



Kentucky Board of Medical Licensure Newsletter

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Summer 2021

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Nominations for Kentucky Board of Licensed Diabetes Educators

The Kentucky Board of Licensed Diabetes Educators has notified our office that it will have an opening for a physician member in November. Pursuant to KRS 309.329, the Kentucky Board of Licensed Diabetes Educators is comprised of five members, one of whom must be a licensed physician with experience in the delivery of diabetes education. The physician member is chosen from a list of names submitted by the Kentucky Board of Medical Licensure to the Governor.

We have been advised this board meets primarily through a virtual format six times a year and the meetings usually last less than an hour. If you are interested in being considered for this position, please notify the Board via email at jessica.shelman@ky.gov.

Physicians are Encouraged to Review Their Prescribing Report Card

The Board strongly encourages all of its licensees who prescribe controlled substances to review their Prescribing Report Cards on a regular basis. A few years ago, the Kentucky Health & Family Services Cabinet's Office of Inspector General (OIG) updated this resource and expanded the information that is available to help physicians monitor their controlled substances prescribing and *actually compare your prescribing practices with physicians in same specialty throughout the Commonwealth*. KASPER Prescriber Report Cards are available on a quarterly basis and annual (calendar year) basis. A copy of the new user guide for this option is now available on the KASPER public web site: [KASPER - Kentucky All Schedule Prescription Electronic Reporting - Cabinet for Health and Family Services](#).

To simplify access, KASPER prescriber master account holders have the option to authorize one or more of their delegates to request an electronic or hardcopy of the prescriber report card on their behalf. Prescribers with multiple DEA licenses should contact the KASPER Help Desk to add them to their account so they will be included in the prescriber report card calculations.

Again, the Board strongly encourages all physicians who are authorized to prescribe controlled substances to take advantage of this information and also periodically obtain a reverse KASPER report in order to determine whether there may be any diversion taking place in the office setting. This tool is no doubt one of the best resources to help protect your medical practice.

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

Board Action Report (actions taken since 04/01/2021)

- Zachary S. Baird, D.O., Louisville, KY #05046**
Agreed Order entered into 6/16/2021
- Andrew Banks, M.D., Madisonville, KY #IP1650**
Agreed Order entered into 05/28/2021
- Bobby J. Brooks, M.D., Prospercy, KY #17421**
Order Terminating Agreed Order issued 05/20/2021
- Morgan Budde, M.D., Winchester, KY #43121**
Agreed Order entered into 6/10/2021
- James Crosby, D.O., Whitesburg, KY #IP1665**
Order Terminating Agreed Order issued 6/14/2021
- George Dimeling, M.D., Cleveland, OH #55625**
Agreed Order entered into 6/16/2021
- Joseph J. Dobner, M.D., Frankfort, KY #20652**
Agreed Order entered into 6/07/2021
- Lonnie Rhea Douglas, M.D., Louisville, KY #48849**
Agreed Order entered into 6/07/2021
- Chris A. Ethridge, M.D., Louisville, KY #R4620**
Order Terminating Agreed Order issued 6/14/2021
- Martin S. Fox, M.D., Louisville, KY #22411**
Agreed Order entered into 6/07/2021
- David Franz, M.D., Cincinnati, OH #55635**
Agreed Order entered into 6/22/2021
- Joseph Michael Franzese, M.D., Cincinnati, OH #51863**
Agreed Order entered into 04/27/2021
- John K. Garner, M.D., Campbellsville, KY #31140**
Order Terminating Agreed Order issued 05/21/2021
- Thomas Gerstle, M.D., Lexington, KY #47125**
Order of Indefinite Restriction issued 05/21/2021,
effective 06/24/2021
- Anthony B. Karam, D.O., Lexington, KY #03321**
Order Terminating Amended Agreed Order issued
05/20/2021

