



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Phone: (502) 429-7150 Fax: (502) 429-7158 Website: www.kbml.ky.gov

Winter 2015

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Renewal of Physician Licenses for 2015

The Kentucky Board of Medical Licensure is currently in the middle of our medical and osteopathic licensure renewal for 2015. Physicians should have received a notice in December by mail with instructions to renew his or her license. Physicians are now able to renew their license online at www.kbml.ky.gov. To complete the renewal, physicians will be required to verify and update their unique licensure information. The fee to renew online will be \$150.00. Physicians who renew by paper will be assessed an additional \$10.00 fee.

Important CME Reminder

Board Regulation 201 KAR 9:310 requires all physicians maintaining a current Kentucky medical license to complete sixty (60) hours of CME every three (3) year cycle, with thirty (30) hours being certified in AMA or AOA Category I by an organization accredited by the Accreditation Council on Continuing Medical Education (CME). Please note that the most recent CME cycle came to an end on **December 31, 2014**.

The Board would like to remind all licensed physicians to ensure that they obtain the appropriate continuing medical education hours to maintain compliance with this regulation. Physicians who are authorized to prescribe controlled substances in Kentucky should pay special attention to the mandated HB 1 requirement pertaining to pain management, KASPER and addiction. A detailed summary of this requirement is available in our Summer Newsletter, which is still available on our website. In addition, physicians may review a summary of the Board's CME requirements on our website. Be sure to click on the CME Schedule link on our CME information page. In the event that you have not completed the required CME, you may request an extension and pay the fee of \$100.

Reminder on Mandatory KASPER Accounts

The Board would like to remind all physicians that state law requires Kentucky licensed physicians who are authorized to prescribe or dispense controlled substances in the Commonwealth to register with the enhanced Kentucky All Schedule Prescription Electronic Reporting (eKASPER) system. While the majority of Kentucky physicians have already registered with KASPER, there are still physicians who may have not done so.

According to the law, if you have a DEA number registered in Kentucky, you need to register for a KASPER account. This law applies to all physicians with a Kentucky medical or osteopathic license and are authorized to prescribe controlled substances in the Commonwealth. Reminder, to be authorized to prescribe controlled substances in Kentucky, you must have a DEA registered to an address in Kentucky. It is important to point out that according to 201 KAR 9:230, failure to register for KASPER will result in action against a physician's license. If you have not registered for your KASPER account, please do so immediately by visiting <http://chfs.ky.gov/os/oig/KASPER.htm>. **KASPER registration is free and it is the law.**

Board Orders can be viewed under the Physician Profile/
Verification of License link on the Board's website at
www.kbml.ky.gov

Board Action Report (actions taken since 10/01/14)

Melissa Anderson, M.D., Lexington, KY, License # R3087
Agreed Order entered into 12/05/14.

John D. Ammon, M.D., Burlington, KY, License # 13871
Amended Agreed Order of Indefinite Restriction entered
into 10/30/14.

Allen R. Bond, M.D., Lexington, KY, License # 25926
Third Amended Agreed Order entered into 10/31/14.

**Mary Gallagher Brenyo, PA-C, Lawrenceburg, KY, License #
PA642**
Agreed Order entered into 12/24/14.

Clyde M. Brooks, D.O., Portsmouth, OH, License # 02903
Agreed Order entered into 12/12/14.

Anthony C. Carter, M.D., Tompkinsville, KY, License # 23371
Agreed Order entered into 10/06/14.

Narong Chalothorn, M.D., Paintsville, KY, License # 19367
Agreed Order of Retirement entered into 11/05/14.

Thomas C. Crain, M.D., Taylorsville, KY, License # 28770
Agreed Order entered into 10/27/14.

Bethany L. Crispin, M.D., McKee, KY, License # 42913
Agreed Order entered into 12/04/14.

Rodney A. Crock, D.O., Lucasville, OH, License 03240
Agreed Order entered into 12/12/14.

Anthony V. Dallas, M.D., Hendersonville, TN, License # 21888
Agreed Order entered into 12/08/14.

Kamlesh C. Dave, M.D., LaGrange, KY, License # 34317
Agreed Order entered into 12/16/14.

Michael J. Doyle, M.D., Louisville, KY, License # 28798
Order Terminating Agreed Order issued 10/20/14.

William R. Durham, M.D., Lexington, KY, License # 32642
Agreed Order entered into 10/10/14.

Curtis S. Gale-Dyer, D.O., Lexington, KY, License # 03368
Second Amended Agreed Order entered into 12/08/14.

Karla R. Groves, M.D., Lexington, KY, License # 40244
Agreed Order entered into 12/22/14.

