

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DONALD J. GREEN, M.D.**

4 Holder of License No. 37789
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-21-0278A

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

7 Donald J. Green, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for a Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 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 37789 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0278A after receiving notification of
17 a malpractice settlement regarding Respondent's care and treatment of a 30 year-old male
18 patient ("JW") alleging failure to identify post-operative bleeding resulting in death.

19 4. On November 17, 2019, JW presented to a Hospital with severe back pain
20 radiating into his chest. An abdominal sonogram showed "gallbladder sludge and
21 distention". At 17:30, JW underwent a laparoscopic cholecystectomy performed by a
22 Surgeon. The Surgeon's operative report documented minimal blood loss during the
23 surgery.

24 5. At 19:40, was transferred to the medical surgical unit in stable condition and
25 pain reported at 4-6 out of 10. Between 19:40 and 21:57 nursing staff documented

1 declining blood pressure with increasing heart rate. At 22:00, nursing reported continued
2 pain and contacted a Resident who ordered IV Dilaudid 0.2-1 mg every 3 hours

3 6. At 22:25, the nurse informed the Resident of JW's vital signs. The Resident
4 asked the nurse to notify an on-call physician because she was off duty.

5 7. The nurse called Respondent, who was the on-call physician, to report JW's
6 vitals and complaints of pain. Respondent was present and working in the emergency
7 room at the time of the call. Respondent ordered an EKG and bolus of normal saline. The
8 EKG showed atrial fibrillation with rapid ventricular response.

9 8. At 22:36, JW was diaphoretic with severe pain. A rapid response was called
10 and Respondent was present. Respondent used Valsalva maneuver in an attempt to
11 treat JW's tachycardia. Respondent concluded that tachycardia was not volume related
12 and administered Esmolol for the tachycardia.

13 9. Respondent was notified at 23:43 that JW was in pain and diaphoretic.

14 10. At 23:53, Respondent was notified by nursing that JW was not improving.
15 Respondent ordered Toradol, Fentanyl, and Ativan. JW subsequently coded and was
16 pronounced dead on November 28, 2019 at 00:53.

17 11. An autopsy concluded that JW had experienced hemorrhagic death. The
18 death certificate listed the cause of death as hemoperitoneum complicating laparoscopic
19 cholecystectomy.

20 12. The standard of care requires a physician to evaluate a post-operative
21 patient for complications and treat them appropriately. Respondent deviated from this
22 standard of care by failing to identify that a patient was experiencing a post-operative
23 bleed.

24 13. Actual patient harm was identified in that JW expired due to blood loss.
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)(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 **ORDER**

8 IT IS HEREBY ORDERED THAT:

9 1. Respondent is issued a Letter of Reprimand.

10
11 DATED AND EFFECTIVE this 4th day of February, 2022.

12 ARIZONA MEDICAL BOARD

13
14 By Patricia E. McSorley
15 Patricia E. McSorley
16 Executive Director

17 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

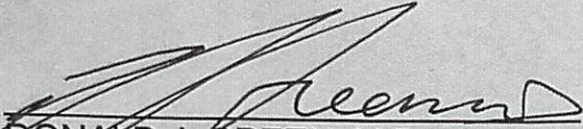
9 6. Notwithstanding any language in this Order, this Order does not preclude in
10 any way any other State agency or officer or political subdivision of this state from
11 instituting proceedings, investigating claims, or taking legal action as may be appropriate
12 now or in the future relating to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

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

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

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

10. Respondent has read and understands the terms of this agreement.


DONALD J. GREEN, M.D.

DATED: 1/28/2022

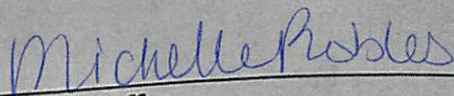
EXECUTED COPY of the foregoing mailed this 4th day of February, 2022 to:

Donald J. Green, M.D.
Address of Record

Kevin C. Nicholas, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
2929 North Central Avenue Suite 1700
Phoenix, AZ 85012
Attorney for Respondent

ORIGINAL of the foregoing filed this 4th day of February, 2022 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007


Board staff