- Geertuida Kints, M.D., Greenup, KY #32940**
Order Terminating Agreed Order issued 05/13/2021
- Geertuida Kints, M.D., Greenup, KY License #32940**
Agreed Order entered into 04/23/2021
- Thomas R. Mayo, M.D., Louisville, KY #55627**
Agreed Order entered into 6/17/2021
- John A. McCleerey, M.D., Elizabethtown, KY #41138**
Order Terminating Agreed Order issued 05/21/2021
- Madhan Mohan, M.D., Knoxville, TN #29667**
Amended Agreed Order entered into 05/21/2021
- Barry A. Moore, M.D., Hampstead, NC, #54125**
Agreed Order of Surrender issued 6/01/2021
- Shane Thomas Napier, D.O., Central City, KY #03486**
Order Terminating Second Amended Agreed Order
issued 05/21/2021
- Kevin A. O'Koon, M.D., Louisville, KY #33122**
Agreed Order entered into 6/07/2021
- Jeffrey T. Omer, M.D., Prospect, KY #32890**
Agreed Order entered into 6/28/2021
- David N. Ringel, D.O., Darby, MT #04517**
Amended Agreed Order issued 6/21/2021
- Mitchell E. Simons, M.D., Ft. Thomas, KY #21522**
Agreed Order entered into 6/02/2021
- Peter M. Steiner, M.D., Louisville, KY License #32156**
Agreed Order of Permanent Surrender entered into
04/15/2021
- Restrictions have also been placed on the following
physicians' licenses pending resolution of charges
brought against them.**
- Marcus F. Cox, M.D. Dover, OH, License #51821**
Emergency Order of Suspension issued 04/16/2021,
effective 04/20/2021
- Anthony Nigliazzo, M.D., Berea, KY, License #52918**
Emergency Order of Suspension issued 04/16/2021,
effective 04/19/2021
- Gerald W. Thorpe, M.D., Louisville, KY #48842**
Emergency Order of Restriction issued 6/24/2021,
effective 6/25/2021
- Jennifer G. Walters, PA-C, Louisville, KY #PA866**
Emergency Order of Suspension issued 6/18/2021,
effective 6/23/2021

Reminder on Board Policy Regarding the Required Reporting of Impaired Physicians by Other Physicians and Hospitals

According to Board policy, simply reporting impaired physicians directly to the Kentucky Physicians Health Foundation's Impaired Physicians Program ("the Foundation") is not sufficient to satisfy the statutory reporting requirements. In March 2003, the Board developed the following policy on this important issue: If a licensed physician or hospital staff suspects that a physician is impaired - due to chronic alcoholism, chemical dependency or physical/mental disability(ies) - such fact must be report directly to the Kentucky Board of Medical Licensure within ten (10) days of obtaining direct knowledge of the impairment. The report to the Board must be in writing and contain the following information: the name of the physician suspected of being impaired, a detailed account of the facts giving rise to that suspicion, a list of other persons having information regarding the suspected impairment, and the name of the reporting physician/hospital staff. When the Board receives such a report, it will immediately review the information provided to determine the nature and extent of the suspected violations. In most cases, the Board makes a referral for the physician or medical professional to the Foundation for assessment and treatment. A complete version of this policy is available at the Board's website, or by clicking <https://kbml.ky.gov/board/Pages/Opinion-and-Policy-Statements.aspx>

Please note, the Board stresses the importance of early identification and encourages physicians to self-report to the Foundation if they recognize they are struggling with or believe they may have an issue involving alcohol or substance abuse. Identifying a potential problem is important and addressing it before a public event or violation of the Medical Practice Act occurs is crucial.

For more information about the Foundation, you can visit www.kyrecovery.org, or simply call **(502) 425-7761** and speak with their medical director, **Dr. Tina Simpson**. In the event that you have a question regarding the Board's policy on this issue, please do not hesitate to contact Board staff at (502) 429-7950 and ask to speak with the Executive Director, Mr. Rodman.

Board Opinion Relating to Online/Virtual Medication Assisted Treatment (MAT)

LEGAL AUTHORITY

Pursuant to KRS 311.602, the Board renders the following opinion to assist Board licensees in determining what actions would constitute unacceptable conduct under the provisions of KRS 311.595. The Board has decided to publish this opinion because it addresses issues of significant public and medical interest.

This opinion is not a statute or administrative regulation and it does not independently have the force of law. However, a licensee may be found to be in violation of KRS 311.595(9) as illustrated by KRS 311.597(4), if he/she practices in contravention of this opinion.

