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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Tania Kellermeyer, M.D.

Holder of License No. 26360
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-10-0252A

**ORDER FOR LETTER OF REPRIMAND
AND PRACTICE RESTRICTION AND
CONSENT TO THE SAME**

Tania Kellermeyer, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand and Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

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. 26360 for the practice of allopathic medicine in the State of Arizona.

3. On August 28, 2009, Respondent entered into a Stipulated Rehabilitation Agreement to participate in the Board's Monitored Aftercare Program ("MAP") due to a diagnosis of chemical dependency. Respondent also entered into a Consent Agreement for Practice Limitation that limited her to practicing outpatient anesthesia. Respondent was required to complete an evaluation at a Board approve facility before returning to the full practice of anesthesia.

4. Respondent subsequently underwent an evaluation at The Betty Ford Center. The Board's Addiction Medicine Consultant ("AMC") received information from the evaluation facility indicating that Respondent's hair test was positive for meperidine, Respondent's drug of choice. The AMC required Respondent to submit to biological fluid

1 and hair testing. The hair test was positive for meperidine. The AMC concluded that
2 Respondent is not safe to practice medicine and that Respondent requires long-term
3 residential treatment.

4 5. On February 23, 2010, Respondent entered into a Consent Agreement for
5 Practice Restriction, prohibiting her from performing any form of clinical medicine. On
6 February 24, 2010, Respondent's MAP agreement was terminated. Respondent does not
7 qualify to participate in MAP until such time that she completes long-term residential
8 treatment.

9 **CONCLUSIONS OF LAW**

10 1. The Board possesses jurisdiction over the subject matter hereof and over
11 Respondent.

12 2. The conduct and circumstances described above constitutes unprofessional
13 conduct pursuant to A.R.S. §32-1401(27)(f)("[h]abitual intemperance in the use of alcohol
14 or habitual substance abuse.") and A.R.S. §32-1401(27)(r)("[v]iolating a formal order,
15 probation, consent agreement or stipulation issued or entered into by the board or its
16 executive director under the provisions of this chapter.").

17 3. If the Board finds that it can take rehabilitative or disciplinary action without
18 the presence of the doctor at a formal interview it may enter into a consent agreement with
19 the doctor to limit or restrict the doctor's practice or to rehabilitate the doctor in order to
20 protect the public and ensure the doctor's ability to safely engage in the practice of
21 medicine. A.R.S. § 32-1451(F).

22 4. The Board finds that a practice restriction is needed in order to protect the
23 public.

24 **ORDER**

25 IT IS HEREBY ORDERED THAT:

1 1. Respondent has read and understands this Consent Agreement for Letter of
2 Reprimand, Practice Restriction and Consent to Same and the stipulated Findings of
3 Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges she has the
4 right to consult with legal counsel regarding this matter.

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

7 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
8 to a hearing or judicial review in state or federal court to challenge this Order in its entirety
9 as issued, and waives any other cause of action related thereto or arising from said
10 Order.

11 4. The Order is not effective until approved and signed by the Executive
12 Director.

13 5. All admissions made by Respondent are solely for final disposition of this
14 matter and any subsequent related administrative proceedings or civil litigation involving
15 the Board and Respondent. Therefore, said admissions by Respondent are not intended
16 or made for any other use, such as in the context of another state or federal government
17 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
18 any other state or federal court.

19 6. Upon signing this Order, and returning this document (or a copy thereof) to
20 the Board's Executive Director, Respondent may not revoke the consent to the entry of
21 the Order. Respondent may not make any modifications to the document. Any
22 modifications to this original document are ineffective and void unless mutually approved
23 by the parties.

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1 7. This Order is a public record that will be publicly disseminated as a formal
2 action of the Board and will be reported to the National Practitioner's Data Bank and on
3 the Board's web site.

4 8. If any part of the Order is later declared void or otherwise unenforceable,
5 the remainder of the Order in its entirety shall remain in force and effect.

6 9. Any violation of this Order constitutes unprofessional conduct and may
7 result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
8 probation, consent agreement or stipulation issued or entered into by the board or its
9 executive director under this chapter") and 32-1451.

10 10. **Respondent has read and understands the conditions of the restriction.**

11 
12 TANIA KELLERMEYER, M.D. DATED: 6-22-2010

13
14 EXECUTED COPY of the foregoing mailed
15 this 14th day of August, 2010 to:

16 Gary A. Fadell
17 Fadell, Cheney & Burt
18 1601 N. 7th Street, Suite 400
19 Phoenix, AZ 85006

20 ORIGINAL of the foregoing filed
21 this 14th day of August, 2010 with:

22 Arizona Medical Board
23 9545 E. Doubletree Ranch Road
24 Scottsdale, AZ 85258

25 
Arizona Medical Board Staff