

Surgeon Agrees To Probation

BY SUSANNE BURKS
Journal Staff Writer

A Phoenix eye surgeon sued numerous times in Albuquerque has entered into a voluntary agreement with the Arizona Board of Medical Examiners to resolve disciplinary proceedings brought by the board.

Dr. Gary Hall, an ophthalmologist specializing in radial keratotomy — known as “RK surgery” — to correct nearsightedness, was charged by the board last fall with unprofessional conduct involving six patients and dating back to 1991.

The board could have taken actions including suspension or revocation of his license.

But the voluntary “consent agreement” between Hall and the board calls for Hall to serve three years — and possibly less — on probation with terms that include having each patient execute an “informed consent” document after viewing an instructional videotape.

A law dictionary defines informed consent as “a person’s agreement to allow something to happen (such as surgery) that is based on a full disclosure of facts needed to make the decision intelligently.”

“You need to know that Dr. Hall’s surgical skills have never been questioned ... The issues have been

more on the informed consent side,” Phoenix attorney Duane Olson, who represents Hall, said in an interview last week.

Hall, who advertises seminars he holds on RK surgery in the Albuquerque media, has been sued more than a dozen times in state and federal courts in Albuquerque.

Nine suits pending in state court were recently consolidated for pre-trial activity before Judge Robert L. Thompson.

Meanwhile, five suits filed by the law firm of Dan Shapiro and Carl Bettinger are pending in U.S. District Court. Bettinger said last week that three of the cases are scheduled for trial in July.

The suits, which involve dozens of plaintiffs — many of them married couples, allege a variety of civil wrongs, including medical malpractice, personal injury and unfair trade practices.

A complaint issued by the Arizona Board of Medical Examiners Nov. 8 says the board had issued four “letters of concern” to Hall in 1987, 1990 and 1992.

The letters were for alleged misleading advertising on cataract surgery, recommending unnecessary surgery twice and failure to appropriately document indications of visual impairment before performing surgery.

The complaint then details apparently new complaints involving six patients in 1991, 1992, 1993 and 1994 and concluded “the conduct and circumstances described above constitute unprofessional conduct.”

The complaint set a hearing date and told Hall he could be subject to censure, probation, suspension or revocation of his license.

A Jan. 19 “consent agreement” cited those patients’ experiences with Hall, stated the board’s conclusions of unprofessional conduct and listed Hall’s probationary terms.

Olson said the terms include abiding by and applying guidelines developed for refractive surgery — the kind “that Dr. Hall has been doing and will continue to do” — by the International Society of Refractive Surgeons.

Olson said Hall will use the guidelines, which became available in late 1995, “so his patients know the risk of the surgery before the surgery is done.”

Hall is pleased with the result of the board actions, Olson added.

The consent agreement shows that the terms of probation also include advising patients when Hall will not provide the postoperative care, performing 80 hours of community service and paying \$10,000 in reimbursement to the board for investigative expenses.