

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2014-046

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

Kathleen E. Koehler, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanctions set forth below in resolution of investigative Docket Number 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.

CONCLUSIONS OF LAW

The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. See *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

SANCTION AND ORDER

The Respondent is hereby indefinitely suspended. The suspension may be stayed upon 18 consecutive months of documented sobriety and entrance into a five-year Probation Agreement. The conditions of the Probation Agreement are as follows: compliance with her Physician Health Services contract, a Board-approved practice plan, worksite monitoring, and any other conditions the Board may deem appropriate.

EXECUTION OF THIS CONSENT ORDER

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of the Respondent, her attorney, and Complaint Counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the stipulations contained herein shall be null and void; thereafter neither of the parties nor anyone else may rely on these stipulations in this proceeding. As to any matter that this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on her behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that she may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this consent order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which she practices medicine; any in- or out-of-state health maintenance organization with whom she has privileges or any other kind of association; any state agency, in- or out-of-state, with which she has a provider contract; any in- or out-of-state medical employer, whether or not she practices medicine there; the state

licensing boards of all states in which she has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which she becomes associated for the duration of this suspension and probation. The Respondent is further directed to certify to the Board within ten (10) days that she has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Kathleen E. Kochler, M.D.
Respondent

10/29/14.

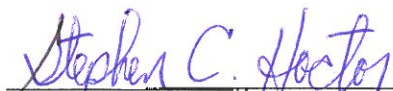
Date



Paul R. Cirel, Esquire
Counsel for the Respondent

10/29/14

Date



Stephen C. Hctor, Esquire
Complaint Counsel

11/4/14

Date

So ordered by the Board of Registration in Medicine this 19th day of November, 2014

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair