



1 RIGHT TO APPEAL TO SUPERIOR COURT

2 Respondent is hereby notified that he has exhausted his administrative remedies.  
3 Respondent is advised that an appeal to Superior Court in Maricopa County may be taken  
4 from this decision pursuant to title 12, chapter 7, and article 6 of the Arizona Revised  
5 Statutes.

6 DATED AND EFFECTIVE this 10<sup>th</sup> day of August, 2022.

7 ARIZONA MEDICAL BOARD

8  
9 By Patricia E. McSorley  
10 Patricia E. McSorley  
11 Executive Director

12 EXECUTED COPY of the foregoing certified mailed and emailed  
13 this 10<sup>th</sup> day of August, 2022 to:

14 Dan J. Capampangan, M.D.  
15 Address of Record  
16 Flynn Carey, Esq.  
17 Mitchell Stein Carey Chapman, PC  
18 2600 North Central Avenue, Suite 1000  
19 Phoenix, Arizona 85004  
20 Attorney for Respondent

21 ORIGINAL of the foregoing filed  
22 this 10<sup>th</sup> day of August, 2022 with:

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

Michelle Probes  
Board staff



1 or certification of any kind. Respondent completed the Hospital's Shadow/Observer  
2 Application, but due to a processing error, did not complete the Sponsor of Observer  
3 Agreement, which would have required him to affirm that the Student Observer would not  
4 render patient care. Additionally, Respondent did not receive or review the Hospital's  
5 Observer Policy, which prohibited student observers from entering sterile fields and  
6 rendering patient care.

7 6. Respondent obtained consent from Patient 1's mother to allow the Student  
8 Observer to attend the procedure. After Respondent performed supratrochlear and  
9 supraorbital nerve blocks on one side of Patient 1, Respondent allowed the Student  
10 Observer to perform the supratrochlear and supraorbital nerve blocks on the other side  
11 under his supervision. The procedure was tolerated well by Patient 1, who did not  
12 experience any complications.

13 7. On September 18, 2021, Respondent completed an intensive, in-person  
14 Continuing Medical Education ("CME") course in Medical Ethics and Professionalism from  
15 a Board-approved provider for a total of 15 credit hours.

16 8. During a Formal Interview on this matter, Respondent testified regarding the  
17 procedure at issue. Respondent stated that this was the first time he had a high school  
18 student present as an observer present in his procedure room, although he has had  
19 medical residents and students rotate with him on a weekly basis. Respondent  
20 additionally described the risks of the procedure and clarified that the peripheral nerve  
21 block performed on the patient was an aseptic procedure, and no sterile field had been  
22 established. Respondent discussed the personalized protection plan developed during the  
23 recently completed boundaries and ethics CME. In response to Board member inquiries  
24 regarding why Respondent failed to realize that a high school student should not be  
25 performing a medical procedure, Respondent testified that it did not occur to him to

1 distinguish between this observer and medical students who he has worked with in the  
2 past.

3 9. During that same Formal Interview, Review Committee members discussed  
4 whether the case rose to the level of discipline. Committee members noted the distinction  
5 between medically trained and untrained individuals who may be observing the practice of  
6 medicine. Ultimately, the Committee agreed that this was an egregious violation,  
7 regardless of the low risk nature of the procedure at issue.

#### 8 **CONCLUSIONS OF LAW**

9 1. The Board possesses jurisdiction over the subject matter hereof and over  
10 Respondent.

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

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

#### 17 **ORDER**

18 IT IS HEREBY ORDERED THAT:

19 1. Respondent is issued a Letter of Reprimand.

#### 20 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

21 Respondent is hereby notified that he/she has the right to petition for a rehearing or  
22 review. The petition for rehearing or review must be filed with the Board's Executive  
23 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The  
24 petition for rehearing or review must set forth legally sufficient reasons for granting a  
25 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after

1 date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed,  
2 the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

3 Respondent is further notified that the filing of a motion for rehearing or review is  
4 required to preserve any rights of appeal to the Superior Court.

5 DATED AND EFFECTIVE this 9<sup>th</sup> day of June, 2022.

6 ARIZONA MEDICAL BOARD

7  
8 By Pat E Mc Sorley  
9 Patricia E. McSorley  
10 Executive Director

11 EXECUTED COPY of the foregoing mailed  
12 this 9<sup>th</sup> day of June, 2022 to:

13  
14 Dan J. Capampangan, M.D.  
15 Address of Record

16 Flynn P. Carey, Esq.  
17 MITCHELL | STEIN | CAREY | CHAPMAN, PC  
18 2600 North Central Avenue, Suite 1000  
19 Phoenix, AZ 85004  
20 Attorney for Respondent

21 ORIGINAL of the foregoing filed  
22 this 9<sup>th</sup> day of June, 2022 with:

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

Michelle Robles  
Board staff