

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEW MEXICO

IN THE MATTER OF )  
DIETRICH KLINGHARDT, M.D. )

Respondent. )

No. 93-03 )

STIPULATION

WHEREAS, the New Mexico Board of Medical Examiners ("Board") has issued a Notice of Contemplated Action ("NCA") against Respondent Dietrich Klinghardt, M.D. ("Respondent"); and

WHEREAS, Respondent and the Administrative Prosecutor desire to resolve this matter by a negotiated settlement, with the approval of the Board; and

WHEREAS, Respondent has and continues to be represented by counsel and is proceeding with advise of counsel;

Respondent and the Administrative Prosecutor hereby enter into the following Stipulation:

1. Respondent waives the right to notice of a hearing, to a hearing, to discovery, to the issuance of subpoenas and all other rights set forth in the Uniform Licensing Act, specifically including Sections 61-1-7 and 61-1-8 NMSA 1978.

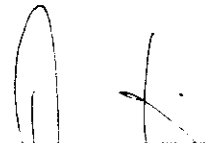
2. Respondent admits the allegations set forth in Paragraphs 2 and 3 of the NCA.


3. Respondent shall have the opportunity to explain his actions in mitigation before the Board.

4. The Board can enter sanctions it deems appropriate, excluding revocation of Respondent's license. If the Board deems that revocation is necessary, than Respondent may withdraw from this Stipulation and the matter will proceed pursuant to the provisions of the Uniform Licensing Act. In that event, Respondent shall have 20 days from the date of this Stipulation to request a hearing.

5. The admissions set forth in Paragraph 2 above are for the purposes of this proceeding only.

Dated: February 18, 1993

  
\_\_\_\_\_  
DIETRICH KLINGHARDT, M.D.  
Respondent

  
\_\_\_\_\_  
G.T.S. KHALSA, Esq.  
Administrative Prosecutor

  
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ROBERT R. ROTHSTEIN, Esq.  
Attorney for Respondent

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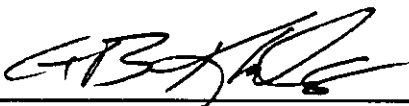
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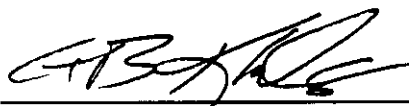
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BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEW MEXICO

IN THE MATTER OF )  
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DIETRICH KLINGHARDT, M.D.)  
RESPONDENT )  
 )  
 )  
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No. 93-03

ORDER

THIS MATTER came before the Board of Medical Examiners on February 22, 1996 in Santa Fe, New Mexico to remove the stipulations on Respondent's license to practice medicine in New Mexico.

After reviewing the information presented at the meeting, the Board finds:

1. That Dr. Klinghardt received a license to practice medicine in New Mexico in May, 1984;
2. That Dr. Klinghardt's license to practice medicine in New Mexico was suspended because of a violation of the Medical Practice Act (§61-6-15 (D) 11 NMSA 1978);
3. That Dr. Klinghardt's suspension was stayed and his license was placed on probation with certain conditions for a period of three years.
4. That since Dr. Klinghardt has fulfilled all of the conditions of his probation,

**IT IS THEREFORE ORDERED**

That the stipulations on the license to practice medicine of Dietrich Klinghardt, M.D. be and hereby are terminated, and Dr. Klinghardt will be considered to have an unrestricted license to practice medicine in the State of New Mexico.

**NEW MEXICO BOARD OF MEDICAL EXAMINERS**

Livingston Parsons Jr. M.D.

Livingston Parsons Jr., M.D., President

DATE:

March 5, 1996

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEW MEXICO

IN THE MATTER OF  
DIETRICH KLINGHARDT, M.D.

