



# Kentucky Board of Medical Licensure Newsletter

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Fall 2020

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Sandra R. Shuffett, M.D.,

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## **Meet the Mandates Educational Sessions Now Available Online**

The Kentucky Board of Medical Licensure and the Kentucky Medical Association have collaborated to bring mandated CME to physicians licensed in Kentucky. Sessions are now available online at no cost. For more information on what education is required for your specialty, please visit <https://kyma.org/kma-meet-the-mandates-2020/>.

These sessions, which are available through the end of 2020, allow physicians to receive all of their mandated CME prior to the end of the three-year cycle. You must complete the evaluation for each session viewed in order to claim CME credit.

Topics include Clinical Considerations of Substance Abuse and Critical Components of Proper Prescribing (HB1), Domestic Violence Education, and Pediatric Abusive Head Trauma.

Meet the Mandates is presented in partnership with the Kentucky Board of Medical Licensure, and the House Bill 1 sessions were made possible in part by a grant from the Federation of State Medical Boards (FSMB) Foundation. The Board would also like to express its appreciation to the Federation of State Medical Board Foundation for their support of this endeavor.

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

The Board would like to remind all of its licensees that we are in 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, 2020.

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. It is important to note the continuing medical education requirements related to 2012's HB 1, which went into effect in 2012, remain in effect. 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.

## **Amendments to 201 KAR 9:270 in Effect**

The Board would like to advise all physicians who are authorized to prescribe or administer Buprenorphine-Mono-Product or Buprenorphine-combined with Naloxone that it recently completed the process of amending 201 KAR 9:270. It is important to note that many of the changes in the regulation were made in close consultation with the physician community throughout Kentucky. Specifically, the Board would like to thank the Kentucky Society of Addiction Medicine (KYSAM) for their assistance.

The Board encourages physicians to become familiar with the changes and copy of the amended regulation can be found by clicking the following link:

