

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
KRISTOPHER M. MCKAY, M.D.)	
RESPONDENT)	CASE NO: 2018011441
)	
FORT COLLINS, COLORADO)	
TENNESSEE LICENSE NO.: 50639)	

CONSENT ORDER

Come now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter the "Division"), by and through the Office of General Counsel, and Respondent Kristopher M. McKay, M.D. (hereinafter "Respondent"), who would respectfully move the Tennessee Board of Medical Examiners (hereinafter the "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. *See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-6-101, et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee (hereinafter "TENN. COMP. R. & REGS.").

Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/ or similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 50639 by the Board on September 24, 2013, which expires on November 30, 2018.
2. On or about December 19, 2017, the Colorado Medical Board Panel required Respondent:

- i. To contact the Colorado Physician Health Program (“CPHP”) no later than December 24, 2017;
 - ii. To execute no later than December 24, 2017, all releases to allow unrestricted communication between CPHP and the Panel;
 - iii. To schedule an attend an initial intake appointment with CPHP no later than January 30, 2017;
 - iv. To appear for all appointments with CPHP;
 - v. To provide any information requested by CPHP;
 - vi. To schedule timely appointments as requested or recommended by CPHP;
 - vii. To otherwise cooperate fully with CPHP and to comply with any and all requests or recommendations CPIIP deems appropriate to facilitate any and all examinations necessary to determine if Respondent is unable to practice medicine with reasonable skill and safety to patients
3. On or about February 14, 2018, the Panel reviewed a report for the CPHP dated January 12, 2018. The CPHP report noted that Respondent had failed to attend a January 3, 2018 appointment.
4. On or about February 20, 2018, Respondent’s Colorado medical license was summarily suspended for failure to comply with a December 2017 Order.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent’s medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

5. The facts stipulated in paragraphs two (2) through four (4), *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(20):

Disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in this state

III. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of people in the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.


IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

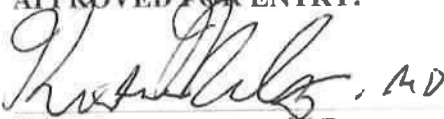
6. The Tennessee medical license of Kristopher M. McKay, M.D., license number 50639, is hereby **SUSPENDED** effective the date of entry of this Order.
7. Respondent must comply with all recommendations and conditions placed on his Colorado medical license by the Colorado Medical Board. Respondent shall cause a quarterly report to be submitted to the Tennessee Board of Medical Examiners showing compliance with those recommendations and conditions.
8. The restrictions imposed on the Respondent's Tennessee medical license shall remain in effect until the restrictions on the Colorado medical license are lifted.

9. Upon successful completion of the suspension placed on Respondent's Colorado medical license, Respondent must petition the Board for an Order of Compliance and personally appear before the Board for the restriction of his Tennessee medical license to be lifted unless his appearance is waived by the Board's medical consultant.
10. Respondent must pay, pursuant to TENN. CODE ANN. §§ 63-6-214 (k) and 63-1-144(a)(4), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. Said costs shall not exceed one thousand dollars (\$1,000.00).
11. Any and all costs shall be paid in full within thirty (30) days after the issuance of the Assessment of Costs unless Respondent makes arrangements for an extended payment plan for the assessed costs through the Disciplinary Coordinator of the Division of Health Related Boards. Payment shall be made by certified check, cashier's check, or money order, payable to the State of Tennessee, Department of Health. Any and all payments shall be forwarded to the **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2nd floor, Nashville, Tennessee 37243**. A notation shall be placed on said money order or such check that it is payable for the costs of **Kristopher M. McKay, M.D., COMPLAINT NO. 2018011441.**
12. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

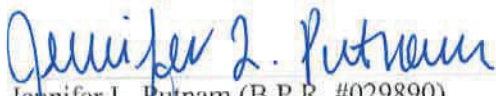
This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 25th day of July, 2018.


Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:


Kristopher M. McKay, M.D.
Respondent

7/25/2018
DATE



Jennifer L. Putnam (B.P.R. #029890)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

7/30/18
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Kristopher M. McKay, M.D., 1100 Poudre River Drive, Fort Collins, CO 80524 and via email KMckay@skinpathology.net.

This 6th day of August, 2018.


Jennifer L. Putnam
Assistant General Counsel