No. 93-03

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER OF THE BOARD

THIS MATTER came before the New Mexico Board of Medical Examiners for hearing on February 18, 1993, on a Notice of Contemplated Action issued to Dietrich Klinghardt, M.D. on February 18, 1993. Dr. Klinghardt appeared in person and through counsel Robert R. Rothstein, the State appeared through its Administrative Prosecutor G.T.S. Khalsa, Assistant Attorney General and the Board was represented by its attorney Randall D. Van Vleck, Assistant Attorney General. Dr. Klinghardt had previously been advised through his counsel of the contents of the Notice of Contemplated Action, and waived time limits and notice requirements of the Uniform Licensing Act in order to facilitate an expedited hearing before the Board.

The Board having reviewed the Stipulation entered into between Dr. Klinghardt and the Administrative Prosecutor, having heard the explanation of Dr. Klinghardt and heard arguments of counsel for Dr. Klinghardt and the administrative prosecutor makes the following Findings of Fact, Conclusions of Law and enters the following Order:



### FINDINGS OF FACT

1. The Board of Medical Examiners issued a Notice Of Contemplated Action to Dr. Klinghardt alleging violations of the Medical Practice Act on February 18, 1993.

2. Dr. Klinghardt had previously been provided with a copy of the Notice of Contemplated Action through counsel.

3. Dr. Klinghardt waived the right to notice of a hearing, to discovery, to the issuance of subpoenas and all other rights set forth in the Uniform Licensing Act, specifically including Sections 61-1-7 and 61-1-8 NMSA 1978.

4. During May of 1991, Dr. Klinghardt sponsored and participated in a medical seminar in Santa Fe, New Mexico with Dr. Milne Ongley.

5. At the time Dr. Klinghardt sponsored the seminar he knew that Dr. Ongley was not licensed to practice medicine in New Mexico.

6. During the seminar, Dr. Ongley injected certain people as part of the presentation of injection techniques.

7. As a result of his actions, Dr. Ongley was convicted in the First Judicial District Court of practicing medicine without a license.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties hereto and the subject matter herein.

2. All requirements of the Uniform Licensing Act have been complied with or waived by the parties.

3. Dr. Klinghardt aided and abetted the practice of medicine by Dr. Ongley, a person not licensed to practice medicine in New Mexico in violation of section 61-6-15(D) 11 NMSA 1978.

#### DECISION AND ORDER

IT IS THEREFORE ORDERED that the license to practice medicine of Dietrich Klinghardt be and hereby is suspended for a period of three (3) years;

IT IS FURTHER ORDERED that the suspension herein is stayed and Dr. Klinghardt is placed under probation for a period of three (3) years under the following terms and conditions:

a) Dr. Klinghardt will notify the Board in advance of the time and location of any seminar which he sponsors or in which he is a participant; and

b) Dr. Klinghardt will notify the Board in advance of the subject matter or content of every seminar which he sponsors, or in which he participates, and will provide the Board with an outline, brochure or other written information concerning the seminar; and

c) Dr. Klinghardt will provide the Board in advance with the names, curriculum vitae, experience and qualifications of any and all people participating in any seminar which he sponsors or in which he participates; and

d) Dr. Klinghardt will not permit, assist or otherwise sanction the unlicensed practice of medicine of medicine in any seminar which he sponsors or in which he is a participant; and

e) Dr. Klinghardt will permit any member of the New Mexico Board of Medical Examiners to attend any seminar which he sponsors in New Mexico free of charge for the purposes of monitoring compliance with the terms of Dr. Klinghardt's probation.

f) Dr. Klinghardt will obey all federal, state and local laws and all rules and laws governing the practice of medicine in New Mexico.

g) Dr. Klinghardt shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether he was complied with all the conditions of this probation.

h) Dr. Klinghardt shall personally appear before the Board at any time upon reasonable notice.

i) In the event Dr. Klinghardt should leave New Mexico to reside or practice outside the state, he shall notify the Board in writing of the dates of his departure and anticipated return. He shall further notify the medical licensing authority where he intends to reside or practice of the terms and conditions of probation imposed by this board and provide those licensing authorities with a copy of this document upon request.

IT IS FURTHER ORDERED that the costs of these proceedings are assessed against Dr. Klinghardt and payment of the costs of the proceedings is a term of probation.

