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AZ Podiatry Board

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BEFORE THE ARIZONA STATE BOARD OF  
PODIATRY EXAMINERS

In the Matter of: )  
)  
RONALD B. KILLIAN, DPM )  
Holder of License No. 0554 )  
For the Practice of Podiatry )  
In the State of Arizona )

CASE NO. 16-27-B  
CONSENT AGREEMENT  
AND ORDER

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Podiatry Examiners ("Board"), and in the interest of protecting the people of the State of Arizona, consistent with the statutory requirements and responsibilities of the Board pursuant to A.R.S. § 32-801, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Ronald B. Killian, DPM ("Respondent"), holder of license number 0554 to practice podiatry in the State of Arizona, and the Board enter into the following Consent Agreement for Findings of Fact, Conclusions of Law, and Order for Civil Penalty ("Consent Agreement") as the final disposition of this matter.

1. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter, at which time Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or any other administrative, and/or judicial action concerning the matters set forth herein. Respondent

1 affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to  
2 this original document are ineffective and void unless mutually approved by the parties in writing.

3 3. Respondent agrees that the Board may adopt this Consent Agreement or any part  
4 of this agreement under A.R.S. §§ 32-852 and 32-852.01. Respondent understands that the Board  
5 may consider this Consent Agreement or any part of it in any future disciplinary action against  
6 him.

7 4. Respondent understands that this Consent Agreement does not constitute a  
8 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not  
9 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
10 regarding any other pending or future investigation, action, or proceeding.

11 5. All admissions Respondent makes in this Consent Agreement are made solely for  
12 the final disposition of investigation number 16-27-B, and any related administrative proceedings  
13 or civil litigation involving the Board and Respondent. Respondent further understands that  
14 acceptance of the Consent Agreement does not preclude any other agency, subdivision, or officer  
15 of this state from instituting other civil or criminal proceedings with respect to the conduct that  
16 is the subject of this Consent Agreement.

17 6. The Consent Agreement shall be subject to adoption by the Board and shall be  
18 effective only when signed by the President of the Board or the Executive Director of the Board,  
19 on behalf of the President. In the event that the Board does not adopt this Consent Agreement, it  
20 is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in  
21 any action by any party. The parties agree that if the Board rejects this Consent Agreement and  
22 this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by  
23 its review and discussion of this document or any other records relating thereto.

24 7. Respondent understands that a Civil Penalty constitutes disciplinary action.  
25 Respondent further understands that any disciplinary action taken against a licensee by the Board  
26 must be reported to the National Practitioner Data Bank, in accordance with federal regulations.

8. Respondent understands that this Consent Agreement is a public record that may

1 be publicly disseminated as a formal action of the Board.

2 9. Respondent understands that any violation of this Consent Agreement could be  
3 grounds for further disciplinary action by the Board pursuant to A.R.S. § 32-854.01(21).

4  
5  
6 DATED: 8/30/2016

SIGNED: 

7 Ronald B. Killian, DPM

8 **FINDINGS OF FACT**

9 1. The Arizona State Board of Podiatry Examiners is the duly constituted agency for  
10 licensing and regulating the practice of podiatry in the State of Arizona and has jurisdiction over  
11 Respondent and the subject matter pursuant to A.R.S. § 32-801, *et seq.*

12 2. Ronald B. Killian, DPM, is the holder of License Number 0554, which enables him  
13 to practice podiatry in the State of Arizona.

14 3. Respondent has been continuously licensed to practice podiatry in the State of  
15 Arizona since December 4, 2007. Respondent's license to practice podiatry was renewed on May  
16 23, 2016 and is effective until August 31, 2017.

17 4. On or about February 10, 2016, the Board received information that Respondent  
18 dispensed a custom orthotic device to patient R.M. Respondent was not registered with the Board  
19 at that time to dispense drugs or devices in the State of Arizona.

