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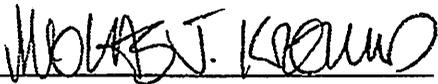
BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of  
**DOUGLAS J. KRELL, M.D.**  
Applicant for License # 49982  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-15-0952A  
**AMENDMENT TO ORDER GRANTING  
PROBATIONARY LICENSE; AND  
CONSENT TO THE SAME**

By mutual agreement and understanding, the Arizona Medical Board ("Board") and Douglas J. Krell, M.D. ("Respondent"), hereby agree to the following disposition of this matter.

Respondent acknowledges that the Order Granting Probationary License and Consent to Same ("Agreement") approved by the Board at its August 4, 2016 Board meeting remains in full force and this Amendment replaces a finding of the previously signed Agreement.

  
\_\_\_\_\_  
Douglas J. Krell, M.D.

DATED: 11/10/16

**AMENDED FINDINGS OF FACT**

IT IS HEREBY ORDERED THAT:

1. The following paragraph replaces Finding of Fact 13 as follows:
13. Respondent further reported to the Board that he would like to have his DEA registration reinstated after obtaining his Arizona license, and would like to enroll in the OB/GYN Re-Entry Fellowship Program offered by the Maricopa Integrated Health System. Respondent subsequently informed the Board that he had received preliminary approval to attend a six week Physician Refresher/Re-Entry course offered by Drexel University Medical School ("Fellowship").

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DATED AND EFFECTIVE this 10<sup>th</sup> day of November, 2016.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley  
Patricia E. McSorley  
Executive Director

EXECUTED COPY of the foregoing mailed  
this 10<sup>th</sup> day of November, 2016 to:

Stephen W. Myers  
MYERS & JENKINS, PC  
714 East Rose Lane Suite 100  
Phoenix, AZ 85014  
Attorney for Respondent

ORIGINAL of the foregoing filed  
this 10<sup>th</sup> day of November, 2016 with:

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

Mary Boyle  
Board Staff



1           5.       In October, 2006, Respondent's privileges to practice obstetrics at Lovelace  
2 Women's Hospital were temporarily suspended for 14 days based on a suspected  
3 misreading of a fetal monitor. During Respondent's period of suspension, he completed a  
4 course in fetal monitoring from the University of New Mexico. After completion of the  
5 course, Respondent's privileges were reinstated subject to auditing for a period of six  
6 months. No further adverse occurrences were reported during the auditing period.

7           6.       On March 21, 2007, Respondent's registration with the New Mexico Board of  
8 Pharmacy was reinstated subject to a two-year probationary period.

9           7.       On October 15, 2007, Respondent entered into an indefinite Stipulated Order  
10 with the New Mexico Medical Board ("NM Board") wherein he agreed not to treat a patient  
11 for chronic pain for more than 30 days. The action arose out of Respondent's 2006  
12 surrender of his DEA Registration and subsequent alleged failure to report the surrender to  
13 the NM Board.

14          8.       On November 26, 2007, Respondent's DEA Registration was reinstated  
15 subject to a Memorandum of Understanding incorporating the NM Board's Stipulated  
16 Order as well as additional requirements prohibiting self-prescribing, prescribing to family  
17 members and the requirement that Respondent maintain a log of all controlled substances  
18 administered, dispensed or prescribed.

19          9.       On April 7, 2011, Respondent entered into a Stipulation and Final Order with  
20 the NM Board for a Letter of Reprimand. In the Stipulation, Respondent admitted that he  
21 failed to report potential anomalies in a fetal ultrasound to the mother and failed to include  
22 the related ultrasound report when the mother made a subsequent request for medical  
23 records from the Respondent.

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1           10.    On September 13, 2012, Respondent voluntarily surrendered his DEA  
2 Registration subsequent to an investigation into allegations that he failed to maintain  
3 prescribing records as required by the 2007 Memorandum of Understanding.

4           11.    On September 4, 2014, Respondent entered into a Stipulation of Licensure  
5 and Order for a Reprimand with the NM Board subsequent to an investigation arising out  
6 of an allegation that he violated the 2007 NM Stipulated Order. Respondent was also  
7 ordered to complete the ProBE/ethics course offered by the Center for Personalized  
8 Education for Physicians ("CPEP"). Respondent timely completed the course and was  
9 deemed by CPEP to have unconditionally passed it. Respondent's NM license remains  
10 restricted.

11           12.    Respondent reported to the Board that he has not actively practiced  
12 medicine since 2013, but has worked in other capacities in the medical field. Respondent  
13 also reported that he does not plan on treating chronic pain patients, and he recently  
14 completed additional CME in opioid prescribing and expressed the importance of having  
15 appropriate safeguards in place to reduce the chances of opioid abuse by chronic pain  
16 patients.

17           13.    Respondent further reported to the Board that he would like to have his DEA  
18 registration reinstated after obtaining his Arizona license, and would like to enroll in the  
19 OB/GYN Re-entry Fellowship Program offered by Maricopa Integrated Health System  
20 ("The Fellowship").