Imad A. Haddad, M.D., Liberty, KY, License # 37821
Agreed Order entered into 11/05/14.

Scott R. Hamann, M.D., Nicholasville, KY, License # 32055
Amended Agreed Order entered into 12/15/14.

Linda J. Hathaway, M.D., Richmond, KY, License # 30675
Agreed Order entered into 11/13/14.

Hughes M. Helm, M.D., Danville, KY, License # 37748
Agreed Order entered into 10/16/14.

James K. Holbrook, M.D., Corbin, KY, License # 27278
Second Amended Agreed Order of Indefinite Restriction
entered into 11/04/14.

Charles C. Johnson, D.O., Lexington, KY, License # 02349
Agreed Order entered into 10/06/14.

Charles C. Johnson, D.O., Lexington, KY, License # 02349
Amended Agreed Order entered into 12/08/14.

Jean M. Jorjani, M.D., Corbin, KY, License # 15013
Agreed Order of Permanent Surrender entered into
12/18/14.

Daniel F. Jung, D.O., Statesboro, GA, License # 03384
Agreed Order entered into 12/08/14.

Amir Kaldas, M.D., Davidson, NC, License # 47846
Agreed Order entered into 12/23/14.

Andrew W. Krasuski, M.D., Hazard, KY, License # 35403
Order of Revocation issued 11/21/14, effective 12/25/14.

Thad R. Manning, D.O., Pikeville, KY, License # 02807
Agreed Order entered into 12/18/14.

Tamberly L. McCoy, M.D., Owensboro, KY, License # 34958
Agreed Order entered into 10/28/14.

Casey L. Messer, PA-C, Gray, KY, License # PA1787
Amended Agreed Order entered into 12/09/14.

Thomas J. Moore, M.D., Corbin, KY, License # 22596
Fourth Amended Agreed Order entered into 11/25/14.

N. Mullai, M.D., Somerset, KY, License # 34277
Agreed Order entered into 11/10/14.

Timothy F. Mynes, D.O., Rustburg, VA, License # 03317
Agreed Order entered into 12/16/14.

Troy N. Nelson, D.O., Paducah, KY, License # 02797
Agreed Order entered into 12/01/14.

Mahendra Patel, M.D., Elizabethtown, KY, License # 17871
Agreed Order entered into 12/16/14.

Richard E. Paulus, M.D., Ashland, KY, License # 29247
Agreed Order of Retirement entered into 11/07/14.

Gary C. Patton, M.D., Lexington, KY, License # 24639
Second Amended Agreed Order entered into 10/30/14.

Chaisak Pengvanich, M.D., Louisville, KY, License # 17517
Agreed Order of Retirement entered into 12/02/14.

Robert L. Penn, M.D., Williamsburg, KY, License # 43987
Agreed Order entered into 11/05/14.

Clifford A. Poppens, M.D., Cadiz, KY, License # 19839
Agreed Order of Retirement entered into 12/12/14.

Jesus P. Querubin, M.D., Greenup, KY, License # 33412
Agreed Order entered into 10/30/14.

Yunus M. Shah, M.D., Goshen, KY, License # 37825
Amended Agreed Order entered into 10/15/14.

Mohamed Abdel-Rahman Shahout, M.D., Brooksville, FL, License # 37639
Agreed Order entered into 12/18/14.

Gregory L. Ward, D.O., Owensboro, KY, License # 02763
Order of Indefinite Restriction issued 10/22/14.

Jennifer E. Vice, PA-C, Richmond, KY, License # PA872
Agreed Order entered into 11/17/14.

Restrictions have also been placed on the following physicians' and physician assistant's licenses pending resolution of charges brought against them:

James A. Chaney, M.D., Hazard, KY, License # 28914
Complaint and Emergency Order of Suspension issued 10/21/14, effective 10/23/14.

Clella L. Hayes, M.D., Tompkinsville, KY, License # 41955
Amended Complaint and Amended Emergency Order of Suspension issued 12/22/14, effective 12/29/14.

Michael C. Macatol, M.D., Columbus, OH, License # 38999
Emergency Order of Suspension issued 12/15/14, effective 12/19/14.

Sharad C. Patel, M.D., Elizabethtown, KY, License # 20851
Complaint and Emergency Order of Suspension issued 11/24/14, effective 11/25/14.

David M. Ratliff, M.D., Lexington, KY, License # 31592
Emergency Order of Suspension issued 12/16/14, effective 12/17/14.

Jennifer E. Vice, PA-C, Richmond, KY, License # PA872
Emergency Order of Suspension issued 12/23/14, effective 12/27/14.

Meeting Dates For 2015

The meeting dates are available on the website for all Board, Panel and Allied Health meetings for 2015. To view these dates, please visit <http://kbml.ky.gov/board/Pages/Meeting-Dates.aspx>.

