



# Kentucky Board of Medical Licensure Newsletter

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Summer 2017

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## KBML Files Amendment To 201 KAR 9:260

The Kentucky Board of Medical Licensure recently filed an amendment to 201 KAR 9:260, which is the Board's regulation for setting out the standards for prescribing and dispensing controlled substances in the Commonwealth. The Board has filed the amendment in response to the enactment of HB 333, which was passed by the 2017 Kentucky General Assembly and signed by Governor Bevin.

In addition to establishing the professional standard of a 3-day prescribing limit on Schedule II controlled substances for acute pain, the amendment also clarifies the professional standard for titration of controlled substances consistent with the 2016 Centers for Disease Control and Prevention Guideline for the Prescribing of Opioids for Chronic Pain. Please note the provisions of the amended regulation are currently not in effect and the Board will provide notification of an expected effective date.

Now that the Board has filed the amendment to this regulation, the public hearing and public comment period has started. The Board encourages all of its licensees to review the amendment and provide comments on it. A public hearing on this administrative regulation shall be held on August 28, 2017 at 10:00 a.m. at the offices of the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify the Board in writing by August 21, 2017, five (5) workdays prior to the hearing, of their intent to attend. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2017.

You may send written notification of intent to be heard at the public hearing or any written comments on the proposed administrative regulation to the Board's contact person, who is: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, KY 40222. Phone (502) 429-7150, fax (502) 429-7118, email: [Leanne.Diakov@ky.gov](mailto:Leanne.Diakov@ky.gov).

## Amendments to 201 KAR 9:270 Complete and in Effect

The Board would like to advise physicians that we recently completed the process of amending our regulation, 201 KAR 9:270, which focuses on the professional standards for prescribing or dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined with Naloxone.

These changes went to effect on June 2, 2017 and due to the fact the regulation has had multiple amendments since its original adoption, the Board would like to encourage all physicians that utilize these medications to treat opioid dependence to review the regulation and become familiar with it. You can review a copy of the regulation, by viewing <http://www.lrc.ky.gov/kar/201/009/270.htm>

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 04/01/17)**

**Bal K. Bansal, M.D., Ashland, KY, License # 22004**  
Order Terminating Amended Agreed Order of Indefinite  
Restriction issued 05/24/17.

**Denise S. Bates, ATC, Evansville, IN, License # AT1449**  
Agreed Order of Fine entered into 04/03/17.

**Vidya R. Bethi, M.D., Clarksville, TN, License # 46046**  
Agreed Order entered into 04/13/17.

**Stephen Scott Brown, M.D., Huntington, WV, License # 45876**  
Order of Revocation issued 04/17/17, effective  
05/27/17.

