within sixty days of the date of this order.

19 (c) Dr. Woodward will obtain twelve hours of
20 medical education in the area of infectious diseases and may
21 obtain those hours between the date of this order and June 30,
22 1991. The twelve hours of education that Dr. Woodward is to
23 obtain are over and above the twenty-five hours required by
24 A.A.C. R4-25-401.
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Dated this 7th day of March, 1990.

Arizona Board of Podiatry Examiners

BY 
E. James Bodmer
Secretary-Treasurer

Copy of the foregoing mailed
this 8th day of March, 1990,
to:

Paul K. Woodward
3832 East Thomas Road
Phoenix, AZ 85018

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