

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **DANIEL R. EMIG, M.D.**

4 Holder of License No. 41773  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**Case No. MD-15-0200A**

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

7 Daniel R. Emig, 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 41773 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-15-0200A after receiving a complaint  
17 regarding Respondent's care and treatment of a 65 year-old male patient ("J.K.") alleging  
18 failure to correctly diagnose an abdominal aortic aneurysm on an x-ray.

19 4. On October 5, 2012, J.K. had lumbar spine, right hip and right femur  
20 radiographs taken which were ordered due to pain, sprain, right leg numbness, and thigh  
21 burning. Respondent interpreted the radiographs. Respondent's report described  
22 degenerative changes in the lumbar spine, right hip and right knee, but did not note any  
23 abdominal soft tissue findings.

24 5. On April 22, 2014, J.K. was found unresponsive with apnea, asystole and a  
25 Glasgow coma score of 3 (which is suggestive of brain injury). Emergency medical  
technicians administered Advanced Cardiac Life Support to J.K. and transported him to an

1 emergency department. A CT scan showed a ruptured large fusiform abdominal aortic  
2 aneurysm of the mid- to distal-abdominal aorta/aortic bifurcation and a large associated  
3 retroperitoneal hematoma. J.K. required a higher level of care and was transferred to  
4 another hospital. J.K. expired later that day.

5 6. The Board's Medical Consultant ("MC") reviewed the 3-view lumbar spine  
6 radiograph from October 5, 2012 and found that the image clearly shows a fusiform  
7 abdominal aortic aneurysm with calcified AP diameter of 9.6 cm on the coned-down view  
8 of the lumbosacral junction. The Medical Consultant noted that on the full lateral view,  
9 which is collimated, only the calcified posterior wall of the abdominal aorta is visualized.

10 7. The standard of care requires a physician to identify and report any and all  
11 meaningful findings that are discovered on diagnostic imagery. Respondent deviated from  
12 the standard of care by failing to diagnose a calcified abdominal aortic aneurysm on a  
13 lumbar spine x-ray.

14 8. Actual patient harm was identified in that there was a delay in treatment of  
15 the abdominal aortic aneurysm.

16  
17 **CONCLUSIONS OF LAW**

18 a. The Board possesses jurisdiction over the subject matter hereof and over  
19 Respondent.

20 b. The conduct and circumstances described above constitute unprofessional  
21 conduct pursuant to A.R.S. § 32-1401(27)(q) ("Any conduct or practice that is or might be  
22 harmful or dangerous to the health of the patient or the public.").

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

- 3 1. Respondent is issued a Letter of Reprimand.

4  
5 DATED AND EFFECTIVE this 5<sup>th</sup> day of August, 2016.

6 ARIZONA MEDICAL BOARD

7  
8 By Patricia E. McSorley  
9 Patricia E. McSorley  
10 Executive Director

11 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

23 5. All admissions made by Respondent are solely for final disposition of this  
24 matter and any subsequent related administrative proceedings or civil litigation involving  
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

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

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

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

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

15  
16 Daniel R. Emig MD  
17 DANIEL R. EMIG, M.D.

DATED: 6/8/16

18 EXECUTED COPY of the foregoing mailed  
19 this 5<sup>th</sup> day of August, 2016 to:

20 Daniel R. Emig  
21 Address of Record

22 ORIGINAL of the foregoing filed  
23 this 5<sup>th</sup> day of August, 2016 with:

24 Arizona Medical Board  
25 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

Mary Barber  
Board Staff