Pharmacy and Therapeutics Committee

The Department for Medicaid Services (DMS) Fee for Service (FFS) Pharmacy Program is seeking placement of additional committee members for the Pharmacy and Therapeutics Advisory Committee (P&T). Our committee members provide leadership in advancing the healthcare interests of the Commonwealth's FFS members who are in long term care facilities (LTC) and waiver programs.

The P&T was established via KRS 205.564. The P&T is charged with advising the Department for Medicaid Services on the development and administration of the outpatient drug formulary. The P&T also performs drug reviews and makes recommendations to the Department regarding specific drugs or drug classes regarding prior authorization or other indicated restrictions. In addition, managed care organizational partners review the P&T results and criteria and often align internal criteria for cohesive benefit application.

For scheduling commitment consideration here is some basic information on the P&T meeting criteria:

- The P&T is required to meet six (6) times a calendar year. Typically the meetings are held on odd months (January, March, May, July, September, and November).
- The meetings are held in Frankfort, and members are reimbursed for mileage expenses. (There will be a travel voucher at each meeting already prepared and ready for your signature.)
- The meetings typically begin at 1:00 p.m. and end by 5:00 p.m.

If you are interested in serving as a member of the P&T Advisory Committee please contact Leeta Williams by phone at (502) 564-6890 ext. 2193 or email at Leeta.Williams@KY.gov.

Self-treatment or Treatment of Immediate Family Members

One of the issues the Board routinely deals with is the self-treatment of physicians or treatment of the physician's immediate family members. In these cases, the Board refers physicians to the AMA Code of Medical Ethics and its **Opinion 8.19**, which addresses this important subject.

The Board encourages physicians to review this opinion, which is available online at <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page>.

Please note that on the issue of a physician prescribing controlled substances to self and to immediate family members, the opinion states, "Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members. In addition, the Board has defined the term "Immediate Family" as a husband or wife; natural or adoptive parent; child, or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.

Reminder About FDA Approved Medications and Devices

In recent months, the Board has considered several cases involving medical practices throughout the state that included allegations of ordering medications and medical devices not approved by the Food and Drug Administration (FDA). The Board has been concerned about these cases and urges caution to physicians and their staff to be cautious when ordering medications and medical devices and to ensure that these items are FDA approved.

In order to help physicians avoid prescription drugs that do not comply with U.S. regulatory requirements, which can help both to protect the public health and to reduce potential legal liability, the FDA recommends that health care providers and their staff:

- Be cautious when considering solicitations from unknown distributors who advertise via email or fax blasts.
- Check to see if the distributor holds a current state license before placing an order. Links to each state's licensing authorities are provided at www.fda.gov. Wholesale distributors are required to be licensed in the state(s) in which they do business, although licensure alone is not a guarantee of compliance with all legal requirements.
- Be wary if the price of the medicine sounds too good to be true. Deep discounts may be offered because the product is stolen, counterfeit, substandard, or unapproved.
- Carefully inspect all product and packaging. Look for these signs, which may indicate the product is not FDA-approved or otherwise does not meet U.S. regulatory requirements:
 - The medicine has a different brand name than what was ordered.
 - The packaging or label looks different from the product you usually receive.
 - Portions, or all, of the labeling are not in English.
 - The labeling does not state "Rx only" even though the product is restricted to prescription use in the U.S.
 - Shipping addresses, postmarks, or other materials indicate that the package came from outside the U.S.
 - The dosing recommendations are unfamiliar.
 - The dosage or route of administration is different (e.g., ampule instead of pre-filled syringe).
 - The product does not display a National Drug Code (NDC) number.
 - The lot numbers and expiration dates on the carton do not match those on labels of the containers included in the carton.
 - The drug was not shipped under conditions that satisfy labeled storage requirements. For example, if the drug is labeled to require refrigeration, it was not shipped with cold packs or other measures to ensure temperature control.

It is important to remember that under federal law, it is illegal to import, or to cause the importation of, drugs that do not comply with U.S. law, including FDA approval and labeling requirements. This law applies not only to manufacturers and distributors, but also to purchasers of such products. Parties who purchase such non-compliant drugs could face personal liability, including the possibility of criminal sanctions. Health care providers and patients are encouraged to report any suspicious medical products to the FDA's Office of Criminal Investigations (OCI), at www.fda.gov/oci.

