

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

3 IN THE MATTER OF:) **Cases No.: 3250 and 3290**
4)
4 **ETHAN O. KENNEDY, D.O.**) **TERMINATION OF**
Holder of License No. **3123**) **ORDER FOR PROBATION**
5)
6 For the practice of osteopathic medicine in the)
State of Arizona)
7

8 IT IS HEREBY ORDERED that the Order for Probation dated March 2, 2004 and the
9 Order dated July 12, 2004 and each amended Order issued subsequent to those Orders, has been
10 satisfied in full and that an unrestricted license is reinstated to Ethan Kennedy, D.O. effective
11 March 3, 2009.



12 ISSUED THIS 5TH DAY OF MARCH, 2009.

13 STATE OF ARIZONA
14 BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

15 By: *Elaine LeTarte*
16 Elaine LeTarte, Executive Director

17 Original "Termination of Order of Probation"
filed this 5th day of March, 2009 with the:

18 Arizona Board of Osteopathic Examiners in Medicine and Surgery
9535 East Doubletree Ranch Road
19 Scottsdale AZ 85258-5539

20 Copy of the foregoing "Termination of Order of Probation"
sent by regular mail this 5th day of March, 2009 to:

21 Ethan O. Kennedy, D.O.
22 Address of record

23 Copy of the foregoing "Termination of Order of Probation"
sent via interagency mail this 5th day of March, 2009 to:

24 Marc Harris, AAG
Office of the Attorney General CIV/LES
25 1275 West Washington
Phoenix AZ 85007

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No: 3250 and 3290
)	
ETHAN O. KENNEDY, D.O.)	AMENDMENTS TO
Holder of License No. 3123 for the)	TERMS OF PROBATION
practice of osteopathic medicine)	
in the State of Arizona.)	
_____)	

After discussion, on March 12, 2005 the AZ Board of Osteopathic Examiners (hereinafter "Board") voted to amend the terms of the probation issued to Ethan Kennedy, D.O., (hereinafter "Respondent") in cases 3250 and 3290, as follows:

- 1) In Case 3250, probation term number 2 is amended to allow Respondent to practice 50 hours a week. This term has previously been amended (on October 23, 2004) to allow Respondent to practice 45 hours a week.
- 2) In Case 3250, regarding probation term number 1, the Board directed that Respondent submit a list of Schedule IV and V medications he might prescribed so that the Board may evaluate each separately. The Board agreed that Respondent may prescribe codeine.
- 3) In Case 3290, probation term number is amended to allow Respondent an additional six months in which to complete the 20 hours of continuing medical education in pain management; that is, until December 12, 2005.

ISSUED this 18th day of March, 2005.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

Signature on File

By: _____
Elaine LeTarte, Executive Director
9535 E. Doubletree Ranch Road
Scottsdale AZ 85258
(480) 657-7703

Served by U.S. certified mail
this 22nd day of March, 2005 to:

Ethan Kennedy, D.O.
2040 N Woodruff
Mesa AZ 85207

Copy mailed this 22nd day of

March 2005 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)

Case No: 3290

ETHAN O. KENNEDY, D.O.)
Holder of License No. 3123 for the)
practice of osteopathic medicine)
in the State of Arizona.)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER OF
CENSURE AND PROBATION**

On December 22, 2003, the AZ Board of Osteopathic Examiners (hereinafter "Board") notified Ethan Kennedy, D.O., (hereinafter "Respondent") of case number 3290, an investigation into his medical practice. On January 7, 2004, Respondent replied to that case through his attorney.

On April 9, 2004, Respondent was notified that the Board would conduct a Case Review of this case on May 8, 2004. On May 8, 2004, the Board conducted that review and voted to invite Respondent to an Investigative Hearing.

On May 17, 2004, Respondent was invited to participate in an Investigative Hearing on June 19, 2004. On June 19, 2004, Respondent appeared and the Board conducted the Investigative Hearing. After reviewing the documentation provided and hearing testimony, the Board vote to enter the following Findings of Fact, Conclusions of Law, and Order of Censure and Probation.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 *et seq.* to regulate the licensing and practice of osteopathic medicine in Arizona.
2. Ethan Kennedy, D.O., (hereafter "Respondent"), is a licensee of the Board and the holder of License No. 3123.

FINDINGS OF FACT

3. Respondent's medical records of treatment rendered prior to September 2003 demonstrated a pattern of incorrectly prescribing narcotics and other substances, putting patients in potential jeopardy.

4. Respondent's medical records of treatment rendered prior to September 2003 demonstrated a pattern of inadequacies in the histories and physicals, in that they did not contain pertinent information; for example, pain contracts.

CONCLUSIONS OF LAW

The conduct described in paragraphs 3 and 4 above constitutes unprofessional conduct as described in A.R.S. § 32-1854:

(5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes;

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the standards of the community;

(38) Prescribing or dispensing controlled substances or prescription-only medications without maintaining adequate and appropriate patient records; and

(40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

Ethan O. Kennedy, D.O. ("Respondent"), holder of license 3123, shall be on **CENSURED**, his current **PROBATION** (see case 3250) be continued and the following probationary terms be added:

1. Respondent shall attend 20 hours of continuing medical education (CME) on pain management and pain control within 12 months of this Order. The course or courses are to be approved by the Board's Executive Director prior to Respondent taking the course or courses. Courses taken to fulfill the terms of the probation shall not also be used toward fulfillment of Respondent's CME requirement for renewal of his AZ license.

2. Respondent shall make available the medical records of his patients, for the Board's periodic review to determine the adequacy of the medical histories and physicals.

ISSUED AND EFFECTIVE this 12th day of July, 2004.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Elaine LeTarte
Elaine LeTarte, Executive Director
9535 E. Doubletree Ranch Road
Scottsdale AZ 85258
(480) 657-7703

Notice of Right to Request a Rehearing

The Respondent has the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.90. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. Respondent must specify in detail and with particularity at least one of the seven grounds that apply to the request for rehearing or review, as mandated by A.A.C. R4-22-106(C). A request for rehearing or review shall be a prerequisite prior to seeking judicial review pursuant to A.R.S. § 41-1092.09.

Served by U.S. certified mail
this 12th day of July, 2004 to:

Ethan Kennedy, D.O.
2040 N Woodruff
Mesa AZ 85207

Copy mailed this 12th day of

July 2004 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007