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**CONCLUSIONS OF LAW**

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent and may issue probationary licenses pursuant to A.R.S. § 32-1427(H).

b. Pursuant to A.R.S. § 32-1422(A), "An applicant for a license to practice medicine in this state pursuant to this article shall meet each of the following basic requirements . . . 4. Have a professional record that indicates that the applicant has not committed any act or engaged in any conduct that would constitute grounds for disciplinary action against a licensee under this chapter."

c. Pursuant to A.R.S. § 32-1422(C), "In determining if the requirements of subsection A, paragraph 4 of this section have been met, if the board finds that the applicant committed an act or engaged in conduct that would constitute grounds for disciplinary action, the board shall determine to its satisfaction that the conduct has been corrected, monitored and resolved. If the matter has not been resolved, the board shall determine to its satisfaction that mitigating circumstances exist that prevent its resolution."

**ORDER**

IT IS HEREBY ORDERED THAT:

1. Upon written receipt of a letter by the Medical Director of the Fellowship agreeing to provide supervision for Respondent as stated in paragraph 3 herein, this Agreement will be executed and Respondent's application for license #49982 is granted subject to the following probationary conditions:
2. Respondent is placed on Probation for a period of time equal to the length of Respondent's participation in the Fellowship.
3. During the period of Probation, Respondent's practice is restricted to participation in the Fellowship. Respondent's participation in the Fellowship shall be supervised by the Medical Director or their designee ("Director"). Respondent shall provide the Director with

1 a copy of this Order and thereafter Respondent shall provide the Board with a letter from  
2 the Director that he or she has reviewed the Order, and agrees to provide supervision for  
3 Respondent as stated herein including reporting unprofessional conduct to the Board  
4 pursuant to A.R.S. § 32-1451(B). In the event that Respondent ceases participation in the  
5 Fellowship prior to completion, he shall contact the Board within five days of his  
6 termination or resignation. Respondent's license shall be immediately suspended pending  
7 further review by the Board.

8 a. **Obey All Laws**

9 Respondent shall obey all state, federal and local laws, all rules governing the  
10 practice of medicine in Arizona, and remain in full compliance with any court ordered  
11 criminal probation, payments and other orders.

12 b. **Tolling**

13 In the event Respondent should leave Arizona to reside or practice outside the  
14 State or for any reason should Respondent stop practicing medicine in Arizona,  
15 Respondent shall notify the Executive Director in writing within ten days of departure and  
16 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
17 time exceeding thirty days during which Respondent is not engaging in the practice of  
18 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
19 non-practice within Arizona, will not apply to the reduction of the probationary period.

20 c. **Probation Termination**

21  
22 Prior to the termination of Probation, Respondent must submit a written request to  
23 the Board for release from the terms of this Order. Respondent's request for release will  
24 be placed on the next pending Board agenda to determine whether Respondent is eligible  
25 for a full, unrestricted Arizona medical license, provided a complete submission is received  
by Board staff no less than 14 days prior to the Board meeting. Respondent's request for

1 release must provide the Board with evidence establishing that he has successfully  
2 completed the Fellowship and that he is safe to practice medicine. The Board may  
3 consider both Respondent's participation in the fellowship as well as his prior licensing  
4 history with the New Mexico Board and has the sole discretion to determine whether all of  
5 the terms and conditions of this Order have been met or whether to take any other action  
6 that is consistent with its statutory and regulatory authority, including requiring Respondent  
7 to complete any additional testing or evaluations in order to demonstrate that he is safe to  
8 practice medicine.

9 4. The Board retains jurisdiction and may initiate new action against  
10 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

11 DATED AND EFFECTIVE this 10<sup>th</sup> day of November, 2016.

12  
13 ARIZONA MEDICAL BOARD

14  
15 By Patricia E. McSorley  
16 Patricia E. McSorley  
17 Executive Director

18 **CONSENT TO ENTRY OF ORDER**

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

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

24 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to  
25 a hearing or judicial review in state or federal court on the matters alleged, or to challenge

1 this Order in its entirety as issued by the Board, and waives any other cause of action  
2 related thereto or arising from said Order.

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

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

11 6. Upon signing this agreement, and returning this document (or a copy thereof)  
12 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
13 the Order. Respondent may not make any modifications to the document. Any  
14 modifications to this original document are ineffective and void unless mutually approved  
15 by the parties.

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

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

21 9. If the Board does not adopt this Order, Respondent will not assert as a  
22 defense that the Board's consideration of the Order constitutes bias, prejudice,  
23 prejudgment or other similar defense.

24 10. Any violation of this Order constitutes unprofessional conduct and may result  
25 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,

1 consent agreement or stipulation issued or entered into by the board or its executive  
2 director under this chapter.”) and 32-1451.

3  
4 11. *Respondent has read and understands the conditions of probation.*

5  
6 DOUGLAS J. KRELL, M.D.  
7 DOUGLAS J. KRELL, M.D.

DATED: 7/25/16

8  
9 EXECUTED COPY of the foregoing mailed  
10 this 10<sup>th</sup> day of November, 2016 to:

11 Stephen W. Myers, Esq.  
12 Myers & Jenkins, PLC  
13 714 E Rose Lane, Suite 100  
14 Phoenix, AZ 85014  
15 Attorney for Respondent

16 ORIGINAL of the foregoing filed  
17 this 10<sup>th</sup> day of November, 2016 with:

18 Arizona Medical Board  
19 9545 E. Doubletree Ranch Road  
20 Scottsdale, AZ 85258

21 Mary Parley  
22 Board Staff  
23  
24  
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