IT IS FURTHER ORDERED that in the event Dr. Klinghardt breaches any of the terms of his probation, the Board may summarily suspend his license to practice medicine in New Mexico; Dr. Klinghardt will thereafter be afforded a hearing in accordance with the Uniform Licensing Act.

2/19/93

DATE

*W. G. Ball* *President*

NEW MEXICO BOARD OF MEDICAL

EXAMINERS

NOTICE

Any person entitled to a hearing under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] who is aggrieved by an adverse decision of a board issued after hearing, may obtain a review of the decision of a board issued after hearing, in the district court of Santa Fe County, or in the district court of the county in which the hearing was held, or, upon agreement of the parties to the appeal, in any other district court of the state. In order to obtain such review, such person must, within twenty days after the date of service of the decision as required by Section 14 [61-1-14 NMSA 1978], file with the court a petition for review, a copy of which shall be served on the board secretary, stating all exceptions taken to the decision and indicating the court in which the appeal is to be heard. The court shall not consider any exceptions not stated in the petition. Failure to file such petition for review in the manner and within the time stated shall operate as a waiver of the right to judicial review and shall result in the decision of the board becoming final; except that for good cause shown, within the time stated, the judge for the district court may issue an order granting one extension of time not to exceed sixty days.

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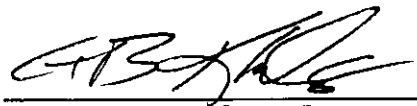
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Respondent. )

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NOTICE OF CONTEMPLATED ACTION

TO: Dietrich Klinghardt, M.D.  
c/o Robert R. Rothstein  
P.O. Box 8180  
Santa Fe, New Mexico 87504

YOU ARE HEREBY NOTIFIED that pursuant to the provisions of §61-1-4 NMSA 1978 the Board of Medical Examiners of the State of New Mexico has before it sufficient evidence, which if not rebutted or satisfactorily explained, will justify the Board of Medical Examiners revoking or suspending your license to practice medicine in the State of New Mexico.

1. Respondent is subject to disciplinary action pursuant to §61-1-1 et seq. NMSA 1978 and §61-6-1 et seq. NMSA 1978 for unprofessional or dishonorable conduct as set forth in §61-6-15 NMSA 1978.

2. This action is based upon the following allegations:

A. During May of 1991, you sponsored and participated in a medical seminar in Santa Fe, New Mexico with



Dr. Milne Ongley. At the time, you knew that Dr. Ongley was not licensed to practice medicine in New Mexico. During the seminar, Dr. Ongley injected certain persons as part of the presentation of injection techniques. Dr. Ongley was subsequently convicted in the First Judicial District Court in Santa Fe of practicing medicine without a license as a result of his actions at the seminar.

3. The allegations contained in paragraph 2(A) above constitute a violation of §61-1-15(D)11 NMSA 1978, aiding and abetting the practice of medicine by a person not licensed by the Board.

4. Please take notice that unless within twenty (20) days after service of this notice you deposit in the mail by certified mail, return receipt requested, a letter addressed to the Board containing a request for hearing, the Board will take the contemplated action, i.e., the revocation or suspension of your license to practice medicine in the State of New Mexico.

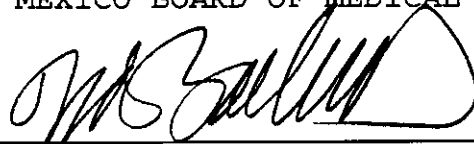
5. Also, pursuant to §61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession, or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books,

papers, documents and other evidence upon making a written request therefor to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18<sup>th</sup> day of February, 1993.

NEW MEXICO BOARD OF MEDICAL EXAMINERS



By: WILLIAM A. BOEHM, M.D.  
Chairman  
P.O. Drawer 20,001  
Santa Fe, New Mexico 87504-1388

Service by Certified Mail  
Return Receipt Requested, No. \_\_\_\_\_

A true copy of this Notice was served on Respondent by certified mail, return receipt requested, directed to Respondent at the last known address as shown by the records of the Board, on this \_\_\_ day of \_\_\_\_\_ 19\_\_.

