

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **KELLY D. KARTCHNER, M.D.**

4 Holder of License No. 17723
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-21-0252A

**ORDER FOR DECREE OF CENSURE;
AND CONSENT TO THE SAME**

7 Kelly D. Kartchner, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for a Decree of Censure; 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 17723 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0252A after receiving a report from
17 Respondent's employer that Respondent appeared to be impaired at work at a Hospital on
18 March 15, 2021 and subsequently admitted to abuse of alcohol at an earlier point in time,
19 as well as use of a non-prescribed controlled substance the evening prior to presenting to
20 work.

21 4. The Board additionally received a second report that Respondent's privileges
22 at the Hospital had been summarily suspended on March 15, 2021 due to concerns that
23 Respondent was impaired while on duty, and that Respondent voluntarily relinquished his
24 staff privileges after separation from his medical group employer.

25 5. Records provided by both Respondent's employer and the Hospital reflected
multiple staff and coworker reports regarding Respondent's conduct on March 15, 2021,

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1 including entering a patient care room where he was not assigned and creating a
2 disruption, and interviewing a patient for whom he was not assigned. Hospital staff drove
3 Respondent to complete a “for cause” drug screen and then home. Respondent tested
4 positive for a controlled substance, consistent with his disclosure.

5 6. Effective March 29, 2021, Respondent entered into an Interim Consent
6 Agreement for Practice Restriction prohibiting him from practicing medicine.

7 7. On March 31, 2021 Respondent presented for an Assessment with a Board-
8 approved PHP Assessor. The Assessor opined in an Initial Assessment Report that
9 Respondent was not safe to practice medicine pending completion of a comprehensive
10 evaluation.

11 8. On April 13, 2021, Respondent surrendered his DEA Registration for cause.

12 9. On April 14, 2021 Respondent reported to Board staff that he intended to
13 retire from the practice of medicine.

14 10. On June 2, 2021, the PHP Assessor issued a Final Assessment Report. The
15 Final Assessment Report documented Respondent’s denial that he had been impaired by
16 alcohol at work, and his statement that the appearance of impairment was due to a non-
17 substance use related medical condition. Respondent further disclosed use of a non-
18 prescribed controlled substance medication obtained in Mexico. The Assessor further
19 noted that Respondent had recently been stopped at the Mexican border with a second
20 non-prescribed controlled substance in his possession. The Assessor opined that
21 Respondent had a health condition that impaired his ability to safely practice medicine,
22 and recommended completion of a comprehensive evaluation, based on the Assessor’s
23 diagnostic conclusions, and Respondent’s continued assertion that he was experiencing a
24 non-substance use related medical condition that may have given the appearance of
25 impairment.

1 11. During the course of the Board's investigation, Respondent informed Board
2 staff of diagnostic evaluations that supported his assertion regarding his non-substance
3 use related medical condition. Board staff requested copies of the evaluations; however
4 Respondent failed to provide them.

5 12. Respondent did not complete the comprehensive evaluation as
6 recommended by the Assessor. Respondent stopped practicing medicine in Arizona.

7 13. On August 6, 2022, Respondent's license expired due to non-renewal.

8 14. Respondent has requested resolution of this matter. Respondent states that
9 during the time of the investigation, he was experiencing difficult personal circumstances
10 that impacted his ability to comply with the Board's investigation. On May 3, 2023,
11 Respondent provided a report regarding a medical examination that occurred on April 5,
12 2021.

13 15. The Board reserves the right to further evaluate the April 5, 2021 report in
14 the event that Respondent re-applies to the Board in the future.

15 **CONCLUSIONS OF LAW**

16 a. The Board possesses jurisdiction over the subject matter hereof and over
17 Respondent.

18 b. The conduct and circumstances described above constitute unprofessional
19 conduct pursuant to A.R.S. § 32-1401(27)(f) ("A pattern of using or being under the
20 influence of alcohol or drugs or a similar substance while practicing medicine or to the
21 extent that judgment may be impaired and the practice of medicine detrimentally
22 affected..").

23 c. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(g) ("Using controlled substances except if
25 prescribed by another physician for use during a prescribed course of treatment.").

1 d. The conduct and circumstances described above constitute unprofessional
2 conduct pursuant to A.R.S. § 32-1401(27)(r) (“Committing any conduct or practice that is or
3 might be harmful or dangerous to the health of the patient or the public.”).

4 e. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(s) (“Violating a formal order, probation, consent
6 agreement or stipulation issued or entered into by the board or its executive director under
7 the provisions of this chapter.”).

8 f. The conduct and circumstances described above constitute unprofessional
9 conduct pursuant to A.R.S. § 32-1401(27)(ee) (“Failing to furnish information in a timely
10 manner to the board or the board’s investigators or representatives if legally requested by
11 the board.”).

12 **ORDER**

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent is issued a Decree of Censure.

15 DATED AND EFFECTIVE this 6th day of July, 2023.

16 ARIZONA MEDICAL BOARD

17
18 By 
19 Patricia E. McSorley
20 Executive Director

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CONSENT TO ENTRY OF ORDER

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

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

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

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

5. All admissions made by Respondent in this Order are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving 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 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Notwithstanding any language in this Order, this Order does not preclude in any way any other State agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona’s Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Order makes no representations, implied or otherwise, about the views or intended actions of any other

1 state agency or officer or political subdivisions of the State relating to this matter or other
2 matters concerning Respondent

3 7. 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 8. 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 9. 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 10. ***Respondent has read and understands the terms of this agreement.***

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16 KD Kartchner M.D.
17 KELLY D. KARTCHNER, M.D.

DATED: 5/27/2023

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1 EXECUTED COPY of the foregoing
2 mailed this 6th day of July, 2023 to:

3 Kelly D. Kartchner, M.D.
4 Address of Record

5 Heather Macre, Esq.
6 Fennemore.
7 2394 East Camelback Road, Suite 600
8 Phoenix, Arizona 85016-3429
9 Attorney for Respondent

10 ORIGINAL of the foregoing filed
11 this 6th day of July, 2023 with:

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

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16 Board staff

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