<https://apps.legislature.ky.gov/law/kar/201/009/270.pdf>

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 07/01/20)**

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

Agreed Order entered into 07/16/2020

#### **Basem A. Attum, M.D., Louisville, KY License # R2568**

Order Terminating Agreed Order of Indefinite  
Restriction issued 07/17/2020

#### **William Caswell Arnold, M.D., Lexington, KY License # 51794**

Agreed Order entered into 08/25/2020

#### **Sunil Chhibber, M.D., Prospect, KY License # 38329**

Agreed Order entered into 07/24/2020

#### **Thomas A. Donohue, M.D., Livingston, TX License # 20898**

Agreed Order entered into 07/31/2020

#### **Sarah E. Hill Hartlage M.D., Louisville, KY License # 49527**

Amended Agreed Order entered into  
09/04/2020

#### **Karen A. Kimsey, M.D., Hazard, KY License # 33268**

Agreed Order entered into 07/31/2020

#### **Mary Jean Lang, M.D., London, KY License # 44482**

Agreed Order entered into 07/20/2020

#### **Kang Lu, M.D. Athol, Massachusetts, License # 45039**

Order of Revocation issued 08/26/2020,  
effective 09/28/2020

#### **Barry A. Moore, M.D., Wilmington, NC License # 54125**

Agreed Order entered into 07/09/2020

#### **Sandhya Pahuja, M.D., Aldie, VA, License # 46015**

Agreed Order entered into 09/25/2020

#### **Thomas E. Sonne, M.D., Floyds Knob, IN License # 43861**

Agreed Order of Retirement entered into  
09/18/2020

#### **Roy Varghese, M.D., Hyden, KY License # 18866**

Agreed Order of Retirement entered into  
07/02/2020

#### **Thearon P. Wilder, M.D., Henderson, KY License # 15950**

Order Terminating Agreed Order issued  
07/17/2020

### **Board Election and Welcome New Members**

During the proceedings of the Board's September 17, 2020 meeting, members of Board held its annual election for leadership for the upcoming year. As a result, the Board selected Sandra R. Shuffett, M.D., of Nicholasville, to serve as Board President. Richard Whitehouse, Esq., of Louisville, was elected as Vice President and serves as Chair of the Board's Inquiry/Hearing Panel B. Waqar A. Saleem, M.D., of Louisville, was elected to serve as Secretary and will also serve as the Chair of the Board's Inquiry/Hearing Panel A. In addition to the election of officers, the Board also welcomed two new members at its September meeting. The Board welcomed the appointment of Dr. Saleem, who practices Family Medicine in Louisville and appointed by Governor Andy Beshear to fill the position previously held by Michael Fletcher, M.D., whose term expired. The Board also welcomed Heidi Koenig, M.D., who practices Anesthesiology in Louisville, and was appointed by Governor Beshear to fill the vacancy left by Kenneth J. Payne, M.D., whose term also expired. The Board would like to take this opportunity to express its deepest appreciation to Dr. Fletcher and Dr. Payne for their years of service to the citizens of the Commonwealth and their dedication to public safety.

## Reminder on COVID-19 Reporting Requirements

The Board would like to remind all of its licensees, who are involved with testing for COVID-19 (SARS CoV2), that they are **required by law and regulation to report all positive laboratory results for SARS-CoV-2** in a Kentucky resident to the **Kentucky Department for Public Health (KDPH)**. As a clinician or facility that offers COVID-19 testing to the public, you are responsible for reporting every positive result you have identified through laboratory testing to public health authorities (local or state) **within 24 hours**. This includes patients with positive PCR, NAA, antigen and antibody results. Rapid and point-of-care testing is included in this requirement.

Clinician/facility reporting is required **in addition** to laboratory reporting to fulfill Kentucky's reporting requirements. If COVID-19 testing is performed within your facility (e.g., a pharmacy) and/or there is no "ordering clinician," the reporting duty falls upon the facility staff. For any lab-positive results of COVID-19 testing, providers/clinicians/facilities must submit a CDC Person Under Investigation (PUI) Form (also called a, "COVID-19 Case Report Form") and Kentucky's Reportable Disease Form, an EPID 200, to KDPH or your local health department. An updated version of the PUI form can be found on CDC's website <https://www.cdc.gov/coronavirus/2019-ncov/php/reporting-pui.html> and an updated version of the EPID 200 can be found on the Commonwealth's website <https://chfs.ky.gov/agencies/dph/dehp/idb/Documents/EPID200.pdf>.

It is critical for KDPH to collect accurate and complete data from healthcare providers and laboratories. Without this information, KDPH and local health authorities cannot conduct essential outbreak management activities, such as contact tracing, isolation, and quarantine, to mitigate the spread of COVID-19.

Please note, submitting a CDC PUI form and/or EPID 200 form as described above does not apply to testing only events where a formal medical evaluation does not also take place. This exemption is allowed to facilitate public access to testing-only services in the midst of the current COVID-19 public health emergency and should not be interpreted as a general exemption from CDC PUI and EPID 200 reporting obligations required of clinicians who provide a medical evaluation of a patient and order COVID-19 testing in relation to their evaluation. These reporting obligations are an essential element of the public health system and clinician compliance with them is important and appreciated.

For any inquiries or questions, please contact [DPH.COVID19Providers@KY.gov](mailto:DPH.COVID19Providers@KY.gov). In addition, you can find the most updated information on Kentucky's COVID response, by clicking on <https://kycovid19.ky.gov/>, and clicking on the link for healthcare provider guidance.

## Interstate Medical License Compact

The Kentucky Board of Medical Licensure is pleased to report that our agency is now an active participant in the Interstate Medical Licensure Compact (IMLC). For those not familiar with this concept, the IMLC is a legal agreement among participating states that allows physicians to obtain expedited licensure in multiple states.

This expedited licensure process requires that a physician hold a full, unrestricted license in a member state and meet all 9 qualifying requirements, including such as specialty board certification and an FBI fingerprint-based background check. A state where the physician holds the full, unrestricted license verifies that the information on the IMLCC application is correct and has been primary source verified. Once the application is approved, the verified information is sent to the states from whom the physician wishes to receive licenses. Only states who have formally joined the IMLC can participate in this process.

The IMLCC process requires that all member boards issue a full, unrestricted license to the physician, which subjects the practice of medicine using that license to that state's medical practice act – just like all full, unrestricted licenses issued by that state.

