BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

JOHN KALLMEYER, M.D.

Case No. MD-16-0266A

HOLDER OF LICENSE NO. 8383
FOR THE PRACTICE OF ALLOPATHIC MEDICINE
IN THE STATE OF ARIZONA.

ORDER FOR LETTER OF
REPRIMAND AND PROBATION;
AND CONSENT TO THE SAME

John Kallmeyer, M.D. ("Respondent"), elects to permanently waive any right to a
hearing and appeal with respect to this Order for a Letter of Reprimand and Probation;
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 8383 for the practice of
allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-0266A after receiving a complaint
from SL alleging that Respondent inappropriately prescribed controlled substances to his
daughter, KL.

4. The Board's Medical Consultant ("MC") reviewed data from the Controlled
Substance Prescription Monitoring Program ("CSPMP") and observed that Respondent
wrote twenty-five prescriptions for controlled substances (Oxycodone/Acetaminophen
10mg/325) over a sixteen month period for his daughter, KL, who suffers from lumbar
radiculopathy. Respondent did not maintain medical records for the prescriptions.

5. The standard of care prohibited Respondent from prescribing controlled
substances to members of the physician's immediate family. Respondent deviated from
this standard of care by writing 25 controlled substance prescriptions for his daughter over
a sixteen month period.

6. There was the potential for patient harm in that unless KL was a regular
patient of Respondent, he would not necessarily have results of her ongoing medical
examinations, vital signs, lab reports, scan results, or current medications. Prescribing
narcotics in this setting could therefore have a negative impact on KL’s health.

CONCLUSIONS OF LAW

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

b. The conduct and circumstances described above constitute unprofessional
conduct pursuant to A.R.S. § 32-1401(27)(e)("Failing or refusing to maintain adequate
records on a patient.").

c. The conduct and circumstances described above constitute unprofessional
conduct pursuant to A.R.S. § 32-1401(27)(h)("Prescribing or dispensing controlled
substances to members of the physician's immediate family.").

d. The conduct and circumstances described above constitute unprofessional
conduct pursuant to A.R.S. § 32-1401(27)(q)("Any conduct or practice that is or might be
harmful or dangerous to the health of the patient or the public.").

e. The conduct and circumstances described above constitute unprofessional
conduct pursuant to A.R.S. § 32-1401(27)(ss)("Prescribing, dispensing or furnishing a
prescription medication or a prescription-only device as defined in section 32-1901 to a
person unless the licensee first conducts a physical examination of that person or has
previously established a doctor-patient relationship.").
ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

2. Respondent is placed on Probation for a period of six months with the following terms and conditions:

   a. Continuing Medical Education

      Respondent shall within 6 months of the effective date of this Order obtain no less than 10 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") regarding controlled substance prescribing. Respondent shall within thirty days of the effective date of this Order submit his request for CME to the Board for pre-approval.

      Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure. The Probation shall terminate upon Respondent's proof of successful completion of the CME.

   b. Obey All Laws

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

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

DATED AND EFFECTIVE this 3rd day of November, 2017.

ARIZONA MEDICAL BOARD

By  Patricia E. McSorley
   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.
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 website 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.

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

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

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**JOHN KALLMEYER, M.D.**

DATED: 10-2-17

EXECUTED COPY of the foregoing mailed this 3rd day of November, 2017 to:

John Kallmeyer, M.D.
Address of Record

ORIGINAL of the foregoing filed this 3rd day of November, 2017 with:

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

**Mary Barber**
Board Staff