

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **GHEBRU W. WOLDEMICHAEL, M.D.**

4 Holder of License No. 31647
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-21-0636A

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

7 Ghebru W. Woldemichael, 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 31647 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0636A after receiving a complaint
17 regarding Respondent's care and treatment of a 56 year-old male patient ("RD") alleging
18 performance of an unnecessary procedure, inadequate post-procedure treatment, and
19 performance of a procedure without informed consent.

20 4. On October 27, 2020, RD presented to Respondent's office at a Hospital for
21 a consultation regarding a right ureteral stone. RD had been seen at the Hospital twice
22 within four days for right flank pain, nausea, and vomiting. A CT scan showed a 4-5mm
23 proximal right ureteral stone. RD decided to proceed with a right ureteral stent placement
24 with possible ureteroscopy with laser lithotripsy.

25 5. On October 28, 2020, Respondent performed a right semirigid ureteroscopy
with retrograde pyelogram on RD. The stone was not identified in the ureter and

1 Respondent's conclusion was that the stone had likely retropulsed into the renal pelvis.

2 Respondent placed a ureteral stent and terminated the procedure.

3 6. On October 29, 2020, a CT scan showed the stent in position and the stone
4 in the right lower pole of the kidney with mild right hydronephrosis.

5 7. On October 30, 2020, RD presented to Respondent's office to discuss the
6 imaging results. An x-ray of the kidney, ureter and bladder ("KUB") showed the radiopacity
7 of the now lower pole and non-obstructive stone. Respondent recommended a staged
8 extracorporeal shockwave lithotripsy procedure ("ESWL"). The procedure was initially
9 scheduled for December, but delayed due to COVID restrictions.

10 8. On March 3, 2021, RD presented for an ESWL and stent removal. RD
11 consented for ESWL and stent removal. A discussion was documented regarding the
12 patient's refusal to have a stent placement and a small hand-written note was also placed
13 on a form. During the procedure after removal of the stent, Respondent performed a
14 retrograde pyelogram and found significant swelling of the kidney from the ureterovesical
15 junction ("UVJ") up. Respondent also performed a right ureteroscopy. The nursing staff in
16 the room and manager of the outpatient facility advised Respondent that the patient's
17 refusal to consent for the stent should absolutely preclude stent placement. However,
18 Respondent placed the stent with string to facilitate removal. Respondent stated that he
19 felt it to be in the patient's best interest to place the stent given the findings. Respondent
20 described a plan to explain his findings to the RD in the PACU and if he insisted on
21 removal, to do so with the string at that time.

22 9. RD was informed of the stent placement and asked that it be removed.
23 Respondent removed the stent at bedside. RD requested that Respondent not be involved
24 in his care any further. RD had post-operative penile pain and right flank pain which
25 remained uncontrolled and required placement of a foley catheter. RD was transferred to

1 the Hospital ED for further pain control. A CT scan showed the stone in the lower pole and
2 non-obstructive and kidney swelling to the UVJ that was characterized as mild. The ED
3 physician discussed RD's care with the Chief Medical Officer ("CMO") and the decision
4 was made that the patient would be transferred to a Second Hospital for a new urologist to
5 follow.

6 10. On March 4, 2021, RD was transferred to the Second Hospital and a repeat
7 CT scan showed mild to minimal kidney swelling and the non-obstructive lower pole stent
8 and perinephric and periureteral stranding that was interpreted to be pyelonephritis. A
9 urological evaluation was performed and cultures subsequently showed no growth. RD
10 was discharged on March 10, 2022 after inpatient pain control.

11 11. The standard of care requires a physician to obtain informed consent prior to
12 performing a procedure. Respondent deviated from this standard of care by failing to
13 obtain informed consent prior to performing the right ureteral stent insertion, and by
14 performing a right retrograde pyelogram and right ureteroscopy without informed consent
15 and without documenting a medical justification to amend the operative approach.

16 12. Actual patient harm was identified in that the patient's trust in his health care
17 providers has been damaged.

18 13. There was the potential for patient harm in that ureteroscopy carries an
19 increased risk of ureteral injury and infection compared to ESWL alone.

20 14. After a review of Respondent's practice, including documented conduct
21 issues, the Hospital ordered Respondent to complete anger management and patient
22 rights courses in order to maintain his privileges.

23 15. Respondent has reported to the Board that he has since retired from the
24 practice of medicine.

25

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

CONCLUSIONS OF LAW

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

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

ORDER

IT IS HEREBY ORDERED THAT:

- 1. Respondent is issued a Letter of Reprimand.
- 2. Respondent is placed on Probation for a period of six months with the following terms and conditions:

a. Continuing Medical Education

Respondent shall within 6 months of the effective date of this Order obtain no less than 10 hours of Board Staff pre-approved Category I Continuing Medical Education ("CME") in an intensive, in-person course regarding anger management. Respondent shall within **thirty days** of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure. The Probation shall terminate upon Respondent's proof of successful completion of the CME.

The Board may accept proof of completion of any intensive, in-person anger management course completed by Respondent pursuant to the Hospital's remediation plan in satisfaction of this requirement.

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

b. Obey All Laws

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

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

DATED AND EFFECTIVE this 3rd day of August, 2022.

ARIZONA MEDICAL BOARD

By Pat E McSorley
Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

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

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

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

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

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

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

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


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

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

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.***

9
10
11 
12 _____
13 GHEBRU W. WOLDEMICHAEL, M.D.


DATED: Aug. 2, 2022

14 EXECUTED COPY of the foregoing mailed
15 this 3rd day of August, 2022 to:

16 Ghebru W. Woldemichael, M.D.
17 Address of Record

18 ORIGINAL of the foregoing filed
19 this 3rd day of August, 2022 with:

20 Arizona Medical Board
21 1740 West Adams, Suite 4000
22 Phoenix, Arizona 85007

23 
24 _____
25 Board staff