

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )  
)  
)  
Keith Arlyn Fenderson, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. G42277 )  
)  
Respondent )**

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**Case No. 02-2010-210030**

**DECISION**

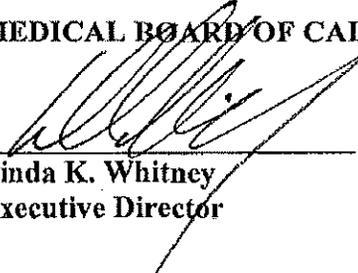
**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on May 27, 2013.**

**IT IS SO ORDERED May 20, 2013.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
\_\_\_\_\_  
**Linda K. Whitney  
Executive Director**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GAIL M. HEPPPELL  
Supervising Deputy Attorney General  
3 JEAN-PIERRE FRANCILLETTE  
Deputy Attorney General  
4 State Bar No. 236017  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, California 94244-2550  
6 Telephone: (916) 324-5330  
Facsimile: (916) 327-2247

7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **KEITH ARLYN FENDERSON, M.D.**  
350 Meadow Gate Road  
13 Meadow Vista, CA 95722

14  
15 Physician's and Surgeon's Certificate No.  
G 42277

16  
17 Respondent.

Case No. 02-2010-210030

OAH No. 2011120886

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Medical Board of California of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of  
22 Accusation Case No. 02-2010-210030.

23 PARTIES

24 1. Linda K. Whitney (Complainant) is the Executive Officer of the Medical Board of  
25 California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Jean-Pierre  
27 Francillette, Deputy Attorney General.





1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
2 of Respondent's license history with the Board.

3 14. Respondent shall lose all rights and privileges as a medical doctor in California as of  
4 the effective date of the Board's Decision and Order.

5 15. Respondent shall cause to be delivered to the Board both his wall license certificate  
6 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

7 16. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
11 contained in Accusation No. 02-2010-210030 shall be deemed to be true, correct and admitted by  
12 Respondent when the Board determines whether to grant or deny the petition.

13 17. If Respondent should ever apply or reapply for a new license or certification, or  
14 petition for reinstatement of a license, by any other health care licensing agency in the State of  
15 California, all of the charges and allegations contained in Accusation No. 02-2010-210030 shall  
16 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
17 Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

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I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Thomas Still. I fully understand the stipulation and the effects it will have on my Physician's and Surgeon's license, and my ability to practice medicine in the State of California. I enter into this Stipulated Surrender of License and Order freely, voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

10/11/12

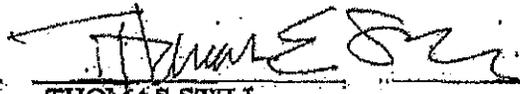


KEITH ARLYN FENDERSON, M.D.  
Respondent

I have read and fully discussed with Respondent KEITH ARLYN FENDERSON, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

10/11/12



THOMAS STILL  
Attorney for Respondent

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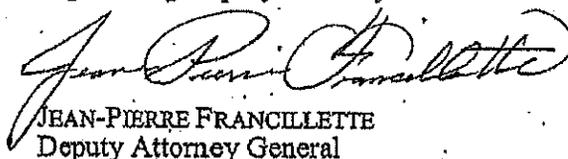
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: October 11, 2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GAIL M. HEPPELL  
Supervising Deputy Attorney General



JEAN-PIERRE FRANCILETTE  
Deputy Attorney General

*Attorneys for Complainant*

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**Exhibit A**

Accusation No. 02-2010-210030

1 KAMALA D. HARRIS  
2 Attorney General of California  
3 GAIL M. HEPPELL  
4 Supervising Deputy Attorney General  
5 JEAN-PIERRE FRANCILLETTE  
6 Deputy Attorney General  
7 State Bar No. 236017  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 324-5330  
Facsimile: (916) 327-2247  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *December 23, 2010*  
BY: *[Signature]* ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:  
KEITH ARLYN FENDERSON, M.D.  
350 Meadow Gate Road  
Meadow Vista, CA 95722  
Physician's and Surgeon's Certificate  
No. G 42277  
Respondent.

Case No. 02-2010-210030

ACCUSATION

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California.
2. On or about July 1, 1980, the Medical Board of California issued Physician's and Surgeon's Certificate Number G 42277 to Keith Arlyn Fenderson, M.D. (Respondent). Said certificate is renewed and current, with an expiration date of November 30, 2013.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2227 of the Code provides, in pertinent part, that a licensee who is found  
2 guilty under the Medical Practice Act may have his or her license revoked, suspended for a period  
3 not to exceed one year, placed on probation and required to pay the costs of probation monitoring,  
4 or such other action taken in relation to discipline as the Division<sup>1</sup> deems proper.

5 5. Section 2234 of the Code states, in pertinent part, the following:

6 "The Division of Medical Quality shall take action against any licensee who is charged with  
7 unprofessional conduct. In addition to other provisions of this article, unprofessional conduct  
8 includes, but is not limited to, the following:

9 (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
10 violation of, or conspiring to violate any provision of this chapter.

11 (b) Gross negligence.

12 ...

13 (d) Incompetence.

14 ..."

15 6. Section 2266 of the Code states, "The failure of a physician and surgeon to maintain  
16 adequate and accurate records relating to the provision of services to their patients constitutes  
17 unprofessional conduct."

