

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **TIMOTHY KLEIN, M.D.**

4 Holder of License No. 32213
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-10-0128A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT TO THE
SAME**

7 Timothy Klein, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 32213 for the practice of
15 allopathic medicine in the State of Arizona.

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

18 4. In 1999, Respondent entered into a Stipulated Rehabilitation Agreement to
19 participate in the Board's Monitored Aftercare Program (MAP). Respondent subsequently
20 relapsed, attended treatment, and signed a consent agreement in 2000 granting him a
21 residency-training permit and probation to participate in MAP. Respondent completed his
22 residency program in 2003; however, he could no longer participate in MAP since his
23 training permit expired. Respondent subsequently obtained private monitoring until the
24 Board approved his application for licensure on November 13, 2003. On that same date,
25

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

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

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

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

19 CONCLUSIONS OF LAW

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

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

25 ORDER

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

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



ARIZONA MEDICAL BOARD

By: *Lisa S. Wynn*
Lisa S. Wynn
Executive Director

10 **CONSENT TO ENTRY OF ORDER**

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

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

16 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
17 to a hearing or judicial review in state or federal court on the matters alleged, or to
18 challenge this Order in its entirety as issued by the Board, and waives any other cause of
19 action related thereto or arising from said Order.

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

22 5. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

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

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

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

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

16 
17 _____
TIMOTHY KLEIN, M.D.

Dated: 4/12/10

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

20 Timothy Klein, M.D.
21 Address of Record 

22 ORIGINAL of the foregoing filed this
23 10th day of June, 2010 with:

24 The Arizona Medical Board
25 9545 East Doubletree Ranch Road
Scottsdale, AZ 85258


Arizona Medical Board Staff