



# Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, KY 40222

Phone (502) 429-7150

Fax (502) 429-7158

Website [www.kbml.ky.gov](http://www.kbml.ky.gov)

Summer 2019

Michael S. Rodman, Executive Director

Randel C. Gibson, D.O., President

## **President**

Randel C. Gibson, D.O.,  
Mayfield

## **Vice President**

Dale E. Toney, M.D.  
Lexington

## **Secretary**

Sandra R. Shuffett, M.D.  
Nicholasville

Caren L. Daniels, M.D.  
Morehead

Angela T. Dearing, M.D.  
Lexington

Michael E. Fletcher, M.D.  
Crestview Hills

Kenneth J. Payne, M.D.  
Louisville

David W. Wallace, M.D.  
Shelbyville

## **Consumer Representatives**

Philip D. Williamson, Esq.  
Ft. Thomas

Kristin Ann Turner, Esq.  
Alexandria

Richard Whitehouse, Esq.  
Louisville

## **Ex-Officio Members**

Dana C. Shaffer, D.O., Dean  
University of Pikeville

Robert S. DiPaola, M.D., Dean  
University of Kentucky

Toni M. Ganzel, M.D., Dean  
University of Louisville

Jeffrey D. Howard, M.D.  
Commissioner for Public Health

## **Workers' Compensation Pharmaceutical Formulary Effective Dates**

The Kentucky Department of Workers' Claims (DWC) has promulgated an administrative regulation (803 KAR 25:270) adopting the ODG by MCG Health pharmaceutical formulary for use in the treatment of work-related injuries and occupational disease. Drugs listed in the formulary are assigned "Y" or "N" status. Drugs assigned "Y" status may be dispensed without preauthorization and do not require utilization review. Drugs assigned "N" status, compounded drugs, and prescription drugs not listed in the formulary require preauthorization.

The formulary is available online at [www.odgbymcg.com/state-formulary](http://www.odgbymcg.com/state-formulary).

### **The formulary will take effect as follows:**

- (a) For claims in which the date of injury or last exposure is on or after January 1, 2019, the formulary shall be effective **July 1, 2019**.
- (b) For claims in which the date of injury or last exposure is prior to January 1, 2019, the formulary shall be effective:
  - (1) **July 1, 2019** for a prescription that is not a refill prescription;
  - (2) **January 1, 2020** for a refill prescription of a drug initially prescribed prior to July 1, 2019.

A training webinar is available on the DWC's website under the "Drug Formulary" tab and at <http://info.mcq.com/odg-on-demand-webinar-kentucky-formulary.html>. Support and training is also available through the ODG Helpdesk at 800-488-5548 or online at [odghelp@mcq.com](mailto:odghelp@mcq.com).

Questions about the formulary regulation may be directed to John Mann at 502-782-4532 or [JohnW.Mann@ky.gov](mailto:JohnW.Mann@ky.gov)

## **Reminder on Requirement to Report Board Actions and Criminal Actions within 10 Days**

The Board would also like to offer a quick reminder to its licensees that 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). A copy of 201 KAR 9:081 can be reviewed at the Board's website.

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

**Board Action Report (actions taken since 04/01/19)**

**John M. Bennett, M.D., Berea, KY, License # 30690**  
Agreed Order entered into 06/04/19.

**Clayton V. Bowman, D.O., License # 03585**  
Agreed Order entered into 04/29/19.

**Briana L. Boyd, M.D., Betsy Layne, KY, License # 40671**  
Agreed Order entered into 06/10/19.

**Paul M. DesRosiers, M.D., Bourbonnais, IL, License # 50142**  
Order Terminating Agreed Order issued 06/26/19.

**Shawn Gorden, M.D., Pampa, TX, License # 39057**  
Second Amended Agreed Order entered into 04/05/19.

**Kenneth Hines, M.D., Lawrenceburg, KY, License # 16365**  
Agreed Order of Permanent Surrender entered into 04/18/19.

**Thomas G. Hughes, M.D., Louisville, KY, License # 34678**  
Third Amended Agreed Order entered into 05/31/19.

**Todd Stephen Jarosz, M.D., Hazard, KY, License # 51109**  
Agreed Order entered into 06/10/19.

**Allison Koetter, M.D., Lexington, KY, License # R4623**  
Order Terminating Agreed Order issued 06/27/19.

**Curt E. Liebman, M.D., Louisville, KY, License # 26066**  
Order Terminating Agreed Order issued 04/23/19.

**David J. Marwil, M.D., Lexington, KY, License # 17918**  
Amended Agreed Order entered into 05/23/19.

**David M. Moore, M.D., Clarksville, TN, License # 42984**  
Agreed Order entered into 05/22/19.

**Bradley G. Mullen, M.D., Ft. Mitchell, KY, License # 27835**  
Order of Indefinite Restriction issued 06/24/19, effective 07/27/19.