Requirement to Report Board Actions and Criminal Actions

In the Spring of 2013, the Board completed a massive overhaul of its regulations. One of the major changes the Board would like to highlight for its licensees is the requirements of 201 KAR 9:081 regarding reporting Board Actions and criminal convictions within 10 days. According to the regulation, every person licensed to practice medicine or osteopathy within the Commonwealth of Kentucky shall report to the board any criminal conviction or plea of guilt, nolo contendere, or Alford plea to any criminal charges, regardless of adjudication, within ten (10) days of the entry of judgment of conviction or the entry of the plea, entered into in any state. As part of this reporting, the licensee shall provide a copy of the judgment of conviction or plea documents.

In addition, the regulation requires that every person licensed to practice medicine or osteopathy within the Commonwealth of Kentucky shall report to the board within ten (10) days of receipt, notice of any disciplinary action taken or sanction imposed upon the person's license in any state, including surrendering a license or placing a license into inactive or retired status to resolve a pending licensing investigation. As part of this reporting requirement, the licensee shall provide a copy of the order issued by or entered into with the other licensing board.

Please note that failure to report a criminal conviction or plea, or action taken by another licensing board, as required of an applicant by paragraphs (a) through (c) of this subsection, shall constitute a violation of KRS 311.595(9) and (12). A copy of 201 KAR 9:081 can be reviewed at the Board's website.

Electronic Death Reporting Becoming Mandatory

Coroners, funeral home personnel, physicians and others responsible for the registration of death certificates will be required to electronically file information needed to complete death certificates, using the Kentucky Electronic Death Registration System (KY-EDRS). The change took effect Jan. 1, 2015, phasing out the paper-based system currently used by the Office of Vital Statistics in conjunction with electronic reporting. The transition to exclusive electronic filing, mandated by state law, is anticipated to speed the process, while maintaining the accuracy and security of the records.

KY-EDRS was designed several years ago, giving users the option to file records electronically while others could continue to use the original, paper-based reporting system if they preferred. Electronic reporting was mandated following the passage of Senate Bill 52 during the 2013 General Assembly.

"The state death registry is a crucial piece of our work of modernizing the Office of Vital Statistics, and we have enrolled many enthusiastic users across the state," said Stephanie Mayfield, M.D., commissioner of the Kentucky Department for Public Health. "Those who have been relying on the old, paper-based system need to be aware of the upcoming change over to the electronic, web-based system. While this represents a transition in process for those who submit death information, the electronic death registry dramatically improves our death reporting system and the speed with which we are able to serve Kentuckians."

KY-EDRS is a free and secure web-based application. With KY-EDRS, funeral directors, physicians, coroners and any other medical certifier will be able to complete their portion of the death registration process faster, more efficiently and with fewer errors. Currently there are 404 funeral facilities, 81 coroners' offices and 40 medical facilities signed on and using the KY-EDRS. As of June 2014, 56 percent of all Kentucky death certificates were filed using the KY-EDRS.

To be granted access to the electronic system, users must contact Vital Statistics to create an account. Those who have not created an account are encouraged to do so well in advance of the Jan. 1 deadline to avoid delays or disruptions to the system.

While the switch to electronic reporting represents a significant change for many users, KY-EDRS offers numerous benefits that will make reporting easier and faster.

"KY-EDRS saves time and effort by enabling death certificate completion electronically," said State Registrar Paul Royce. "Death data registration is greatly improved because the system incorporates edits, minimizes errors, and enables communication between funeral directors and medical certifiers. The efficiency of KY-EDRS far outweighs the previous paper-based system."

"We're asking for the help of all parties involved in death registration to make the switch now, if they haven't already done so, in order to smooth the transition," said Royce.

While KY-EDRS training is not mandatory for participation in the online system, funeral directors and medical certifiers may find it helpful to take part in face-to-face training sessions offered on how to register and file death certificates electronically. Scheduled classes are available on the website. All sessions are conducted from 9 to 11 a.m. (EST). Training will take place at the Kentucky Cabinet for Health and Family Services in the CHR Building located at 275 East Main St., Frankfort. To register, call the Office of Vital Statistics at (866)451-3781 and a representative will assist. Additional information is available on the KY-EDRS website <http://chfs.ky.gov/dph/vital/KY-EDRS.htm>

Reminder Regarding Need to Notify Board of Change in Address

The Board would like to remind all physicians that according to KRS 311.586: Every physician who is practicing medicine or osteopathy in this state shall report to the Board the address or addresses at which he maintains an office, and every new licensee shall make the same report within 90 days after commencing the practice of medicine or osteopathy in this state. Every physician who, after notifying the Board of his official address or addresses, moves his office to a new address shall immediately notify the Board of the change.

The Board would like to stress the importance of this requirement for all physicians, including locum tenens physicians. Any licensed physician may update their address by simply going to the Board's website at www.kbml.ky.gov or complete the form on the last page of this Newsletter and forward to the Board. You may also change your practice address when you complete the 2015 renewal application.

