

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **FERNANDO CRUZADO, M.D.**

4 Holder of License No. 30961  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**Case No. MD-21-0508A**

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

7 Fernando Cruzado, M.D. ("Respondent") elects to permanently waive any right to a  
8 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 30961 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0508A after receiving notification of  
17 a malpractice settlement regarding Respondent's care and treatment of a 2 year-old  
18 female patient ("AM") alleging inappropriate administration of Ativan medication leading to  
19 respiratory distress requiring intubation and failure to properly intubate resulting in  
20 cardiorespiratory arrest, hypoxia, and death.

21 4. On April 13, 2018, AM presented to the Hospital ED with complaints of  
22 wheezing, coughing, and congestion for one day after attending a carnival. AM had a  
23 medical history of asthma. At 0943, AM's vital signs were BP 143/82, HR 160, RR 60, and  
24 O2 saturation of 92% on room air. AM was noted to be wheezing on physical examination  
25 and to be tachypneic with accessory muscle use. Respondent evaluated AM as the  
treating physician.

1           5.     At 0950, an Albuterol and Atrovent nebulizer breathing treatment was  
2 ordered along with Methylprednisolone IM. Respondent noted that after the breathing  
3 treatment, AM was felt to be anxious and Ativan 0.05mg was ordered with an indication of  
4 “wheezing”. Additionally, AM was found to have a bilateral otitis media and her chest x-ray  
5 showed a “mild lateral left inferior perihilar airspace opacity”. Subsequently, AM was given  
6 IV fluids as well as a dose of ceftriaxone for presumed left lower lobe pneumonia and otitis  
7 media. AM was administered an additional Atrovent nebulizer treatment followed by a  
8 Pulmicort nebulizer treatment.

9           6.     At 1118, a pediatric consultation was obtained, and AM was noted to be  
10 weak, mouth breathing, and in respiratory distress with retractions. The Pediatrician  
11 recommended no further doses of Ativan which could cause “respiratory depression” and  
12 transfer to a Children’s Hospital for a higher level of care. AM was noted to become more  
13 “sleepy “, which was attributed to it being her naptime.

14           7.     At 1240, AM's respiratory rate was 73 and oxygen saturation was 97% while  
15 on 10 liter blow by oxygen. The Hospital was notified of a delay in EMS arrival via fixed  
16 wing aircraft secondary to weather conditions. Upon ground crew arrival, request was  
17 made by EMS to secure patient’s airway prior to transport to airport.

18           8.     At 1325, the Hospital initiated rapid sequence intubation (“RSI”). At 1328, AM  
19 desaturated and an unsuccessful endotracheal intubation attempt was made at 1330 by  
20 Respondent. AM developed peri-intubation bradycardia and hypoxemia progressing to  
21 pulselessness. AM received chest compressions from 1329 to 1355. At 1342, an adult  
22 dose of epinephrine was administered.

23           9.     At 1412, the flight crew arrived and successfully intubated patient. At the  
24 Children’s Hospital, AM was diagnosed with parainfluenza type 3 from a respiratory viral  
25 panel. AM was noted to have a concerning neurological examination given the lack of

1 neurological responses with no sedation upon her arrival at the Children's Hospital. A head  
2 CT scan was read as normal. However, on April 14, AM experienced another  
3 cardiopulmonary arrest and was noted to have pulmonary edema and neurological  
4 findings consistent with diffuse hypoxic ischemic encephalopathy. AM subsequently was  
5 transferred to the ICU where she expired on April 19, 2018. The cause of death was  
6 identified as global anoxic brain injury due to respiratory arrest, pneumonia and  
7 parainfluenza.

8       10. The standard of care requires a physician to treat respiratory distress  
9 secondary to asthma exacerbation as bronchodilator therapy with nebulizer treatments.  
10 Respondent deviated from this standard of care by failing to recognize respiratory decline  
11 secondary to wheezing and asthma exacerbation in a known asthmatic pediatric patient.

12       11. The standard of care prohibits a physician from prescribing benzodiazepines  
13 for agitation in a pediatric patient with increasing respiratory distress. Respondent  
14 deviated from the standard of care by prescribing Ativan for wheezing in a pediatric patient  
15 with respiratory distress.

16       12. The standard of care requires a physician to recognize an esophageal  
17 intubation in a timely manner. Respondent deviated from the standard of care by failure to  
18 recognize an esophageal intubation in a timely manner.

19       13. The standard of care requires a physician to initiate the PALS protocol for  
20 asystole/pulseless electrical activity and peri-arrest bradycardia in a pediatric patient.  
21 Respondent deviated from the standard of care by failing to initiate the PALS protocol for  
22 asystole/pulseless electrical activity and peri-arrest bradycardia in a pediatric patient.

23       14. Actual patient harm was identified in that AM suffered an anoxic brain injury  
24 and expired.

25

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 3 hours of Board Staff pre-approved Category I Continuing Medical Education  
18 (“CME”) in the evaluation and treatment of pediatric respiratory conditions. Respondent  
19 shall within **thirty days** of the effective date of this Order submit his request for CME to the  
20 Board for pre-approval. Upon completion of the CME, Respondent shall provide Board  
21 staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours  
22 required for the biennial renewal of medical licensure. The Probation shall terminate upon  
23 Respondent’s proof of successful completion of the CME.

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 5<sup>th</sup> day of August, 2022.

8  
9                   ARIZONA MEDICAL BOARD

10                   By Pat E McSorley  
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 he 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.

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.

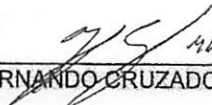
21           8. This Order is a public record that will be publicly disseminated as a formal  
22 disciplinary action of the Board and will be reported to the National Practitioner's Data  
23 Bank and on the Board's web site as a disciplinary action.

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  <sup>AD.</sup>  
FERNANDO CRUZADO, M.D.

DATED: 7/6/2022

12  
13 EXECUTED COPY of the foregoing mailed  
this 5<sup>th</sup> day of August, 2022 to:

14 Fernando Cruzado, M.D.  
15 Address of Record  
16 Randy Yavitz, Esq.  
17 Hunter Humphrey & Yavitz, PLC  
2633 East Indian School Road, Suite 440  
18 Phoenix, Arizona 85016  
Attorney for Respondent

19  
20 ORIGINAL of the foregoing filed  
this 5<sup>th</sup> day of August, 2022 with:

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