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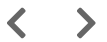
## Hearing officer clears former Santa Fe doctor of medical child abuse

**By Anne Constable**

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Dr. Kenneth Stoller is shown at his former clinic, Hyperbaric Medical Center New Mexico, in October 2010. A report by a hearing officer for the New Mexico Medical Board found that Stoller did not treat a Los Alamos child for nonexistent medical conditions. Jane Phillips/New Mexican file photo

A hearing officer for the New Mexico Medical Board says in a report released this week that evidence against a former Santa Fe doctor accused of administering unnecessary treatment on a Los Alamos child in 2009 was “a muddled mess.”

Jennifer G. Anderson concludes in her report on Dr. Kenneth Stoller that he did not treat the child for nonexistent conditions or cause her “unnecessary risk of harm,” as alleged in a letter from the Medical Board. However, Anderson says, he did violate the state’s Medical Practice Act by failing to turn over records to a physician who was investigating possible medical child abuse by the young patient’s mother. Anderson’s called Stoller’s refusal to cooperate with the probe “rash and unprofessional.”

“This matter is one that appears to have been spawned by a negative and unnecessarily hostile interaction between two physicians,” Anderson says.

The Medical Board will review the report at its Aug. 6 meeting and consider whether to take action against the doctor.

Stoller had treated the child — identified only as LW in Medical Board documents — for developmental delays with a series of hyperbaric oxygen treatments, an established therapy for those suffering decompression sickness and to help heal wounds. Stoller once owned the Hyperbaric Medical Center in Santa Fe.

Many people, including Stoller, believe the oxygen therapy also can be effective for treating autism, post-traumatic stress disorder and traumatic brain injury, although it is considered off-label treatment for those conditions.

LW's therapy consisted of three rounds of 40 treatments each in Stoller's hyperbaric oxygen chamber. He also ordered tests, prescribed medications and continued to consult with the child's mother until 2012.

Stoller and another doctor for the child, who had referred her to his clinic, both said her speech and eye contact improved after the treatments and that she had gained weight at a faster rate.

Stoller declined to comment on the hearing officer's report, but his lawyer, Kate Ferlic, said he was disappointed. "He's a creative doctor. He works very hard to find solutions to people's unique medical problems where other doctors often give up," she said.

Ferlic said the University of New Mexico Hospital physician who had filed the Medical Board complaint against Stoller had a grudge against him. They had clashed at the time of her request for records in the case and at a Children, Youth and Families Department hearing on whether the child's mother had engaged in abuse by fabricating medical conditions and providing the girl with inadequate nutrition, Ferlic said.

Pediatrician Leslie Strickler treated LW in 2012 at UNM Hospital when the girl fell ill. A year later, Strickler was consulted about the child in her role as medical director of the hospital's Child Abuse Response Team. One of LW's providers had raised concerns about the child's mother.

Strickler sought the child's medical records, including those from Stoller. But he refused to provide the records, citing the federal Health Insurance Portability and Accountability Act, which aims to protect patient privacy.

Strickler determined that the child had been a victim of medical abuse and testified against her parents at a CYFD hearing. Stoller spoke in support of the child's mother. He believes Strickler filed the complaint with the Medical Board in retribution.

According to Dr. Jacqueline Krohn, a Los Alamos pediatrician, the girl's mother, who has a degree in biology, had brought her to the doctor's office twice a month for five years and often made treatment suggestions. Although Krohn thought most of the visits were appropriate, she said she became concerned when the mother decided to take the girl to the National Jewish Hospital in Denver for an endoscopy.

Still, Krohn said she didn't believe the situation involved medical abuse.

The child was born prematurely, she said, and had hypoglycemia, as well as mild gastroesophageal reflux, reactions to vaccines, chronic diarrhea and asthma. Krohn also was concerned that child had autism, and she considered the girl “medically fragile.”

At a Medical Board hearing in May on the allegations against Stoller, he testified that the girl’s mother had asked him not to cooperate with Strickler’s investigation. And because there was no court order, he was prohibited through HIPAA from supplying the records without her permission, he said.

Ferlic called it an “impossible situation.”

Stoller testified that Strickler “couldn’t be trusted,” and said, “My responsibilities were to my former patient. ... I would have burned my medical license before I would say VW was abusing her child.”

He did, however, describe the mother as “intense” and said he had encouraged her to expand her child’s diet. He also discontinued the hyperbaric oxygen treatments over her objections. “She was not the only intense mother I’ve come across, but she was intense,” he said, adding that he refused to continue the girl’s treatments when he felt “she had had enough.”

Penny Davies, a psychologist and childhood trauma expert testified at the Medical Board hearing that she “didn’t think [the mother] was falsifying symptoms.”

Another witness for Stoller was Giuseppina Feingold, owner of pediatric urgent care centers in New York who also uses hyperbaric oxygen therapy to treat autism. Feingold told the board, “I really think the tragedy lies in the fact that this child was taken away from her mother.”

Ferlic said the child was removed from her home for nine months but has since been reunited with her family — with conditions — and there was never any criminal finding against her mother.

Stoller filed a lawsuit last month against Strickler for defamation. That case is pending.

Stoller, who graduated from medical school at the University of the Caribbean in 1982, according to the state board, opened the Hyperbaric Medical Center of New Mexico on Brunn School Road in Santa Fe in 2002. He used the therapy to treat everything from eyesight problems to cerebral palsy, traumatic brain injury and fetal alcohol syndrome, and has published many articles on these uses. He is a prominent local opponent of childhood vaccinations and appeared in an online video explaining why he believes they cause autism.

After closing his clinic in Santa Fe, Stoller worked in various places. He is now chief of hyperbarics at the Oxygen Clinic of San Francisco and splits his time between San Francisco and Santa Fe.

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