**Michael B. Chesnut, M.D., Lexington, KY, License # 29325**  
Amended Agreed Order entered into 05/26/17.

**Rodney A. Crock, D.O., Lucasville, OH, License # 03240**  
Order Terminating Amended Agreed Order issued  
05/24/17.

**Yusuf K. Deshmukh, M.D., Elizabethtown, KY, License # 21252**  
Agreed Order entered into 06/07/17.

**Paul M. DesRosiers, M.D., Bourbonnais, IL, License # 50142**  
Agreed Order entered into 04/05/17.

**Wayne R. Edwards, M.D., Pikeville, KY, License # 34226**  
Third Amended Agreed Order entered into 06/26/17.

**Philip M. Goldman, M.D., Florence, KY, License # 32101**  
Order Terminating Amended Agreed Order issued  
05/24/17.

**Norman Harris, M.D., Odessa, TX, License # 50554**  
Agreed Order entered into 06/26/17.

**Thomas G. Hughes, M.D., Louisville, KY, License # 34678**  
Amended Agreed Order entered into 05/18/17.

**Michael W. Jones, D.O., Owensboro, KY, License # 02885**  
Agreed Order entered into 05/18/17.

**Joshua Kadetz, M.D., Cumming, GA, License # 42223**  
Amended Agreed Order entered 05/25/17.

**Joshua Kadetz, M.D., Cumming, GA, License # 42223**  
Second Amended Agreed Order entered into 06/20/17.

**Habib M. Khoury, M.D., Louisville, KY, License # 34774**  
Order Terminating Agreed Order issued 05/24/17.

**Robert Blair Lee, M.D., Franklin, TN, License # 46919**  
Agreed Order of Surrender entered into 06/15/17.

**Robert C. Legg, M.D., Jacksonville, FL, License # 50145**  
Agreed Order entered into 04/06/17.

**John Adam Leigh, M.D., Winston-Salem, NC, License # 50551**  
Agreed Order entered into 06/21/17.

**Fredericka C. Lockett, M.D., Bloomfield, KY, License # 19893**  
Agreed Order entered into 04/03/17.

**Howard D. Markowitz, M.D., Lexington, KY, License # 33813**  
Fourth Amended Agreed Order entered 05/31/17.

**Muad A. Maya, M.D., Louisville, KY, License # 35833**  
Amended Agreed Order entered into 05/19/17.

**Atma P. Nayak, M.D., Morehead, KY, License # 50150**  
Agreed Order of Fine entered into 04/17/17.

**Mahendra Patel, M.D., Elizabethtown, KY, License # 17871**  
Order Terminating Agreed Order issued 05/24/17.

**Rafiq U. Rahman, M.D., Elizabethtown, KY, License # 27724**  
Agreed Order entered into 06/07/17.

**Glen D. Richards, M.D., Louisville, KY, License # 13689**  
Agreed Order of Surrender entered into 06/15/17.

**Michael G. Rukavina, M.D., Lexington, KY, License # 29562**  
Agreed Order entered into 04/03/17.

**Munawar Siddiqi, M.D., Nicholasville, KY, License # 38485**  
Amended Agreed Order entered into 05/22/17.

**Thomas M. Sprague, D.O., Reston, VA, License # 04170**  
Agreed Order entered into 06/29/17.

**Christopher T. Stokes, M.D., East Bernstadt, KY, License # 38216**  
Agreed Order of Probation entered into 05/30/17.

**Allen L. Tinsley, M.D., Paducah, KY, License # 25179**  
Order Terminating Amended Agreed Order of Indefinite  
Restriction issued 05/24/17.

**Thomas E. Turek, M.D., University Park, FL, License # 38945**  
Order Terminating Agreed Order issued 04/17/17.

**P. Joel L. Velasco, M.D., Prospect, KY, License # 30468**  
Second Amended Agreed Order entered into 05/30/17.

**Kelli E. Gambill Whitt, M.D., Danville, KY, License # 36424**  
Amended Agreed Order entered into 05/30/17.

**Jared K. Wilson, M.D., Somerset, KY, License # 32177**  
Amended Agreed Order entered into 05/22/17.

**Joel S. Wolinsky, M.D., Sugar Land, TX, License # 50149**  
Agreed Order entered into 04/14/17.

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

**Ezekiel O. Akande, M.D., Somerset, KY, License 42041**

Amended Complaint and Amended Emergency Order of Suspension issued 04/17/17, effective 04/19/17.

**Alfred Baldera, M.D., Ona, WV, License # 25469**

Final Order Overturning Emergency Order of Restriction 04/27/17.

**Michael L. Cummings, M.D., Albany, KY, License # 23083**

Emergency Order of Suspension issued 05/02/17, effective 05/04/17. Complaint issued 05/18/17.

**Bart J. Goldman, M.D., Louisville, KY, License # 24683**

Complaint and Emergency Order of Restriction issued 04/04/17, effective 04/04/17.

**Robert Blair Lee, M.D., Franklin, TN, License # 46919**

Complaint and Emergency Order of Restriction issued 04/04/17, effective 04/05/17.

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**Important CME Reminder – Half Way through Third Year of CME Cycle**

The Board would like to remind all of its licensees that we are half way through the third and final year of the Board's three 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.

**Kentucky Physicians Health Foundation Welcomes Back Medical Director**

The Board is pleased to announce that Gregory L. Jones, M.D. has rejoined the Kentucky Physicians Health Foundation in the capacity of Medical Director. Dr. Jones officially returned to the Foundation earlier this summer and brings with him years of experience in the field of addiction treatment and physician advocacy.

