

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2014-046

In the Matter of)
)
)
KATHLEEN E. KOEHLER, M.D.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Kathleen E. Koehler, M.D. (Respondent) has practiced medicine in violation of law, regulation, and/or good and accepted medical practice, as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 13-125.

FINDINGS OF FACT

1. The Respondent was born on December 28, 1953. She graduated from Albert Einstein College of Medicine Yeshiva University in 1980. She has been licensed to practice medicine in Massachusetts under certificate number 49598 since 1985. She is board-certified in Gastroenterology.
2. On December 13, 2012, at approximately 9:21 a.m., the Yarmouth police placed the Respondent under arrest for Operating Under the Influence of Liquor (OUI). The Respondent appeared before the Barnstable District Court for arraignment later that day.
3. On March 4, 2013, the Respondent performed a colonoscopy procedure on a patient while she was impaired by alcohol.
4. On March 4, 2013, the Respondent went to Pennsylvania and immediately entered the Caron Treatment Center.

5. On March 4, 2013, the Respondent entered into a Physician Health Services (PHS) Substance Use Monitoring Contract which required abstinence from alcohol and drug use.

6. Candace Lapidus Sloane, M.D. (Board Chair) accepted the Respondent's Voluntary Agreement Not to Practice (VANP) on March 29, 2013. The Board ratified the VANP on April 10, 2013.

7. On July 22, 2013, the Respondent admitted to sufficient facts on the charges of OUI Liquor and Negligent Operation of a Motor Vehicle in Barnstable District Court. The court ordered that the case be Continued Without a Finding (CWOFF) for a period of one year. The court placed the Respondent on probation during the one-year period, and ordered that she complete the Alcohol Safety Awareness Program pursuant to G.L. c. 90, § 24D as a condition of her probation.

8. On July 22, 2014, the court terminated the Respondent's probation and dismissed the charges against her.

9. In a letter dated October 14, 2014, the Director of PHS stated that the Respondent has been compliant with her PHS contract since she entered into it on March 4, 2013.

Legal Basis for Proposed Relief

Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), and Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training, or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: November 19, 2014

SENT CERTIFIED MAIL 11/20/14 *ms*