

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
KARL B. HIATT, M.D.
Holder of License No. 19230
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-22-0163A
ORDER FOR LETTER OF REPRIMAND; AND CONSENT TO THE SAME

Karl B. Hiatt, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license number 19230 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-22-0163A after receiving notification of a malpractice settlement regarding Respondent's care and treatment of a 69 year-old female patient ("DW") alleging improper performance of a lower blepharoplasty with subsequent vision issues and aesthetic dissatisfaction.
4. On April 11, 2019, DW presented to Respondent's office for a consultation regarding bilateral lower eyelid blepharoplasty, bilateral cheek fat grafting, and lower abdominal liposuction and pubis pexy.
5. On September 17, 2019, Respondent performed a bilateral lower eyelid blepharoplasty, bilateral cheek fat grafting, and lower abdominal liposuction and pubis pexy on DW on an outpatient basis.

1 6. On September 18, 2019, DW contacted Respondent's office to report the
2 onset of double vision immediately following the procedure.

3 7. On September 25, 2019, DW presented for first post-operative appointment.
4 Respondent noted the presence of vertical double vision and notable right lower lid
5 swelling. Respondent administered a steroid injection to the right lower eyelid and
6 instructed DW to return in three weeks.

7 8. On October 9, 2019, DW presented to Respondent's office with continued
8 vertical diplopia. Respondent noted lower eyelid skin tethering, conjunctival redness and a
9 tight scar. Respondent administered bilateral lower eyelid steroid injections and instructed
10 DW to return in two weeks.

11 9. On October 17, 2019, DW was seen by an optometrist who noted vertical
12 diplopia (right hypertropia), bilateral incomplete eyelid closure, lower eyelid ectropion, and
13 conjunctival inflammation. The optometrist started topical steroid treatment to both eyes
14 and referred the patient to an oculoplastic surgeon.

15 10. Subsequently, DW was seen by three oculoplastic surgeons. DW was noted
16 to have on-going ocular exposure, bilateral lower eyelid retraction, and persistent vertical
17 diplopia on right gaze.

18 11. The standard of care requires a physician to properly evaluate and treat
19 post-operative complications. Respondent deviated from this standard of care by failing to
20 timely evaluate and treat post-operative diplopia.

21 12. Actual patient harm was identified in that DW developed permanent diplopia,
22 as well as enhanced scarring and eyelid retraction.

23 **CONCLUSIONS OF LAW**

24 a. The Board possesses jurisdiction over the subject matter hereof and over
25 Respondent.

1 b. The conduct and circumstances described above constitute unprofessional
2 conduct pursuant to A.R.S. § 32-1401(27)(e) ("Failing or refusing to maintain adequate
3 records on a patient.").

4 c. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or
6 might be harmful or dangerous to the health of the patient or the public.").

7 **ORDER**

8 IT IS HEREBY ORDERED THAT:

- 9 1. Respondent is issued a Letter of Reprimand.

10
11 DATED AND EFFECTIVE this 1st day of December, 2022.

12 ARIZONA MEDICAL BOARD

13
14 By Pat E McSorley
15 Patricia E. McSorley
16 Executive Director

17 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

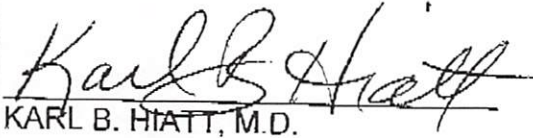
9 6. Notwithstanding any language in this Order, this Order does not preclude in
10 any way any other State agency or officer or political subdivision of this state from
11 instituting proceedings, investigating claims, or taking legal action as may be appropriate
12 now or in the future relating to this matter or other matters concerning Respondent,
13 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
14 acknowledges that, other than with respect to the Board, this Order makes no
15 representations, implied or otherwise, about the views or intended actions of any other
16 state agency or officer or political subdivisions of the State relating to this matter or other
17 matters concerning Respondent

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

23 8. This Order is a public record that will be publicly disseminated as a formal
24 disciplinary action of the Board and will be reported to the National Practitioner's Data
25 Bank and on the Board's web site as a disciplinary action.

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

4 10. **Respondent has read and understands the terms of this agreement.**

6 
 7 KARL B. HIATT, M.D.

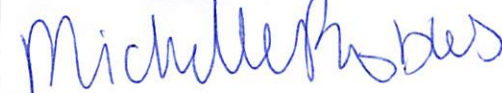
DATED: 11-15-2022

9 EXECUTED COPY of the foregoing mailed
 10 this 15th day of December, 2022 to:

11 Karl B. Hiatt, M.D.
 12 Address of Record

13 ORIGINAL of the foregoing filed
 14 this 15th day of December 2022 with:

15 Arizona Medical Board
 16 1740 West Adams, Suite 4000
 17 Phoenix, Arizona 85007

18 
 19 Michelle Phobas
 20 Board staff