BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the Matter of the Proposed Discipline of Chris A. Christensen, M.D., License No. 4721.

Case No. 2011-MED-LIC-137

STIPULATION AND FINAL ORDER

The Business Standards Division of the Department of Labor and Industry of the State of Montana (Department), through its legal counsel and Chris A. Christensen, M.D. (Licensee), stipulate and agree as follows:

1. Jurisdiction. Licensee is licensed as a medical doctor by the state of Montana Board of Medical Examiners, License No. 4721. The Board of Medical Examiners (Board) has personal and subject matter jurisdiction in this matter.

2. Waiver of Rights. Licensee has read and understands each term of the Notice of Proposed Board Action and Opportunity for Hearing (Notice) and this Stipulation, and understands the various rights provided, including the right to a hearing before an impartial hearings examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to subpoena...
witnesses, the right to request judicial review and appeal, and all other rights under Montana Code Annotated Title 2, chapter 4, part 6; (Montana Administrative Procedure Act), Title 37, chapters 1 and 3, and other applicable law. Licensee desires to avoid unnecessary expenditure of time and other valuable resources to resolve this matter. Therefore, Licensee voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Stipulation and acknowledges that no promise, other than those contained in this Stipulation, and no threat or improper assertion has been made by the Board or Department or by any member, officer, agent or representative of the Board or Department to induce Licensee to enter into this Stipulation. Licensee understands his right to the assistance of an attorney and voluntarily waives that right and elects to proceed without an attorney.

3. **Release.** This Stipulation is a final compromise and settlement of this contested case proceeding. Licensee and his or her assigns, agents, and representatives release the Board, its members, officers, agents, and representatives from any and all liability, claim, and cause of action, whether now known or contemplated, including but not limited to, any claims under Montana Code Annotated Title 2, chapter 9, part 3 (Montana Tort Claims Act), as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case, its processing, investigation, litigation, or from the negotiation or execution of this Stipulation.

4. **Entire Agreement.** This Stipulation contains the entire agreement of the parties. All prior discussions and writings are superseded by this Stipulation, and no discussion by the Board prior to the approval of this Stipulation may be used to interpret or modify it. Any modification requires a written amendment signed by both parties and final Board approval.

5. **Severability.** If a court or administrative tribunal declares any term or condition contained in this Stipulation to be unenforceable for any reason, the unenforceable term or
condition shall be severed from the remainder of this Stipulation, and the remainder of this Stipulation shall be interpreted and enforced according to its original intent.

6. **Reservation.** This Stipulation does not restrict the Board from initiating disciplinary action concerning allegations of unprofessional conduct that occur after the date Licensee signs this Stipulation or concerning allegations of conduct not specifically mentioned in this Stipulation that are now known to the Board or yet to be discovered.

7. **Stipulation Subject to Final Approval.** This Stipulation is subject to final approval by the Board.

8. **Renewed Right to Hearing – Inadmissibility of Stipulation.** If the Board considers and does not approve this Stipulation, it is withdrawn and may not be considered as evidence for any purpose. Licensee will have a renewed 20 days from the date of the publicly noticed Board meeting to submit a written request for a hearing in this matter. Failure by Licensee to request a hearing constitutes a default and allows the Board to enter a Final Order of discipline against Licensee. If, instead, this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating to this Stipulation.

9. **Entry of Final Order – Amended Stipulated Facts & Violations.** Licensee consents to the entry of a Final Order in this matter to the extent that it is consistent with this Stipulation and has final approval by the Board. Dr. Christensen admits the following allegations:

   By complaint dated April 25, 2011, one of Dr. Christensen’s longtime patients complained that despite repeated attempts over a number of months, he was unsuccessful in collecting his medical records from Dr. Christensen. Dr. Christensen disputes that allegation.

   The patient’s complaint was scheduled for the June 10, 2011, Screening Panel meeting for review. However, action on that complaint was tabled because Dr.
Christensen did not respond to the complaint or appear at the Screening Panel meeting. Consequently, Board staff, by letter dated June 28, 2011, wrote Dr. Christensen to advise him that the matter would be rescheduled for the July 15, 2011, meeting. That letter added that although Dr. Christensen had promised to respond to the complaint, he had neither offered a response nor supplied [redacted] medical records as requested. Therefore, staff directed Dr. Christensen to “supply a fully responsive reply by Friday July 1, 2011.”

The matter was rescheduled to be heard at the July 15, 2011, Screening Panel. Dr. Christensen had not responded by that date to the Board’s request for information and the Screening Panel moved to initiate discipline. On July 19, 2011, Board staff received Dr. Christensen’s response to the complaint, asserting that the complainant “on at least two prior occasions, between 7-15-08 and 12-10-10, received copies of all documents generated by our office . . . .”

Dr. Christensen failed timely to furnish the Board with information legally requested by the Board in the course of the Board’s official review of a complaint against him.

