

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)
_____)

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 FRANCILETTE
Deputy Attorney General
4 State Bar No. 236017
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7

8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

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

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

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.
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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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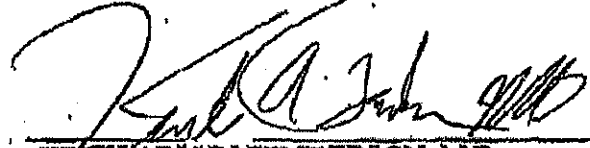
ACCEPTANCE

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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

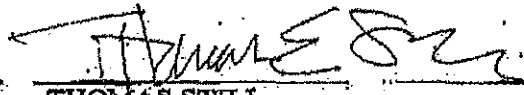


KEITH ARLYN FENDERSON, M.D.
Respondent

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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Exhibit A

Accusation No. 02-2010-210030

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 JEAN-PIERRE FRANCILLETTE
Deputy Attorney General
4 State Bar No. 236017
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Facsimile: (916) 327-2247
7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *December 28, 11*
BY: *[Signature]* ANALYST

8 BEFORE THE
9 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 Physician's and Surgeon's Certificate
15 No. G 42277
16 Respondent.

Case No. 02-2010-210030

ACCUSATION

17 Complainant alleges:

18 PARTIES

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

24 JURISDICTION

25 3. This Accusation is brought before the Medical Board of California (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
28

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 Division¹ 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 ¹ 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
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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.

28 ///