20 5. On June 8, 2016, the Board opened a complaint to investigate whether Respondent  
21 had been dispensing devices to patients without ever having registered with the Board to dispense  
22 drugs or devices in the State of Arizona.

23 5. In a response to the Board dated July 19, 2016, Respondent states he was not aware  
24 orthotics constituted a "device" requiring registration to dispense and apologized that he was not  
25 aware he needed to register with the Board to dispense orthotics.

26 6. Respondent was contacted by the Board on June 3, 2016 and made aware that he  
was not registered as a provider to dispense drugs or devices in the State of Arizona. Respondent

1 promptly registered and paid the necessary registration fee on June 8, 2016, in person, at the  
2 Board's office. Respondent's registration to dispense drugs or devices application was processed  
3 and approved on July 13, 2016.

4 7. At the August 10, 2016 Regular Board Meeting, Respondent acknowledged he may  
5 have been dispensing orthotics without registering with the Board for possibly six years and again  
6 apologized to the Board.

7 8. A.A.C. R4-25-602 was adopted on July 27, 1995, requiring an individual currently  
8 licensed as podiatrist in Arizona to register with the Board if he or she wishes to dispense drugs  
9 and devices. A.R.S. § 32-871 gives authority to the Board to promulgate these rules, issue a civil  
10 penalty of not less than three hundred dollars (\$300) and not more than one thousand dollars  
11 (\$1,000) for each transaction, and further defines "dispense" as the delivery by a podiatrist of a  
12 prescription drug or device to a patient.

#### 13 CONCLUSIONS OF LAW

14 The conduct described in the Findings of Fact constitutes grounds for disciplinary action  
15 pursuant to A.R.S. §§ 32-852 and 32-852.01 and violates the provisions of A.R.S. § 32-854.01(26)  
16 which states, "Failing to dispense drugs and devices in compliance with article 4 of this chapter."

#### 17 ORDER

18 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**  
19 **ORDERED THAT** Ronald B. Killian, DPM, holder of license number 0554, shall be subject to  
20 a **CIVIL PENALTY**. Respondent shall pay a Civil Penalty in the amount of **FIVE HUNDRED**  
21 **AND 00/100 DOLLARS** (\$500.00). This Civil Penalty shall be paid to the Arizona State Board  
22 of Podiatry Examiners by no later than six (6) months from the effective date of this Order.  
23 Payment may be in the form of a lump sum or payments over time, but the total amount must be  
24 paid no later than six (6) months from the effective date of this Order. This Order becomes  
25 effective as of the date stated below and shall terminate once the Civil Penalty is paid in full.

26 ///

1 DATED THIS 12TH DAY OF SEPTEMBER 2016.

2 ARIZONA BOARD OF PODIATRY EXAMINERS

3  
4 By: Barbara A. Campbell, D.P.M.  
5 Barbara A. Campbell, D.P.M., Board President

6 Original Consent Agreement for  
7 Probation and Civil Penalty filed this  
8 12<sup>th</sup> day of September 2016 with the:

9 Arizona State Board of Podiatry Examiners  
10 1400 West Washington Street, Suite 201  
11 Phoenix, Arizona 85007

12 Copy of the foregoing sent by Electronic and Regular mail this  
13 12<sup>th</sup> day of September 2016 to:

14 Ronald B. Killian, DPM  
15 Lakeside Orthopedic, Inc.  
16 25 Riviera Blvd.  
17 Lake Havasu City, AZ 86405  
18 [drkillian@frontiernet.net](mailto:drkillian@frontiernet.net)

19 Copy of the foregoing sent by Electronic mail this  
20 12<sup>th</sup> day of September 2016 to:

21 Frankie Shinn-Eckberg, Assistant Attorney General  
22 Office of Arizona Attorney General  
23 1275 West Washington Street  
24 Phoenix, AZ 85007  
25 [franikie.eckberg@azag.gov](mailto:franikie.eckberg@azag.gov)

26 By: 