BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **TIMOTHY KLEIN, M.D.** Holder of License No. 32213 For the Practice of Medicine In the State of Arizona.	Case No. MD-10-0128A **ORDER FOR SURRENDER OF LICENSE AND CONSENT TO THE SAME**

Timothy Klein, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; 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 number 32213 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-10-0128A after receiving notification alleging that Respondent demonstrated behavior consistent with substance abuse.

4. In 1999, Respondent entered into a Stipulated Rehabilitation Agreement to participate in the Board's Monitored Aftercare Program (MAP). Respondent subsequently relapsed, attended treatment, and signed a consent agreement in 2000 granting him a residency-training permit and probation to participate in MAP. Respondent completed his residency program in 2003; however, he could no longer participate in MAP since his training permit expired. Respondent subsequently obtained private monitoring until the Board approved his application for licensure on November 13, 2003. On that same date,

Respondent entered into a consent agreement for five years probation to participate in MAP.

5. In January 2004, Respondent relocated to another State and successfully participated in that States' monitored treatment program. In February 2005, Respondent returned to Arizona and began his participation in MAP. In June 2005, Respondent requested that he be granted three years credit for prior monitoring. On October 12, 2005, the Board terminated Respondent's consent agreement for probation.

6. On January 27, 2010, the Board received a complaint alleging Respondent demonstrated behavior consistent with a substance abuse. On January 28, 2010, Respondent was ordered to undergo an assessment with the Board's Addiction Medicine Contractor (AMC). On February 9, 2010, the AMC met with Respondent who admitted to relapsing on opiates and benzodiazepines. The AMC recommended that Respondent was not safe to practice medicine. On February 11, 2010, Respondent entered into an Interim Order for Practice Restriction that prohibited him from practicing medicine or prescribing any form of treatment until he applied to the Board and received permission to do so.

7. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. §32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol or habitual substance abuse.").

CONCLUSIONS OF LAW

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

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender License Number 32213, issued to Timothy Klein, M.D. for the practice of allopathic medicine in the State of Arizona, and return his wallet card and certificate of licensure to the Board.

DATED and effective this 10th day of June, 2010.

ARIZONA MEDICAL BOARD

(SEAL)

By: Lisa S. Wynn
Executive Director

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

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

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

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

Dated: 4/12/10

TIMOTHY KLEIN, M.D.

EXECUTED COPY of the foregoing mailed by US Mail this 10th day of June, 2010 to:

Timothy Klein, M.D.
Address of Record

ORIGINAL of the foregoing filed this 10th day of June, 2010 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

Arizona Medical Board Staff