



# Kentucky Board of Medical Licensure Newsletter

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Spring 2017

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## General Assembly Passes Acute Prescribing Limits

During the proceedings of the 2017 Legislative Session of the Kentucky General Assembly, legislators approved HB 333, filed by Rep. Kim Moser, which addressed a host of issues related to controlled substances ranging from penalties for trafficking fentanyl, carfentanil, and fentanyl derivatives to acute prescribing limits for physicians and other practitioners. In regards to the acute prescribing limits, HB 333 amends KRS 218A.205 to require state licensing boards to promulgate regulations limiting prescriptions for Schedule II controlled substances for acute pain to a three (3) day supply, with certain exceptions. It is important to note the bill does have several provisions for exceptions such as prescribing to treat pain after a major surgery. Governor Bevin has signed the legislation and the Board has started working on amending our regulation on the professional standards for prescribing and dispensing controlled substances (201 KAR 9:260) and will be providing more information in the coming weeks.

For your review, the Board has included a summary of the major provisions of HB 333 related to the acute prescribing limits below.

(3) In consultation with the Kentucky Office of Drug Control Policy, each state licensing board shall establish the following administrative regulation for those licensees authorized to prescribe or dispense controlled substances:

(b) In accordance with the CDC Guideline for Prescribing Opioids for Chronic Pain published in 2016, a prohibition on a practitioner issuing a prescription for a Schedule II controlled substance for more than a three (3) day supply if the prescription is intended to treat pain as an acute medical condition, with the following exceptions:

1. The practitioner, in his or her professional judgment believes that more than a 3-day supply of a Schedule II controlled substance is medically necessary to treat the patient's pain as an acute medical condition and the practitioner adequately documents the acute medical condition and lack of alternative treatment options which justifies deviation from the 3 day supply limit in the patient's medical records;
2. The prescription for a Schedule II controlled substance is prescribed to treat chronic pain;
3. The prescription for a Schedule II controlled substance is prescribed to treat pain with a valid cancer diagnosis;
4. The prescription for a Schedule II controlled substance is prescribed to treat pain while the patient is receiving hospice or end-of-life treatment;

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

**Board Action Report (actions taken since 01/01/17)**

**Orduen Abunku, M.D., West Chester, OH, Inactive License # 34820**

Order Denying Re-Registration of Inactive License issued 01/26/17.

**Edith Nell Anders, L.Ac., Florence, KY, License # AC064**

Order Terminating Agreed Order issued 02/17/17.

**Anthony Arnott, M.D., Aiken, SC, License # 44388**

Order Terminating Agreed Order issued 02/17/17.

**Jason H. Campbell, M.D., Glasgow, KY, License # 33935**

Agreed Order entered into 03/29/17.

**Edward Chaum, M.D., Knoxville, TN, License # 45697**

Agreed Order of Fine entered into 02/13/17.

**Sean Russell Dillon, M.D., Ft. Mitchell, KY, License # 47180**

Amended Agreed Order entered into 03/02/17.

**Victor A. Dunn, PA-C, Owensboro, KY, License # PA340**

Second Amended Agreed Order entered into 01/30/17.

**Shawn Gorden, M.D., Pampa, TX, License # 39057**

Agreed Order entered into 01/27/17.

**Imad A. Haddad, M.D., Liberty, KY, License # 37821**

Order Terminating Agreed Order issued 02/17/17.

**Kenneth E. Hines, M.D., Lawrenceburg, KY, License # 16365**

Second Amended Agreed Order entered into 02/09/17.

**Shawn P. Hudson, D.O., Rockholds, KY, License # 02933**

Agreed Order entered into 02/16/17.

**Thomas G. Hughes, M.D., Louisville, KY, License # 34678**

Agreed Order entered into 03/07/17.

**Ronald L. Humphrey, M.D., Mt. Sterling, KY, License # 19020**

Amended Agreed Order entered into 02/09/17.

**A. Barry Klein, M.D., Louisville, KY, License # 24316**

Third Amended Agreed Order entered into 03/09/17.

**Howard D. Markowitz, M.D., Lexington, KY, License # 33813**

Third Amended Agreed Order entered into 01/30/17.

**Muad A. Maya, M.D., Louisville, KY, License # 35833**

Agreed Order entered into 03/07/17.

**David H. McCord, M.D., Nashville, TN, License # 24270**

Order of Termination issued 01/20/17.

**Tamberly L. McCoy, M.D., Owensboro, KY, License # 34958**

Order Terminating Amended Agreed Order issued 02/21/17.

**Gregory E. Mick, D.O., Lexington, KY, License # 02503**

Agreed Order of Surrender entered into 01/06/17.

**Stephen Lee Moore, D.O., Avon Lake, OH, License # 03919**

Agreed Order entered into 01/27/17.

**Stephen Lee Moore, D.O., Avon Lake, OH, License # 03919**

Amended Agreed Order entered into 03/23/17.

**Thomas J. Moore, M.D., Corbin, KY, License # 22596**

Order Terminating Sixth Amended Agreed Order issued 02/23/17.

