

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE OF**  
**KIM ELLIOT NAGEL, M.D.**

**CONSENT ORDER**

**WHEREAS**, there is now pending before the Mississippi State Board of Medical Licensure (hereinafter referred to as "Board"), the application of Kim Elliot Nagel, M.D., Littleton, Colorado, (hereinafter referred to as "Applicant"), for a license to practice medicine in the State of Mississippi; and

**WHEREAS**, on or about January 15, 2004, Applicant surrendered his Certificate of Qualification and License to practice medicine in the State of Colorado based on charges of unprofessional conduct relating to sexual misconduct with patients; and

**WHEREAS**, on October 16, 2003, the Department of Health and Human Services Regulation and Licensure denied Applicant's petition for a license to practice medicine and surgery in the State of Nebraska due to Applicant's commission of acts of sexual misconduct and exploitation related to the practice of medicine and surgery and having had disciplinary action taken against Applicant's license in the State of Colorado; and

**WHEREAS**, in connection with his application for a license to practice medicine in the State of Mississippi, Applicant submitted to a Comprehensive Clinical Competency Evaluation by Upstate NY Clinical Competency Center; and

**WHEREAS**, on September 4, 2007, through September 7, 2007, Applicant submitted for a Professional Fitness to Practice Evaluation at Acumen Assessments Inc. in Lawrence, Kansas. Applicant was referred to the assessment by the Mississippi

Professionals Health Program (MPHP) ; and

**WHEREAS**, Applicant met with the MPHP on November 28, 2007, and after reviewing documentation provided by Applicant, including a report from Accumen Assessments Inc., the MPHP found the Applicant's treatment process and documentation to be in order and agreed to support him for licensure in the State of Mississippi, subject to a monitoring contract; and

**WHEREAS**, pursuant to Subsection (8)(d) of Section 73-25-29 and Section 73-25-83(a), Miss. Code Ann. (1972), the aforementioned disciplinary action in the States of Colorado and Nebraska, as well as past sexual misconduct, constitutes unprofessional and unethical conduct for which the Board may deny Applicant's application for a Mississippi medical license, or take any other action in relation to his application as the Board may deem proper under the circumstances; and

**WHEREAS**, it is the desire of Applicant to avoid a hearing before the Mississippi State Board of Medical Licensure, and in lieu thereof requests that the Board take action as specified below;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Applicant as signified by his joinder herein, does hereby grant unto Applicant a license to practice medicine in the State of Mississippi, subject to the following probationary terms and conditions, to-wit:

1. Until authorized otherwise by order of the Board, Applicant's practice in the State of Mississippi shall be limited to the Mississippi State Penitentiary, Parchman, Mississippi or other correctional facilities under the jurisdiction of the Mississippi Department of Corrections. Applicant shall practice in a

supervised structured environment, which practice shall be limited to treatment of male patients only.

2. Applicant shall have a practice monitor to oversee his care of patients on at least a monthly basis for a period of one year. Monthly reports shall be made to the Board. At the end of one year, the monitor, along with the Board's Executive Director, will determine if further oversight will be required.
3. Applicant shall report CME activities in the following areas within the first year of his return to practice:
  - a. Use of opioids for chronic pain and palliative care
  - b. Medical ethics and issues of consent
  - c. Confidentiality and autonomy
  - d. Neurological aspects of general psychiatric careCME reports shall include certificates of attendance, course descriptions and dates of attendance.
4. Applicant shall comply with all of the terms and conditions of the Monitoring Agreement entered into by and between Applicant and MPHP. In the event Applicant fails to comply with any or all of the terms and conditions of the Monitoring Agreement, or violates any of the terms and conditions of this Consent Order, the Board shall have the right without hearing to issue an order of prohibition, thereby prohibiting Applicant from practicing medicine pending the outcome of a full evidentiary hearing based on the violations alleged.
5. Applicant shall have the right to petition the Mississippi State Board of

Medical Licensure for release of any or all of the above enumerated conditions after expiration of two (2) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Applicant authorizes the Board to review and examine any documentary evidence or materials concerning Applicant prior to or in conjunction with its consideration of the Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceedings.

Applicant understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. (1972) Section 73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Kim Elliot Nagel, M.D., nonetheless hereby waives his right to notice and a formal adjudication of charges and authorizes the Board

to enter an order accepting this Consent Order, thereby authorizing the issuance of a license to practice medicine in the State of Mississippi, subject to those terms and conditions enumerated above.

EXECUTED, this the 26<sup>th</sup> day of December, 2007.

Kim Elliot Nagel, M.D.  
KIM ELLIOT NAGEL, M.D.

ACCEPTED AND APPROVED this the 23<sup>rd</sup> day of January, 2008, by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

BY: Philip Merideth  
PHILIP T. MERIDETH, M.D., J.D.  
PRESIDENT