Dr. Christensen has since supplied the Board with his records on the subject patient and consents to the Board’s delivery of those records directly to the patient.

Consistent with the parties’ design for the disposition of this case, Dr. Christensen stipulates to a reprimand and has authored a letter of apology for failing to respond to the Board in a timely fashion.

These facts give rise to sanctionable violations of the following standards defining unprofessional conduct for a physician:

24.156.625 Unprofessional Conduct (1) In addition to those forms of unprofessional conduct defined in 37-1-316, MCA, the following is unprofessional conduct for a licensee or license applicant under Title 37, chapter 3, MCA:

* * *
(j) failing to furnish to the board or its investigators or representatives information legally requested by the board;
(k) failing to cooperate with a lawful investigation conducted by the board;
* * * *

10. Stipulated Disciplinary Sanctions. Upon acceptance of this Stipulation by the Board, Licensee agrees to the following sanction:

Dr. Christensen will receive a public reprimand for failing to timely respond to the Screening Panel’s inquiry into the subject complaint. Mont. Code Ann. §37-1-312(1)(f).
11. **Public Documents.** The Notice and this Stipulation and Final Order issued by the Board are public documents that the Department, at minimum, must make publicly available on the Department’s website and professional databases, and may otherwise distribute to other interested persons or entities.

Chris A. Christensen, M.D.  
Licensee

Michael E. Fanning  
Department Counsel  
Montana Board of Medical Examiners

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**FINAL ORDER**

The Board of Medical Examiners enters as its Findings of Fact and Conclusions of Law, the stipulated facts and violations as stated in the Stipulation. The Board, giving primary consideration to the sanctions that are necessary to protect and compensate the public and secondary consideration to any sanctions designed to rehabilitate the Licensee, approves, adopts, and incorporates the Stipulation into this Final Order.

Dr. Christensen is reprimanded for his failure timely to respond to the Screening Panel’s two requests for a response to the subject complaint of misconduct. The Board is dependent upon its licensees’ cooperation to promptly and efficiently manage Board affairs including complaints of unprofessional conduct. That dependency is so vital that the Board has expressly declared that failure to furnish information or failure to
cooperate with an investigation amounts to unprofessional conduct. Dr. Christensen is admonished for his failure to respond to the Board’s inquiries and advised that future similar instances may result in a more strident Board response.

DATED this 17 day of May, 2013.

[Signature]

Presiding Officer
Board of Medical Examiners

CERTIFICATE OF SERVICE

I certify that I served true and accurate copies of the fully executed STIPULATION and FINAL ORDER by U.S. mail, postage prepaid, upon the following:

Chris A. Christensen, M.D.
285 Rodeo Drive
Florence, MT 59833

DATED this 17 day of May, 2013.

[Signature]

Department of Labor and Industry
BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the Matter of the Proposed Discipline of

Chris A. Christensen, M.D.,
License No. 4721.

Case No. 2011-MED-LIC-137

NOTICE OF PROPOSED BOARD ACTION
AND OPPORTUNITY FOR HEARING

TO: Chris A. Christensen, M.D.
285 Rodeo Drive
Florence, MT 59833

On June 10, 2011, and July 15, 2011, the Screening Panel of the Montana Board of Medical Examiners (the Screening Panel) considered information presented by the Montana Department of Labor and Industry (Department) and directed issuance of this Notice of Proposed Board Action and Opportunity for Hearing (Notice) to Chris A. Christensen, M.D. (Licensee):

A. FACT ASSERTIONS

1. Licensee is licensed by the Montana Board of Medical Examiners to practice as a medical doctor, holding Montana License No. 4721. At all times relevant, the license was current and will expire on March 31, 2013, unless renewed.

3. Chris A. Christensen, M.D., is a medical doctor, licensed in Montana and holding license number 4721.

4. By complaint dated April 25, 2011, [redacted], of Victor, Montana, complained that despite repeated attempts over a number of months, he was unsuccessful in collecting his medical records from Dr. Christensen. Mr. [redacted] alleged that he needed his records for a referral to another physician and for a Social Security hearing. Mr. [redacted] alleged that he scheduled an appointment for April 14, 2011, to discuss his care, but when he arrived for the appointment he was advised that Dr. Christensen had terminated their physician/patient relationship and refused to see Mr. [redacted].

5. Mr. [redacted] complaint was scheduled for the June 10, 2011, Screening Panel meeting for review. However, action on that complaint was tabled because Dr. Christensen did not respond to the complaint or appear at the Screening Panel meeting. Consequently, Board staff, by letter dated June 28, 2011, wrote Dr. Christensen to advise him that the matter would be rescheduled for the July 15, 2011, meeting. That letter added that although Dr. Christensen had promised to respond to the complaint, he had neither offered a response nor supplied Mr. [redacted] medical records as requested. Therefore, staff directed Dr. Christensen to “supply a fully responsive reply by Friday July 1, 2011.”