For more information on the IMLC or if you are interested in applying for licensure in other states, please visit <https://www.imlcc.org/>.

## **Important Reminder on Upcoming Implementation of Kentucky EPCS - Mandatory Electronic Prescribing of Controlled Substances**

The Board would like to remind all of its licensees that KRS 218A.182 mandates the electronic prescribing of controlled substances (EPCS) in Kentucky becomes **effective January 1, 2021**. The Kentucky mandate is similar to the federal Medicare Part D EPCS mandate effective January 1, 2021, but applies to all controlled substances prescribed in Kentucky - regardless of payer.

It is important to note that some controlled substance prescriptions will be exempt from the Kentucky EPCS mandate. The complete list of exceptions is found in KRS 218A.182. Examples include:

- Prescriptions issued by veterinarian
- Prescriptions issued for hospice patients or residents of a nursing facility
- Prescriptions issued during a temporary technological or electrical failure
- Prescriptions issued for extemporaneous compounding
- Prescriptions issued by practitioners who have received a temporary EPCS waiver from the Cabinet for Health and Family Services (CHFS)

A physician or practitioner who is unable to comply with the EPCS mandate may petition the cabinet for a temporary waiver based on:

- Economic hardship
- Technological limitations outside the practitioner's control
- Other exceptional circumstances

Physicians and practitioners who wish to seek an initial temporary waiver must submit a completed **Temporary Exemption Form** (see link below) to the cabinet no later than **November 1, 2020**.

Additional information regarding EPCS prescription requirements and temporary waivers are available in Kentucky Administrative Regulation 902 KAR 55:130 and on the CHFS-OIG Drug Enforcement website.

It is important for you to ensure that your Electronic Health Record (EHR) system is currently EPCS certified and you can do so by contacting your EHR vendor. If you prescribe controlled substances in Kentucky, please take the appropriate steps now to ensure compliance with the Kentucky EPCS mandate. Failure to do so may result in penalties, including a licensure board referral and fines.

### **EPCS Helpful Links**

- **EPCS Temporary Exemption Request Form:** <https://chfs.ky.gov/agencies/os/oig/dai/deppb/Documents/EPCSTemporaryExemptionForm.pdf>
- **KRS 218A.281:** <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49590>.
- **KAR 902 55:130:** <https://apps.legislature.ky.gov/law/kar/902/055/130.pdf>.
- **CHFS-OIG Drug Enforcement Website:** <https://chfs.ky.gov/agencies/os/oig/dai/deppb/Pages/default.aspx>.
- **DEA EPCS Website** [https://www.deadiversion.usdoj.gov/ecomm/e\\_rx/](https://www.deadiversion.usdoj.gov/ecomm/e_rx/).

### **Renewal of Physician Licenses for 2021**

In late December, physicians holding an active license will receive a notice by mail with instructions to renew his or her license. Physicians will be able to renew their license online at [www.kbml.ky.gov](http://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. Please note the link to renew your license on the Board's website will not be available until the first week of January 2021.

### **Workers' Compensation Medical Treatment Guidelines Training Webinar**

In conjunction with the Kentucky Department of Workers' Claims, ODG is providing a training webinar on Thursday, October 29, 2020 at 1:00 P.M. ET. The one-hour webinar, taught by ODG Implementation Specialist and Clinical Educator, Jamie LaPaglia, RN, CCM, will focus on how to use the ODG by MCG Medical Treatment Guidelines and platform. The presentation will include regulatory information provided by Commissioner Robert L. Swisher and time for Q&A. Use the following link to register for the webinar: [https://info.mcg.com/odg-webinar-training-kentucky.html?utm\\_medium=outlook&utm\\_source=state-agency-outreach&utm\\_campaign=odg-webinar-2020&utm\\_term=ky-training](https://info.mcg.com/odg-webinar-training-kentucky.html?utm_medium=outlook&utm_source=state-agency-outreach&utm_campaign=odg-webinar-2020&utm_term=ky-training)

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

**Change of Address Notice**

All information provided below is used to update the licensee's 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.