**Tinofa Ozias Muskwe, M.D., Cedar Rapids, IA, License # 44478**  
Agreed Order entered into 06/04/19.

**Tinofa Ozias Muskwe, M.D., Cedar Rapids, IA, License # 44478**  
Order Terminating Agreed Order issued 06/17/19.

**Linda M. Petrovich, M.D., Eden Prairie, MN, License # 38697**  
Order Terminating Agreed Order issued 04/04/19.

**David Ringel, D.O., Ft. Wayne, IN, License # 04517**  
Agreed Order entered into 04/03/19.

**William Lawrence Gregory Siefert, M.D., Florence, KY, License # 46903**  
Agreed Order entered into 05/13/19.

**Monica K. Sullivan, M.D., Cincinnati, OH, License # 43346**  
Second Amended Agreed Order entered into 04/03/19.

**Michael W. Vories, M.D., Mount Pleasant, SC, License # 33216**  
Order Terminating Agreed Order issued 04/23/19.

**Matthew Frederick Way, M.D., Reston, VA, License # 48416**  
Agreed Order entered into 06/05/19

**Matthew Frederick Way, M.D., Reston, VA, License # 48416**  
Order Terminating Agreed Order issued 06/25/19.

**Lesley Wong, M.D., Lexington, KY, License # 42610**  
Agreed Order entered into 06/05/19.

**Lesley Wong, M.D., Lexington, KY, License # 42610**  
Order Terminating Agreed Order issued 06/17/19.

**Clemente V. Zulueta, M.D., Jackson, KY, License # 36207**  
Order Terminating Amended Agreed Order of Indefinite Restriction issued 04/23/19.

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

**Henry D. Babenco, M.D., Kuttawa, KY, License # 37712**  
Emergency Order of Suspension issued 04/22/19, effective 04/27/19.

**Sai P. Gutti, M.D., Pikeville, KY, License # 29929**  
Complaint and Emergency Order of Suspension issued 05/20/19, effective 05/22/19.

**Kang Lu, M.D., Ashland, KY, License # 45039**  
Complaint and Emergency Order of Suspension issued 05/20/19, effective 05/24/19.

**Ijaz Mahmood, M.D., Louisville, KY, License # 31150**  
Emergency Order of Suspension issued 04/18/19, effective 04/27/19.

**Mohammed A.H. Mazumder, M.D., Prestonsburg, KY, License # 43704**  
Emergency Order of Suspension issued 04/19/19, effective 04/23/19.

**Mohammed A.H. Mazumder, M.D., Prestonsburg, KY, License # 43704**  
Complaint and Amended Emergency Order of Suspension issued 05/22/19, effective 05/24/19.

**Christopher L. Nelson, M.D., Louisville, KY, License # 37667**  
Emergency Order of Suspension issued 04/18/19, effective 04/29/19.

**Abdolkarim Tahanasab, M.D., Frankfort, KY, License # 17210**  
Complaint and Emergency Order of Suspension issued 06/04/19, effective 06/07/19.

## Update on New Process to Access KASPER

As reported previously in the Board's Spring Newsletter, the Cabinet for Health and Family Services, in April 2019, began requiring any physician or their delegate that accesses the Enhanced Kentucky All Schedule Prescription Electronic Reporting System (eKASPER) to utilize the Cabinet's single sign-on system, Kentucky Online Gateway (KOG).

KOG is an authentication service for users requesting access to Cabinet applications. As reported previously in the Board's last newsletter, the Cabinet is transitioning to KOG to provide you with more secure and reliable access to your eKASPER account. KOG will also simplify maintenance of your eKASPER account by eliminating the need for you to provide and maintain facility information.

Please remember that according to state law, any physician who is authorized to prescribe controlled substances in the Commonwealth must sign up to have their own KASPER account. The Board understands that many physicians still have not completed KOG authentication process and strongly encourages those who have not done so to please take the following actions:

1. **Ensure that you have a unique email address as soon as possible.**
  - KOG requires that all eKASPER master and delegate account holders have a unique email address. Multiple KASPER users will no longer be able to share an email address, such as a practice-wide email. KOG will support unique email addresses provided by a free email service such as Gmail.
2. **Establish your KOG account.**
  - Create a KOG account using your unique email address by following the registration process at: <https://kog.chfs.ky.gov>.
  - Beginning on the KOG go-live date, when any account holder attempts to log into the old eKASPER portal, the system will take you to the KOG registration page. If you already have your KOG account, you will simply log in to access eKASPER. If you have not registered with KOG you will need to create your KOG account before you will be able to access eKASPER.
3. **Log in to your eKASPER account and use the account maintenance function to update your user information with your unique email address.**
  - Additional information regarding the transition will be forthcoming via email so it is very important to have the correct email address in your existing eKASPER account to receive future guidance on the transition to KOG.

