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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
KELLY D. KARTCHNER, M.D.
Holder of License No. 17723
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-21-0252A
INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION

INTERIM CONSENT AGREEMENT

Kelly D. Kartchner, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 17723 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-21-0252A after receiving a report from Respondent's employer that Respondent presented to work at a Hospital impaired on March 15, 2021 and subsequently admitted to abuse of alcohol and use of a non-prescribed controlled substance.
4. The Board additionally received a second report that Respondent's privileges at the Hospital had been summarily suspended on March 15, 2021 due to concerns that Respondent was impaired while on duty, and that Respondent voluntarily relinquished his staff privileges after separation from his medical group employer.

1 Consultant, has the discretion to determine whether it is appropriate to release
2 Respondent from this Interim Consent Agreement.

3 3. The Board retains jurisdiction and may initiate new action based upon any
4 violation of this Interim Consent Agreement, including, but not limited to, summarily
5 suspending Respondent's license.

6 4. Because this is an Interim Consent Agreement and not a final decision by
7 the Board regarding the pending investigation, it is subject to further consideration by the
8 Board. Once the investigation is complete, it will be promptly provided to the Board for its
9 review and appropriate action.

10 5. This Interim Consent Agreement shall be effective on the date signed by the
11 Board's Executive Director.

12
13 DATED this 29th day of March, 2021.

14 ARIZONA MEDICAL BOARD

15 By Patricia E. McSorley
16 Patricia E. McSorley
17 Executive Director

18 **RECITALS**

19 Respondent understands and agrees that:

20 1. The Board, through its Executive Director, may adopt this Interim Consent
21 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
22 504.

23 2. Respondent has read and understands this Interim Consent Agreement as
24 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
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1 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
2 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
3 by doing so agrees to abide by all of its terms and conditions.

4 3. By entering into this Interim Consent Agreement, Respondent freely and
5 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
6 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
7 any other administrative and/or judicial action, concerning the matters related to the
8 Interim Consent Agreement.

9 4. Respondent understands that this Interim Consent Agreement does not
10 constitute a dismissal or resolution of this matter or any matters that may be currently
11 pending before the Board and does not constitute any waiver, express or implied, of the
12 Board's statutory authority or jurisdiction regarding this or any other pending or future
13 investigations, actions, or proceedings. Respondent also understands that acceptance of
14 this Interim Consent Agreement does not preclude any other agency, subdivision, or
15 officer of this State from instituting civil or criminal proceedings with respect to the conduct
16 that is the subject of this Interim Consent Agreement. Respondent further does not
17 relinquish Respondent's rights to an administrative hearing, rehearing, review,
18 reconsideration, judicial review or any other administrative and/or judicial action,
19 concerning the matters related to a final disposition of this matter, unless Respondent
20 affirmatively does so as part of the final resolution of this matter.
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22 5. Respondent acknowledges and agrees that upon signing this Interim
23 Consent Agreement and returning it to the Board's Executive Director, Respondent may
24 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
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1 modifications to it. Any modification of this original document is ineffective and void unless
2 mutually approved by the parties in writing.

3 6. Respondent understands that this Interim Consent Agreement shall not
4 become effective unless and until it is signed by the Board's Executive Director.

5 7. Respondent understands and agrees that if the Board's Executive Director
6 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
7 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
8 bias, prejudice, prejudgment, or other similar defense.

9 8. Respondent understands that this Interim Consent Agreement is a public
10 record that may be publicly disseminated as a formal action of the Board, and that it shall
11 be reported as required by law to the National Practitioner Data Bank.

12 9. Respondent understands that this Interim Consent Agreement does not
13 alleviate Respondent's responsibility to comply with the applicable license-renewal
14 statutes and rules. If this Interim Consent Agreement remains in effect at the time
15 Respondent's allopathic medical license comes up for renewal, Respondent must renew
16 the license if Respondent wishes to retain the license. If Respondent elects not to renew
17 the license as prescribed by statute and rule, Respondent's license will not expire but
18 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
19 final action in this matter. Once the Board takes final action, in order for Respondent to be
20 licensed in the future, Respondent must submit a new application for licensure and meet
21 all of the requirements set forth in the statutes and rules at that time.

22 10. Respondent understands that any violation of this Interim Consent
23 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) ("[v]iolating
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1 a formal order, probation, consent agreement or stipulation issued or entered into by the
2 board or its executive director under this chapter.").

3 
4 KELLY D. KARTCHNER, M.D.

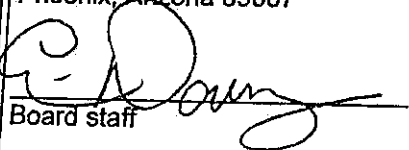
DATED: 26 Mar 2021

6 EXECUTED COPY of the foregoing e-mailed
7 this 21 day of March, 2021 to:

8 Kelly D. Kartchner, M.D.
9 Address of Record

9 ORIGINAL of the foregoing filed
10 this 25 day of March, 2021 with:

11 Arizona Medical Board
12 1740 West Adams, Suite 4000
13 Phoenix, Arizona 85007

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14 Board staff

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