

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **MICHAEL J. FITZMAURICE, M.D**

4 Holder of License No. 36511  
5 For the Practice of Medicine  
6 In the State of Arizona.

**Case No. MD-20-0801A**

**ORDER FOR SURRENDER OF  
LICENSE AND CONSENT TO THE  
SAME**

7 Michael J. Fitzmaurice, M.D. ("Respondent"), elects to permanently waive any right  
8 to a hearing and appeal with respect to this Order for Surrender of License; admits the  
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and  
10 consents to 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 36511 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-20-0801A after receiving a complaint  
17 with allegations including inappropriate care and treatment of two patients, WS and JW.

18 4. WS was an 80 year-old male patient who presented on June 18, 2019, to  
19 Respondent's clinic with cubital tunnel syndrome with complaints of numbness and tingling  
20 in the left ring and small fingers.

21 5. On July 9, 2019, Respondent performed an ulnar nerve neural lysis, nerve  
22 wrap, fat tissue transfer, and platelet rich plasma ("PRP") injection performed on WS.

23 6. Post-operatively an electromyogram ("EMG") showed persistent left cubital  
24 tunnel syndrome, left Guyon canal syndrome, and carpal tunnel syndrome.

25 7. On November 12, 2019, WS underwent a left Guyon canal release with left  
open cubital tunnel re-release performed by a different surgeon.

1           8.       JW was a 62 year-old male patient with a history of a left wrist arthroscopy  
2 with synovectomy and histoplasmosis infection. On October 9, 2019, Respondent  
3 performed a revision tenolysis of the extensor tendons with a capsulotomy at the left wrist  
4 on JW. Post-operatively, JW developed disseminated histoplasmosis and required a  
5 tenosynovectomy, radiocarpal and midcarpal arthrotomies, and flap coverage performed  
6 by another surgeon. .

7           9.       A Medical Consultant (“MC”) who reviewed Respondent’s care and treatment  
8 of JW and WS identified deviations from the standard of care including failure to  
9 recommend conservative treatment to WS and failing to adequately treat JW’s post-  
10 operative infection.

11          10.      Actual patient harm was identified by the MC in that WS has a persistent  
12 “claw hand” deformity to his left hand secondary to severe ulnar nerve pathology. JW  
13 required hospitalization and additional surgeries to treat his post-operative infection.

14          11.      Respondent’s license is currently subject to an Order for Decree of Censure,  
15 Civil Penalty and Probation; and Consent to Same issued in MD-20-0470.

16          12.      Respondent’s license has been issued previous discipline for quality of care  
17 and documentation deficiencies, including two Letters of Reprimand<sup>1</sup>, and two Decrees of  
18 Censure.<sup>2</sup>

19          13.      Effective August 27, 2021 in this case, Respondent entered into an Interim  
20 Consent Agreement for Practice Restriction, agreeing not to practice medicine in the State  
21 of Arizona.

22          14.      Respondent requests surrender of licensure.  
23

24 <sup>1</sup> MD-46-1116A (04/21/2014) and MD-17-0265A, MD-17-0378a, MD-17-0528A and MD-18-0108A  
25 (02/06/2019).

<sup>2</sup> MD-18-0713A (12/04/2020) and MD-20-0470A (04/08/2021)

1 **CONCLUSIONS OF LAW**

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

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

7 3. The Board possesses statutory authority to enter into a consent agreement  
8 with a physician and accept the surrender of an active license from a physician who  
9 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

10 **ORDER**

11 IT IS HEREBY ORDERED THAT Respondent immediately surrender License  
12 Number 36511, issued to Michael J. Fitzmaurice, M.D., for the practice of allopathic  
13 medicine in the State of Arizona, and return his certificate of licensure to the Board.

14 DATED and effective this 2<sup>nd</sup> day of December, 2021.

15 ARIZONA MEDICAL BOARD

16  
17 By: Patricia E. McSorley  
18 Patricia E. McSorley  
19 Executive Director

20 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

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

22          6.     Upon signing this agreement, and returning this document (or a copy  
23 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the  
24 entry of the Order. Respondent may not make any modifications to the document. Any  
25

1 modifications to this original document are ineffective and void unless mutually approved  
2 by the parties.

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

6 8. 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 9. ***Respondent has read and understands the terms of this agreement.***

10 

Dated: 11-24-21

11 MICHAEL J. FITZMAURICE, M.D.

12 EXECUTED COPY of the foregoing mailed by  
13 US Mail this 2<sup>nd</sup> day of December, 2021 to:

14 Michael J. Fitzmaurice, M.D.  
15 Address of Record

16 Paul Giancola, Esq.  
17 Snell & Wilmer, LLP  
18 One Arizona Center  
19 400 East Van Buren Street, Suite 1900  
20 Phoenix, AZ 85004-2202  
21 Counsel for Respondent

22 ORIGINAL of the foregoing filed this  
23 2<sup>nd</sup> day of December, 2021 with:

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



Board staff