Again, if you have not already taken these actions, please do so as soon as possible. For questions regarding the KOG implementation, please contact the eKASPER Help Desk, [eKASPERHelp@ky.gov](mailto:eKASPERHelp@ky.gov), 502-564-2703.

## Reminder for Current CME Cycle

Just a quick reminder that we have reached the midpoint of the Board's current CME Cycle, which ends on December 31, 2020. Pursuant to 201 KAR 9:310, all physicians maintaining a current Kentucky medical license must 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, the current CME cycle ends on **December 31, 2020**.

The Board would like remind 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 ongoing continuing medical education requirements related to HB 1, which went into effect in 2012, remain in effect, which requires any physician authorized to prescribe or dispense controlled substances in the Commonwealth at any time during the cycle to 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.

## Reminder on Physician Self-Treatment or Treatment of Immediate Family Members

One of the common mistakes the members of the Board review on a regular basis centers on physicians and their self-treatment or treatment of immediate family members. Due to this fact, the Board would like to remind all physicians that according to the American Medical Association's Code of Medical Ethics, physicians generally should not treat themselves or members of their immediate families. Professional objectivity may be compromised when an immediate family member or the physician is a patient; the physician's personal feelings may unduly influence his/her medical judgment, interfering with the care provided. When treating themselves or immediate family members, physicians may be inclined to treat problems that are beyond their expertise.

In emergency or isolated settings where there is no other qualified physician available, physicians should not hesitate to treat themselves or family members until another physician becomes available. However, it is important to note that it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members. Unfortunately, the Board has recently reviewed several cases involving allegations that physicians were self-prescribing a controlled substance, such as testosterone, for themselves or an immediate family member. Physicians are strongly encouraged to become familiar with drugs that may be scheduled as controlled substances in Kentucky. A list of all controlled substances (Schedule II-V) in Kentucky can be found at <https://chfs.ky.gov/agencies/os/oig/dai/deppb/Documents/KentuckyScheduledDrugList072017.pdf> Physicians should be aware of the Board's position on this issue and avoid this practice unless it is an emergency or an isolated setting.

According to Board Policy adopted on September 14, 2005, "Immediate Family" is defined as "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.

## New Kentucky Telehealth Program Website Launched

The Cabinet for Health and Family Services is pleased to announce publication of the Kentucky Telehealth Program website! This website serves as a repository of telehealth information for providers across the Commonwealth. It includes telehealth laws; policy and guidelines for Medicaid, Medicare and health benefit plans; frequently asked questions (FAQs); Medicaid coding requirements; and access to other telehealth resource centers across the country. In addition, there is information on the recent innovations in telehealth, artificial intelligence, remote patient monitoring and more. We hope you find this resource useful.

Per legislation passed in 2018, the telehealth program was established July 1, 2019 within state government's Cabinet for Health and Family Services (CHFS). The Office of Health Data and Analytics within CHFS oversees the Kentucky Telehealth Program; and exists to assist providers by promoting, advocating and supporting telehealth adoption across the Commonwealth. This program was strategically placed in the Office of Health Data and Analytics because of the relationships to the CHFS Privacy Program dealing with HIPAA policies and procedures surrounding proper use and security for telehealth; the Kentucky Health Information Exchange (KHIE) for providers to access clinical comprehensive care documents for telehealth services; and the Division of Analytics to measure the value and effectiveness of telehealth.

This new website is a first step to increase knowledge of potential and current telehealth providers. Looking forward, we will request stakeholder participation as we establish committees and workgroups to enhance access to care for patients, increase efficiencies for health providers, and decrease costs through the use of telehealth technology.

The Kentucky Telehealth Program website can be accessed at <https://chfs.ky.gov> and search for "telehealth", or by going directly to <https://chfs.ky.gov/agencies/ohda/pages/telehealth.aspx>. Please direct any questions or comments you may have to Donna Veno, Telehealth Program Manager, at [donna.veno@ky.gov](mailto:donna.veno@ky.gov).

**Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, KY 40222**

**Change of Address Notice**

The information you provide on this change of address notice will be used to update your profile on the Board's website [www.kbml.ky.gov](http://www.kbml.ky.gov).

You may also change your address online by clicking [here](#).

Date: \_\_\_\_\_

License Number: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Practice Address: \_\_\_\_\_

\_\_\_\_\_

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

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

Email Address: \_\_\_\_\_

\*The Board does not publish your email address.