

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DANIEL M. LIEBERMAN, M.D.**

4 Holder of License No. 28519
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-20-0514A

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

7 Daniel M. Lieberman, M.D. ("Respondent") elects to permanently waive any right to
8 a hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 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 28519 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-20-0514A after receiving notification of
17 a malpractice settlement regarding Respondent's care and treatment of a 53 year-old
18 female patient ("BD") alleging failure to evacuate a subdural hematoma leading to vascular
19 dementia and neuro-cognitive deficits.

20 4. On August 3, 2016, at approximately 2020, BD presented to the Hospital
21 after a ground level mechanical fall at home two days prior. BD was seen on the day of the
22 injury at another hospital, and had a facial laceration repaired. BD complained of
23 headache, and intermittent nausea and vomiting. BD reportedly had a normal neurological
24 exam and was taking aspirin for prior history of cardiac arrhythmia. A head CT showed an
25 acute traumatic left convexity subdural hematoma ("SDH") with 6mm of shift.

1 5. On August 5, 2016, Respondent saw BD and noted that BD was
2 neurologically intact and determined that surgery was not indicated.

3 6. On August 6, 2016, Respondent saw BD and noted that she was clinically
4 and radiologically stable. BD was discharged after being "cleared" by neurology who
5 recommended outpatient follow-up with neurology in 1-2 weeks.

6 7. On August 7, 2016, at 2300, BD presented to the Hospital with complaints of
7 "feeling tired." The ED provider noted a Glasgow coma scale ("GCS") of 15 and a normal
8 neurological exam.

9 8. On August 8, 2016, at 0100, a head CT scan showed that the SDH had
10 increased in size. At approximately 0145, Respondent was contacted by the ED provider
11 and opined that BD could be admitted to the floor. Respondent opined that no intervention
12 was needed.

13 9. On August 9, 2016, at 0836, Respondent noted that BD's neurological
14 examination was stable, and documented a plan to watch the patient for a few days to
15 allow the anti-platelet effect of aspirin to wear off, and then to anticipate surgery.

16 10. On August 10, 2016, Respondent noted that BD was clinically and
17 radiologically stable, and that BD was likely to need craniotomy. Respondent opined that it
18 was safer to wait, as BD was on aspirin.

19 11. On August 11, 2016, BD had an abrupt neurological decline. The covering
20 neurosurgeon was consulted and recommended an emergent craniotomy and evacuation
21 of the SDH. After the surgery, BD had a stroke, and was taken back to the OR to evacuate
22 a recurrent SDH.

23 12. Subsequently, BD had a lengthy post-operative course and was discharged
24 to a long-term care facility.

25 .

1 13. The standard of care requires a physician to perform a timely craniotomy in a
2 patient with worsening symptoms of SDH. Respondent deviated from the standard of care
3 by failing to perform a timely craniotomy and evacuation of an expanding SDH.

4 14. Potential patient harm was identified in that the patient may have avoided
5 neurological sequelae with an earlier craniotomy.

6 **CONCLUSIONS OF LAW**

7 a. The Board possesses jurisdiction over the subject matter hereof and over
8 Respondent.

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

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

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

17 1. Respondent is issued a Letter of Reprimand.

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

20 **a. Continuing Medical Education**

21 Respondent shall within 6 months of the effective date of this Order obtain no less
22 than 10 hours of Board Staff pre-approved Category I Continuing Medical Education
23 ("CME") in an intensive, in-person course regarding medical recordkeeping and no less
24 than 3 hours of Board staff pre-approved Category I CME in the evaluation and
25 management of traumatic subdural hematomas. Respondent shall within **thirty days** of

1 the effective date of this Order submit his request for CME to the Board for pre-approval.
2 Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof
3 of attendance. The CME hours shall be in addition to the hours required for the biennial
4 renewal of medical licensure. The Probation shall terminate upon Respondent's proof of
5 successful completion of the CME.

6 **b. Obey All Laws**

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

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

12 DATED AND EFFECTIVE this 9th day of June, 2022.

13
14 ARIZONA MEDICAL BOARD

15 By Patricia E. McSorley
16 Patricia E. McSorley
17 Executive Director

18 **CONSENT TO ENTRY OF ORDER**

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

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

24 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
25 a hearing or judicial review in state or federal court on the matters alleged, or to challenge

1 this Order in its entirety as issued by the Board, and waives any other cause of action
2 related thereto or arising from said Order.

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

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

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

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

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

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

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

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

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

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16 _____
DANIEL M. LIEBERMAN, M.D.

DATED: 5/12/22

1 EXECUTED COPY of the foregoing mailed
2 this 9th day of June, 2022 to:

3 Daniel M. Lieberman, M.D.
4 Address of Record

5 Paul J. Giancola, Esq.
6 Snell & Wilmer, LLP
7 400 East Van Buren, Suite 1900
8 Phoenix, Arizona 85004-2202
9 Attorney for Respondent

10 ORIGINAL of the foregoing filed
11 this 9th day of June, 2022 with:

12 Arizona Medical Board
13 1740 West Adams, Suite 4000
14 Phoenix, Arizona 85007

15 Michelle Roberts

16 Board staff

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