OPINION

It has recently come to the Board's attention that a number of clinics and practitioners throughout Kentucky are attempting to offer medication assisted treatment via a 100% virtual (online) format. According to reports, some of these providers are offering audio-only services, basing diagnoses and treatments on online questionnaires, and/or attempting to carry out drug monitoring protocols via mail-in urine samples or self-reported pill counts.

The advancements and continued development of medical and communications technology have had a profound impact on the practice of medicine. Such advancements include the use of a virtual clinic, also known as, telemedicine (i.e., the practice of medicine using electronic communication, information technology or other means of interaction between a licensee in one location and a patient in another location with or without an intervening healthcare provider). Technologic advancements in this area may offer some opportunities for improving the delivery and accessibility of health care in the area of medication assisted treatment for opioid use disorder.

Telemedicine, as a substitute for, or in lieu of, the provision of in-person medical care is not appropriate in all circumstances; in particular, this specifically includes patients requiring medical assisted treatment for opioid use disorder.

Opioid use disorder presents complex behavioral health and physical medicine issues regarding addiction. Precisely, by the mere act of seeking medication assisted treatment, this patient population has acknowledged a loss of self-control and regulation over controlled substance use.

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Board Opinion Relating to Online/Virtual Medication Assisted Treatment (MAT)

Such patients are not in a position to reliably monitor themselves. Therefore, in an effort to protect these patients and the public, clinical circumstances require direct oversight and supervision of patient compliance during medication assisted treatment. Therefore, it is the Board's opinion that:

The use of telemedicine-only, self-directed pills counts and unsupervised off-site drug screening methodologies are wholly unreliable, are inappropriate and counter to the intent of medication assisted treatment. Likewise, it is not within acceptable and prevailing medical practice to render medication assisted treatment via a 100% virtual (online) format, to utilize audio-only technologies, to base diagnoses and treatments on online questionnaires, and/or carry out compliance monitoring via mail-in fluid samples or self-reported pill counts.

Physicians using telemedicine technologies in the provision of medical services to patients must conduct all appropriate evaluations and treatments consistent with the same standards of acceptable and prevailing medical practice as an in-person encounter.

Certain components of a medication assisted treatment plan may be appropriate for telemedicine. For instance, the Board's regulation requires that licensees prescribing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone "shall implement a treatment plan that requires objective behavioral modification by the patient" which "shall include the patient's participation in a behavioral modification program that may include counseling or a twelve (12) step facilitation." 201 KAR 9:270 Section 2. Telemedicine may be an appropriate and effective means of facilitating such behavioral modification programs.

The Board has previously determined – and continues to hold - that the Model Policy on the Appropriate Use of Telemedicine Technologies in the Practice of Medicine, adopted by the Federation of State Medical Boards in April 2014, constitutes the standards of acceptable and prevailing medical practice relating to the practice of medicine via telemedicine technologies. Physicians using telemedicine technologies in the provision of medication assisted treatment for opioid use disorder must take appropriate steps to practice consistent with standards of acceptable and prevailing medical practice set forth in 201 KAR 9:270.

Adopted as a Board Opinion in June 2021; published July 21, 2021.

Board Welcomes New Pikeville KYCOM Dean

The Board would like to welcome its newest member, Joe Kingery, D.O., who was recently appointed as Dean of the University of Pikeville Kentucky College of Osteopathic Medicine. He will serve as the fourth dean in KYCOM's 24-year history and succeed former dean Dana Shaffer, D.O., who retired at the end of June. Per the Medical Practice Act, the deans from each of the state's medical schools serve on the Board as ex-officio members.

The Board would also like to take this opportunity to extend its deep appreciation to Dr. Shaffer for his years of service to the citizens of the Commonwealth and the medical community. We wish him the best on a well-deserved retirement.

Kentucky Physicians Health Foundation New Medical Director

The Kentucky Physicians Health Foundation recently named Tina Simpson, M.D., as its new Medical Director, replacing Greg Jones, M.D., who announced his retirement earlier this year, but remains with the Foundation in an emeritus role.

The Board would like to welcome Dr. Simpson in her new position and looks forward to working with her. We would also like to take this opportunity to thank Dr. Jones for his years of service to the citizens of the Commonwealth and the medical community. The Board recognizes Dr. Jones for his passion of the treatment of addiction and many contributions to the recovery community in Kentucky.

**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.

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.