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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MICHAEL S. KUNTZELMAN, M.D.

Holder of License No. **13565**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-16-1257A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

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INTERIM CONSENT AGREEMENT

Michael S. Kuntzelman, 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").

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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. 13565 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-1257A after receiving a complaint regarding Respondent's care and treatment of several patients at a methadone/Suboxone clinic where Respondent was employed ("Clinic"), alleging failure to properly treat the patients and inappropriate prescribing.

4. A Medical Consultant ("MC") review of six patient charts identified deviations from the standard of care with regard to five of the patients. The deviations include inappropriate prescribing of benzodiazepines (prescribing medications despite contraindications and prescribing at inappropriate dosages), failing to appropriately address treatment compliance issues with patients (failing to appropriately monitor

1 compliance, failing to properly address red flags), and in one patient, prescribing Adderall
2 without appropriate rationale to a patient with a history of amphetamine abuse.

3 5. Respondent is currently enrolled in an intensive, in-person Continuing
4 Medical Education ("CME") course from a Board-approved provider scheduled to occur on
5 June 24-25, 2017.

6 6. This matter is currently set for formal interview at the Board's upcoming
7 August 2, 2017 Board meeting.

8 7. The aforementioned information was presented to the investigative staff, the
9 medical consultant and the lead Board member. All reviewed the information and concur
10 that the interim consent agreement to restrict Respondent's controlled substance
11 prescribing pending the outcome of a formal interview or formal hearing is appropriate.

12 8. The investigation into this matter is pending Board review.

13 **INTERIM CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

16 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
17 enter into a consent agreement when there is evidence of danger to the public health and
18 safety.

19 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
20 interim consent agreement when there is evidence that a restriction is needed to mitigate
21 imminent danger to the public's health and safety. Investigative staff, the Board's medical
22 consultant and the lead Board member have reviewed the case and concur that an interim
23 consent agreement is appropriate.

24 **INTERIM ORDER**

25 IT IS HEREBY ORDERED THAT:

1 1. Respondent is prohibited from prescribing controlled substances in the State
2 of Arizona until after proof of successful completion of the CME he is currently enrolled in
3 scheduled to occur on June 24-25, 2017. After proof of successful completion of the CME
4 has been provided to and approved by Board staff, Respondent shall be permitted to
5 prescribe buprenorphine, only for treatment of addiction and only at generally accepted
6 doses pending the outcome of a formal interview or formal hearing in this matter. After
7 Board staff determines that Respondent is permitted to prescribe buprenorphine as stated
8 herein, Board staff shall monitor Respondent's prescribing by auditing the Controlled
9 Substance Prescription Monitoring Program ("CSPMP") profile to ensure that the public is
10 protected and the dosages prescribed are within generally accepted standards. Nothing in
11 this paragraph shall be construed to prohibit Board staff from investigating any further or
12 additional potential violations of Board statute for this or any other matter.

13 2. Respondent may request, in writing, release and/or modification of this
14 Interim Consent Agreement as stated herein. The Executive Director, in consultation with
15 and agreement of the lead Board member and the Chief Medical Consultant, has the
16 discretion to determine whether it is appropriate to release Respondent from this Interim
17 Consent Agreement.

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

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

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

21 7. Respondent understands and agrees that if the Board's Executive Director
22 does not adopt this Interim Consent Agreement, he will not assert in any future
23 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
24 bias, prejudice, prejudgment, or other similar defense.
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1 8. Respondent understands that this Interim Consent Agreement is a public
2 record that may be publicly disseminated as a formal action of the Board, and that it shall
3 be reported as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not
5 alleviate his responsibility to comply with the applicable license-renewal statutes and rules.
6 If this Interim Consent Agreement remains in effect at the time Respondent's allopathic
7 medical license comes up for renewal, he must renew his license if Respondent wishes to
8 retain his license. If Respondent elects not to renew his license as prescribed by statute
9 and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-
10 3202), become suspended until the Board takes final action in this matter. Once the
11 Board takes final action, in order for Respondent to be licensed in the future, he must
12 submit a new application for licensure and meet all of the requirements set forth in the
13 statutes and rules at that time.

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

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20 MICHAEL S. KUNTZELMAN, M.D.

DATED: JUNE 7, 2017

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22 EXECUTED COPY of the foregoing e-mailed
23 this 7th day of June, 2017 to:

24 Kathleen Rogers
25 Slutes, Sakrison & Rogers PC
4801 E Broadway Blvd, Suite 301
Tucson, AZ 85711
Attorney for Respondent

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ORIGINAL of the foregoing filed
this 8th day of June, 2017 with:

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

Mary Baker
Board staff