6. Dr. Christensen failed timely to supply patient medical records when the Board requested he do so.
7. Dr. Christensen failed to furnish the Board with information legally requested by the Board in the course of the Board's official review of a complaint against him.

8. On August 14, 2012, Dr. Christensen supplied to the Board's compliance staff medical records for [REDACTED].

**B. CHARGE OF STATUTES, RULES, OR STANDARDS VIOLATED**

Based on the foregoing facts, the Screening Panel found reasonable cause to believe that the licensee violated each of the following statutes, rules, or standards, justifying disciplinary proceedings:

**37-1-316. Unprofessional conduct.** The following is unprofessional conduct for a licensee or license applicant governed by this part:

* * *

(18) conduct that does not meet the generally accepted standards of practice.

**24.156.625 Unprofessional Conduct** (1) In addition to those forms of unprofessional conduct defined in 371316, MCA, the following is unprofessional conduct for a licensee or license applicant under Title 37, chapter 3, MCA:

* * *

(j) failing to furnish to the board or its investigators or representatives information legally requested by the board;

(k) failing to cooperate with a lawful investigation conducted by the board;

* * *

(u) failing to transfer pertinent and necessary medical records to another licensed health care provider, the patient or the patient's representative when requested to do so by the patient or the patient's legally designated representative;

(v) any other act, whether specifically enumerated or not, that in fact constitutes unprofessional conduct; * * *

**50-16-541. Requirements and procedures for patient's examination and copying.**

(1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances but no later than 10 days after receiving the request, shall:

(a) make the information available to the patient for examination, without charge, during regular business hours or provide a copy, if requested, to the patient;

(b) inform the patient if the information does not exist or cannot be found;

(c) if the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;
(d) if the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than 21 days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) deny the request in whole or in part under 50 16 542 and inform the patient.

C. STATEMENT OF RIGHTS AND PROCEDURES

1. You may request a hearing to contest these charges. To exercise the right to a hearing, you must send a written request within 20 days of receipt of this Notice, addressed as follows:

   Becky Carter, Compliance Unit Supervisor  
   Business Standards Division  
   Department of Labor and Industry  
   301 South Park Avenue  
   P.O. Box 200513  
   Helena, Montana 59620-0513

2. Failure to request a hearing within 20 days of the receipt of this Notice constitutes a default and allows the Board to enter a Final Order of discipline against you on the basis of the facts available to it.

3. If you request a hearing within 20 days, the Commissioner of Labor and Industry will appoint an impartial hearings examiner to conduct the hearing. The hearings examiner will notify you and the Department of the time and place of the hearing. You have the right to appear in person or by or with counsel.

4. Procedural and substantive requirements governing this matter may be found at Montana Code Annotated Title 2, chapter 4, part 6; (Montana Administrative Procedure Act), Title 37, chapter 1, parts 1 and 3; and Title 37, chapter Admin. R. Mont. 24.156.1625, including the right to a hearing before an impartial hearings examiner, the right to present evidence and
testify and confront and cross-examine witnesses at the hearing, the right to be represented by
legal counsel, and the right to request judicial review and appeal.

5. After a proposed decision of a hearing examiner, a default, or a stipulated agreement, the Board will issue a Final Order imposing one or any combination of the sanctions under rules adopted by the Board under Mont. Code Ann. § 37-1-136 and Mont. Code Ann. § 37-1-312(1) as follows:

(a) revocation of the license;
(b) suspension of the license for a fixed or indefinite term;
(c) restriction or limitation of the practice;
(d) satisfactory completion of a specific program of remedial education or treatment;
(e) monitoring of the practice by a supervisor approved by the disciplining authority;
(f) censure or reprimand, either public or private;
(g) compliance with conditions of probation for a designated period of time;
(h) payment of a fine not to exceed $1,000 for each violation (deposited in the state general fund);
(i) denial of a license application;
(j) refund of costs and fees billed to and collected from a consumer.

6. You may request judicial review of a Final Order of the Board entered after consideration of a proposed decision of a hearing examiner by filing a petition in district court within 30 days of the issuance of a Final Order.

7. In lieu of a hearing, you may enter into a stipulated agreement resolving potential or pending charges that include one or more sanctions authorized by law.

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Notice of Proposed Board Action and Opportunity for Hearing
In Re Chris A. Christensen, Case No. 2011-MED-LIC-137
DATED this 23rd day of August, 2012.

Michael J. Fanning
Special Assistant Attorney General
DEPARTMENT OF LABOR & INDUSTRY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing NOTICE OF PROPOSED BOARD ACTION AND OPPORTUNITY FOR HEARING was sent certified mail # 7010 36470 00149210353, postage prepaid, to the following:

Chris A. Christensen, M.D.
285 Rodeo Drive
Florence, MT 59833

DATED this 23rd day of August, 2012.

Department of Labor and Industry

Notice of Proposed Board Action and Opportunity for Hearing
In Re Chris A. Christensen, Case No. 2011-MED-LIC-137