For physicians not familiar with the work of the Foundation, it initially began in 1976 and has helped over 1100 professionals licensed by the Kentucky Board of Medical Licensure impacted by addictive disease and mental or emotional illness. This assistance includes the interaction and involvement with family members, partners, employers, treatment professionals and facilities, regulatory agencies and other groups.

In addition, The Foundation acts as an advocate and care manager for the Board's licensees through:

- confirmation of impairment issues;
- intervention;
- assessment;
- directing acute treatment;
- aftercare; and
- advocacy.

The Foundation does receive funding through a contract with the Board and is designated as a 501(c)(3) organization. The Board strongly encourages any physician suffering from any form of impairment to reach out to the Foundation for assistance. You can reach their office by calling (502) 425-7761 or you can visit their website, [www.kyrecovery.org](http://www.kyrecovery.org), for more information.

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## Concerns Related to Urine Drug Screening

One of the main problems the Board continues to receive complaints about involves matters related to urine drug screening (UDS). As most physicians are aware, 201 KAR 9:260 calls for the use of drug screens during the course of long-term prescribing of controlled substances for the treatment of pain and related symptoms associated with a primary medical complaint. In addition, the Board has consistently found that it is the acceptable and prevailing medical standard that physicians utilize drug screens for other long-term prescribing such as benzodiazepines.

Although the Board regulation does not specify what form of drug testing should be utilized, it is recognized that UDS is the most commonly used testing method. The most common complaints the Board receives involving UDS include overuse of testing, poor or lack of insurance coverage, alleged incorrect interpretation of test results, and poor communication of practice policies related to UDS.

The Board has published some general guidance on the frequency of utilization of drug screening, which can be found on the Board's website. Physicians are expected to use their professional judgment and discretion to determine the appropriate frequency of UDS and educate themselves on current acceptable practices related to the use of UDS and interpretation of lab results and related pharmacology. Education on UDS and other monitoring activities is readily available through numerous sources. Finally, the Board encourages physicians to be very clear to patients of the expectation of the practice policies related to UDS and any policy changes.

## CDC Releases Study on Changes in Opioid Prescribing in U.S., 2010-2015

The Board would like to share a recent study that focused on the changes in opioid prescribing in the United States from 2010 through 2015. According to the study, the amount of opioids prescribed in the US peaked in 2010 and then decreased each year through 2015. However, prescribing remains high and varies widely from county to county. Healthcare providers began using opioids in the late 1990s to treat chronic pain (not related to cancer), such as arthritis and back pain. As this continued, more opioid prescriptions were written, for more days per prescription, in higher doses. Taking opioids for longer periods of time or in higher doses increases the risk of addiction, overdose, and death. In 2015, six times more opioids per resident were dispensed in the highest-prescribing counties than in the lowest-prescribing counties. County-level characteristics, such as rural versus urban, income level, and demographics, only explained about a third of the differences. This suggests that people receive different care depending on where they live.

You may find a copy of the study, which is available on the CDC website, by clicking here. [https://www.cdc.gov/mmwr/volumes/66/wr/mm6626a4.htm?s\\_cid=mm6626a4](https://www.cdc.gov/mmwr/volumes/66/wr/mm6626a4.htm?s_cid=mm6626a4)

In addition to the study, Board encourages its licensees to download and review the CDC Vitalsigns Fact Sheet on Opioid Prescribing, which is available, <https://www.cdc.gov/vitalsigns/pdf/2017-07-vitalsigns.pdf>

## Board and Criminal Action Reporting Requirement

The Board would like to remind all of its licensees that like many states, it has a mandatory reporting requirement for criminal actions and disciplinary actions in other states.

According to 201 KAR 9:081, 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).

You can make such a report by submitting written correspondence to the Board office. If you have any questions regarding the Board's reporting requirement, please contact us (502) 429-7150. A copy of 201 KAR 9:081 can be reviewed at <http://www.lrc.ky.gov/kar/201/009/081.htm>.