**Quentin F. Murray, M.D., Winchester, KY, License # 39435**

Agreed Order of Surrender entered into 02/07/17.

**Timothy F. Mynes, D.O., Forest, VA, License # 03317**

Order Terminating Amended Agreed Order issued 01/20/17.

**Dennis M. O'Keefe, M.D., Bowling Green, KY, License # 20939**

Agreed Order entered into 02/07/17.

**William Ortiz, M.D., Caribou, ME, License # 46744**

Order of Revocation issued 03/20/17, effective 04/21/17.

**William C. Powell, M.D., Albany, KY, License # 17386**

Agreed Order entered into 02/07/17.

**David M. Ratliff, M.D., Lexington, KY, License # 31592**

Third Amended Agreed Order entered into 03/02/17.

**Amardeep Reddy, D.O., Decatur, AL, License # 03396**

Order Terminating Agreed Order issued 01/20/17.

**Chandra M. Reddy, M.D., Glasgow, KY, License # 32087**

Amended Agreed Order entered into 02/21/17.

**Peter M. Reuss, M.D., Eden Prairie, MN, License # 40763**

Final Order issued 03/20/17, effective 04/22/17.

**Frank G. Simon, M.D., Louisville, KY, License # 14589**

Order Terminating Second Amended Agreed Order issued 02/21/17.

**David L. Sincavage, M.D., Brentwood, TN, License # 48339**

Agreed Order entered into 02/07/17.

**David S. Swan, M.D., Lexington, KY, License # 15641**

Order of Revocation issued 02/17/17, effective 03/23/17.

**Amir Zia, M.D., Bowling Green, KY, License # 38494**

Agreed Order entered into 02/07/17.

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Restrictions have also been placed on the following physicians' licenses pending resolution of charges brought against them.

**Vidya R. Bethi, M.D., Clarksville, TN, License # 46046**

Complaint and Emergency Order of Suspension issued 01/20/17, effective 01/23/17.

**Glen D. Richards, M.D., Louisville, KY, License # 13689**

Complaint and Emergency Order of Suspension issued 02/09/17, effective 02/10/17.

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**General Assembly Passes Acute Prescribing Limits (continued from page 1)**

5. The prescription for a Schedule II controlled substance is prescribed as part of a narcotic treatment program licensed by the Cabinet for Health and Family Services.
6. The prescription for a Schedule II controlled substance is prescribed to treat pain following a major surgery or the treatment of a significant trauma, as defined by the state licensing board in consultation with the Kentucky Office of Drug Control Policy;
7. The Schedule II controlled substance is dispensed or administered directly to an ultimate user in an inpatient setting; or
8. Any additional treatment scenario deemed medically necessary by the state licensing board in consultation with the Kentucky Office of Drug Control Policy.

The full version of HB 333 is also available for your review by visiting <http://www.lrc.ky.gov/record/17rs/HB333.htm>.

**Important Notice: Gabapentin Becomes a Schedule 5 Controlled Substance in Kentucky**

As a result of amendments made to 902 KAR 55:035, which were finalized and adopted on March 3, 2017, all gabapentin products will be Schedule 5 controlled substances in Kentucky. This change goes into effect on July 1, 2017. All applicable provisions of KRS Chapter 218A, 902 KAR Chapter 55 and other licensure board regulations will apply to gabapentin.

In order to assist physicians and other practitioners in the Commonwealth, the state's Drug Enforcement and Professional Practices Branch has developed an informational notice on the regulation change. You can view this document by going to the Board's website or visiting [www.chfs.ky.gov/KASPER](http://www.chfs.ky.gov/KASPER).

The Board strongly encourages its licensees to become familiar with this regulatory change. While the Board notes Schedule V controlled substances are exempt from the provisions of 201 KAR 9:260, the Board always encourages incorporation of the use of KASPER into the prescribing of ANY controlled substance.

For questions on these changes, call the Drug Enforcement and Professional Practices Branch at 502-564-7985.

**Board Welcomes Genetic Counselors**

Another piece of legislation involving the Board focused on the licensing of genetic counselors in Kentucky. SB 146, sponsored by Sen. Julie Raque Adams, was passed by General Assembly and signed by Governor Bevin and it creates new sections of KRS Chapter 311 to establish and administer the licensure of genetic counselors under the State Board of Medical Licensure. This legislation is similar to other allied health professions under the Board's authority.

The Board is pleased to welcome this new profession and will begin licensing genetic counselors in 2018.

**Quick Reminder on MOST Form**

The Board would like to remind all of its licensees that it has developed a standardized medical scope of treatment (MOST) form along with an advisory opinion to assist physicians with this issue. The form was developed in 2015 after the Kentucky General Assembly passed legislation directing the Board to create it.

The Board encourages its licensees to become familiar with the form and has made it available on the Board's website. You can find it by looking under the Board Information heading and clicking on Opinion and Policy Statements.

**Former Board Member Receives Recognition from Federation of State Medical Boards**

On April 22, 2017, the Federation of State Medical Boards, during the proceedings of their 2017 Annual Meeting in Fort Worth, Texas, presented Preston P. Nunnelley, M.D. (Lexington) with the John H. Clark, M.D. Leadership Award. This prestigious award recognizes outstanding and exemplary leadership, commitment and contribution to advancing the public good at the state medical board level.