18  
19 **FIRST CAUSE FOR DISCIPLINE**  
20 (Bus. & Prof. Code §2234(b))  
21 (Gross Negligence)

22 7. Respondent is subject to disciplinary action under section 2234(b) of the Code as  
23 follows:

24 8. On or about August 26, 2007, a 43 year old female, Patient K.J., presented to the  
25 Sutter Roseville Medical Center emergency room. Patient K.J. was evaluated by Respondent,

26 <sup>1</sup> California Business and Professions Code section 2002, as amended and effective  
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in  
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, sections 2000, et seq.) means the  
"Medical Board of California," and references to the "Division of Medical Quality" and  
"Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the  
Board.

1 who was the attending emergency room physician. The patient suffered from chronic pelvic pain.  
2 Three days prior, Patient K.J. underwent laparoscopy with lysis of adhesions and laser ablation of  
3 endometriosis by Dr. Ho. She presented with postoperative abdominal pain. A patient with  
4 abdominal pain following recent surgery requires appropriate testing to diagnose potential serious  
5 complications such as perforation of the bowel, infection, abscess formation, obstruction, and  
6 vascular injury.

7 9. Respondent examined Patient K.J. The patient, although afebrile (without fever), was  
8 found to have diffuse abdominal tenderness with distention. Respondent then ordered a CBC  
9 (complete blood count), chemistry panel and three view abdomen series. The labs revealed  
10 several abnormalities, of which an elevated white blood cell count was noted (26), with a high  
11 percentage of bands. Such lab results strongly suggest the possibility of intra-abdominal infection  
12 from abscess, perforation or both. A recent post-operative patient with abdominal tenderness and  
13 markedly elevated white blood count requires a surgical consult to determine whether significant  
14 surgical complications are present which might necessitate surgical intervention.

15 10. Respondent also interpreted the abdominal x-rays as consistent with free air and no  
16 foreign body. The patient was given intravenous Dilaudid for pain control as well as intravenous  
17 Phenergan. Patient K.J. was also given intravenous fluids (normal saline).

18 11. Respondent did not order a CT scan of Patient K.J.'s abdomen, despite her being a  
19 post-operative patient with exam and labs that strongly suggested the possibility of significant  
20 intra-abdominal pathology. A CT scan was readily available.

21 12. Respondent did not consider any further diagnostic testing than that outlined above.  
22 A non-specific discharge diagnosis of post-operative abdominal pain reflects a severe lack of  
23 attempts at clarifying the patient's history, physical exam, and grossly abnormal labs.

24 13. Respondent then attempted to reach Dr. Ho, but he was unsuccessful. Respondent  
25 then attempted to reach Dr. Sweeney, who was on call for Dr. Ho. Respondent was not able to  
26 reach either Dr. Ho or Dr. Sweeney. They had been waiting for over an hour and still no response  
27 from either Dr. Ho or Dr. Sweeney. Patient K.J. was sent home with instructions to follow up  
28

1 with Dr. Ho the next morning and to return to the emergency room if her condition worsened.  
2 The discharge diagnosis was post-operative abdominal pain.

3 14. Dr. Ho received the ER record and labs the next day, on August 27, 2007. She was  
4 concerned about the white blood count and called the patient at home and had her admitted to the  
5 hospital for evaluation. Patient K.J. was subsequently admitted the following day (August 28,  
6 2007) by Dr. Ho. The patient underwent an exploratory laparotomy where two bowel  
7 perforations and abscesses were noted. On August 31, 2007, the patient was operated on for  
8 intra-abdominal abscesses.

9 15. Patient K.J. suffered a problematic post-operative course. She required two  
10 additional laparotomies for intra-abdominal abscesses, removal of pleural fluid and placement of  
11 a colostomy. She was discharged from the hospital on September 27, 2007.

12 16. Respondent was grossly negligent in his treatment of Patient K.J., as indicated in  
13 paragraphs 8 through 15, in that he: (1) failed to do a surgical consult to determine whether  
14 significant surgical complications were present; (2) failed to order a CT scan; and (3) failed to  
15 consider any further diagnostic testing. This constitutes unprofessional conduct in violation of  
16 section 2234(b) of the Code.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Bus. & Prof. Code §2234(d))

19 (Incompetence)

20 17. Respondent is subject to disciplinary action under section 2234(d) of the Code as  
21 follows:

22 18. Complainant re-alleges paragraphs 8 through 16, and those paragraphs are  
23 incorporated by reference as if fully set forth herein.

24 19. Patient K.J.'s condition did not change simply because a surgeon was not available;  
25 nor was the need for a surgeon eliminated because none was available after an hour wait.  
26 Respondent claimed that the patient wished to sign out against medical advice, and thus refused  
27 to wait for a consultant, but there is no documentation of this.

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1           26. Respondent is subject to disciplinary action pursuant to Code section 2266, in that he  
2 treated Patient K.J., but failed to maintain adequate records regarding his treatment and care of  
3 her, which constitutes unprofessional conduct.

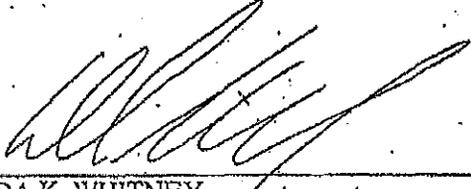
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 42277, issued to Keith Arlyn Fenderson, M.D.
2. Revoking, suspending or denying approval of Keith Arlyn Fenderson's, M.D., authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Keith Arlyn Fenderson, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring;
4. Taking such other and further action as deemed necessary and proper.

DATED: December 2, 2011

  
\_\_\_\_\_  
LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
State of California  
*Complainant*