

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-23-0193A

3 **ELIZABETH V. MAHOUR-MOYER, M.D.**

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

4 Holder of License No. 37282
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 Elizabeth V. Mahour-Moyer, M.D. ("Respondent") elects to permanently waive any
8 right to a hearing and appeal with respect to this Order for Letter of Reprimand and
9 Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to
10 the entry of this Order 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 37282 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-23-0193A after receiving a complaint
17 regarding Respondent's care and treatment of a 23-year-old female patient ("JP") alleging
18 failure to timely deliver newborn with subsequent hypoxic ischemic encephalopathy ("HIE")
19 with cerebral palsy ("CP").

20 4. On April 18, 2020, at 0453, JP a pregnant patient (gravita 1/para 0) was
21 admitted at 37weeks and 4 days with spontaneous rupture of membranes ("SROM"). The
22 prenatal care noted a short cervix that had been followed without complications. Pitocin
23 was initiated and labor progressed, and an intrauterine pressure catheter ("IUPC") was
24 placed at 1500. At 2235, an exam revealed the cervix to be 8cm; a suggestion of late
25 decelerations was noted though variability was present.

1 5. On April 19, 2020, the late decelerations continued to be noted intermittently
2 along with uterine tachysystole with adjustment of the Pitocin made with resolution. At
3 0125, Respondent noted that JP's cervix to be completely dilated. At 0140, antibiotics
4 were initiated due to maternal fever. At 0230, repetitive late decelerations were present
5 with fetal baseline heart rate noted to be 160-170 with minimal to moderate variability. At
6 0400, tracings showed accelerations and moderate variability with occasional
7 decelerations present. At 0420, a deep variable was noted and subsequently the fetal
8 heart rate ("FHR") dropped and was noted to be 60. Pitocin was discontinued, and a fetal
9 scalp electrode ("FSE") was applied at 0430 confirming bradycardia. At 0448, delivery of
10 the infant was carried out by emergency C-section. Apgar scores of 0/2/4 were recorded
11 and the infant required resuscitation. A venous blood gas was 7.357 with a B.E. of -5.6
12 though no arterial blood gas was able to be obtained. It took several minutes to get the
13 FHR back and a cord blood test performed in the NICU noted a pH of 6.8. A short cord
14 with minimal blood was noted. Chorioamnionitis was present on placental pathology. The
15 infant was diagnosed with HIE.

16 6. Subsequently, the infant was diagnosed with airway clearance impairment,
17 cortical blindness, seizures, and CP.

18 7. The standard of care requires a physician during labor to monitor the patient
19 and the fetal heart rate for abnormalities. Respondent deviated from this standard of care
20 by failing to adequately monitor the laboring patient and the fetal heart rate for
21 abnormalities.

22 8. Actual patient harm was identified in that there was fetal distress leading to
23 HIE and CP.

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1 CONCLUSIONS OF LAW

2 a. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

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

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

10 ORDER

11 IT IS HEREBY ORDERED THAT:

12 1. Respondent is issued a Letter of Reprimand.

13 2. Respondent is placed on Probation for a period of six months with the
14 following terms and conditions:

15 a. Continuing Medical Education

16 Respondent shall within 6 months of the effective date of this Order obtain no less
17 than 5 hours of Board Staff pre-approved Category I Continuing Medical Education
18 ("CME") in fetal distress and the proper documentation of maternal/fetal monitoring.
19 Respondent shall within **thirty days** of the effective date of this Order submit her request
20 for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall
21 provide Board staff with satisfactory proof of attendance. The CME hours shall be in
22 addition to the hours required for the biennial renewal of medical licensure. The Probation
23 shall terminate upon Respondent's proof of successful completion of the CME.

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1 **b. Obey All Laws**

2 Respondent shall obey all state, federal and local laws, all rules governing the
3 practice of medicine in Arizona, and remain in full compliance with any court ordered
4 criminal probation, payments and other orders.

5 3. The Board retains jurisdiction and may initiate new action against
6 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

7 DATED AND EFFECTIVE this 7th day of September, 2023.

8
9 ARIZONA MEDICAL BOARD

10 By 
11 Patricia E. McSorley
12 Executive Director

13 **CONSENT TO ENTRY OF ORDER**

14 1. Respondent has read and understands this Consent Agreement and the
15 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
16 acknowledges she has the right to consult with legal counsel regarding this matter.

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

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

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

25 5. All admissions made by Respondent in this Order are solely for final
disposition of this matter and any subsequent related administrative proceedings or civil

1 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
2 are not intended or made for any other use, such as in the context of another state or
3 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
4 State of Arizona or any other state or federal court.

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

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

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

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

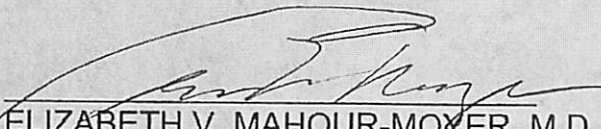
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1 10. If the Board does not adopt this Order, Respondent will not assert as a
2 defense that the Board's consideration of the Order constitutes bias, prejudice,
3 prejudgment or other similar defense.

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

8 12. ***Respondent has read and understands the conditions of probation.***

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10 
11 ELIZABETH V. MAHOUR-MOYER, M.D.

DATED: 08-18-2023

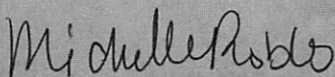
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13 EXECUTED COPY of the foregoing mailed
14 this 7th day of September, 2023 to:

15 Elizabeth V. Mahour-Moyer, M.D.
16 Address of Record

17 Renee Coury, Esq.
18 Campbell, Yost, Clare & Norrell, PC
19 3101 North Central Avenue, Suite 1200
Phoenix, Arizona 85012

20 ORIGINAL of the foregoing filed
21 this 7th day of September, 2023 with:

22 Arizona Medical Board
23 1740 West Adams, Suite 4000
24 Phoenix, Arizona 85007

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Board staff