As many Kentucky physicians know, Dr. Nunnelley served on the Board for a span of 24 years, making countless contributions to the Commonwealth during his distinguished career. Among his many roles, he chaired the Board's Inquiry/Hearing Panel for 10 years and Board President for nine years. The Board would like to congratulate Dr. Nunnelley on his award and thank him for his many years of service to physicians and patients of Kentucky.

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## General Assembly Approves Bills Involving Additional Information for KASPER

Physicians may also be interested in two other pieces of legislation, which will make additional patient information available through the access of the state's KASPER system. The first piece of legislation, SB 32, filed by Sen. Danny Carroll, requires the Administrative Office of the Courts to forward drug conviction data to the Cabinet for Health and Family Services (CHFS) for inclusion in KASPER. As a result, CHFS will incorporate the data into the system so that a query by patient name indicates any prior drug conviction.

The second piece of legislation that may be of interest is HB 314, sponsored by Rep. Danny Bently. HB 314 amends KRS 218A.202 to require hospitals to report positive toxicology screens that were performed by the hospital emergency department to evaluate the patient's suspected drug overdose. It will also allow practitioners or pharmacists to review KASPER reports of birth mothers of potentially drug-exposed infants and contains additional reporting requirements for hospitals for controlled substances dispensed to patients in the emergency department.

Over the next several months, CHFS will be working on implementing these legislative changes and will provide additional information/training on these issues once they are available to practitioners.

## Important CME Reminder – Final Year of 3-Year Cycle

The Board would like to remind all of its licensees that we are now entering into the third year of the Board's 3 year CME Cycle. 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). Again, please note that the current CME cycle ends on December 31, 2017.

The Board encourages all licensed physicians to ensure that they obtain the appropriate continuing medical education hours to maintain compliance with this regulation. It is important to note the continuing medical education requirements related to 2012's HB 1, are ongoing for those physicians authorized to prescribe controlled substances in Kentucky and **must be obtained every 3 years**. According to the regulation for each three (3) year continuing education cycle beginning on January 1, 2015, a licensee who is authorized to prescribe or dispense controlled substances in the Commonwealth at any time during that cycle shall complete at least four and one half (4.5) hours of approved continuing education hours relating to the use of KASPER, pain management, addiction disorders, or a combination of two (2) or more of those subjects. A licensee may satisfy this requirement by completing a single approved program of 4.5 hours or longer or by completing multiple approved programs for a total of 4.5 hours or longer for that cycle.

A summary of the Board's CME requirements is available on our website, [www.kbml.ky.gov](http://www.kbml.ky.gov). Just click on the link for continuing medical education. You can also find information about approved courses that are available online.

## 2017 Annual Renewal of Physician Licenses

Annual renewal of physician licenses for the current year has just been completed. The Board is pleased to announce that 96% of physicians utilized the on-line renewal service this year. As of April 5, 2017, a total of 16,664 physicians have renewed their medical/osteopathic license. This reflects an increase of 401 over last year's total for the same period. Of the total, 11,083 physicians reported a practice address in Kentucky.

Medical Status	In State	% of Total	Out of State	% of Total
Private Practice	4,597	41.48%	1,723	30.87%
Hospital Based	3,109	28.05%	1,421	25.46%
Faculty	968	8.73%	238	4.26%
Resident or Fellow	293	2.64%	36	0.65%
Emergency Medicine	530	4.78%	248	4.44%
Public Health/Government	305	2.75%	142	2.54%
Administration	112	1.01%	159	2.85%
Occupational Medicine	68	0.61%	42	0.75%
Military	22	0.20%	52	0.93%
Research	10	0.09%	8	0.14%
Locum Tenens	139	1.25%	342	6.13%
Semi-Retired	158	1.43%	46	0.82%
Telemedicine	53	0.48%	879	15.75%
Retired	643	5.80%	177	3.17%
Other	76	0.69%	68	1.22%
<b>Total:</b>	<b>11,083</b>	<b>100.00%</b>	<b>5,581</b>	<b>100.00%</b>

### Physicians' Degree

Physicians with M.D.	10,332	93.22%	5,198	93.14%
Physicians with D.O.	751	6.78%	383	6.86%
<b>Total:</b>	<b>11,083</b>	<b>100.00%</b>	<b>5,581</b>	<b>100.00%</b>

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**Kentucky Board of Medical Licensure  
310 Whittington Pkwy., #1B  
Louisville, KY 40222**

**Change of Address Notice**

**Please Note:** The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at [www.kbml.ky.gov](http://www.kbml.ky.gov).

You may also change your address online <http://kbml.ky.gov/address/Pages/default.aspx>

*(Please Print or Type Information)*

Date: \_\_\_\_\_ KY License Number: \_\_\_\_\_

Name: \_\_\_\_\_  
(Last) (First) (Middle)

Mailing Address: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip)

Practice Address: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip)

Practice County: \_\_\_\_\_

Office Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_  
(Email address is not published)