



Kentucky Board of Medical Licensure Newsletter

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Winer 2022

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Electronic Prescriptions for Controlled Substances (EPCS) Update

The Office of Inspector General would like to remind all practitioners of the [KRS 218A.182](#) statewide mandate requiring electronic prescribing of controlled substances (EPCS). The EPCS mandate applies to all practitioners regardless of practice size, quantity of scripts issued, or type of charting system (e.g. paper or electronic health records). While the Cabinet for Health and Family Services has issued several [Temporary Waivers](#) for exceptional, technological or financial reasons, CHFS expects that a majority of providers should now be in compliance.

If you have an Electronic Health Record system that is not currently EPCS certified, please contact your vendor to determine how to implement EPCS. Providers without electronic records can find stand-alone EPCS software, which is available at minimal cost using a computer, tablet or smartphone.

If you prescribe controlled substances in the Commonwealth of Kentucky, please take the appropriate steps to ensure compliance with the statewide EPCS mandate. Failure to issue controlled substance prescriptions electronically may result in penalties including licensure board referral and fines.

Reminder of KASPER Rollout of Direct Messaging Functionality

As previously reported, the Cabinet for Health Family Services' Office of Inspector General has announced the availability of Direct Messaging for prescribers and their delegates. Direct Messaging is a secure way to communicate within the KASPER system. This first phase focuses on mass communications to all or specific subset of KASPER users and their delegates. These communications may include educational information, statutory or regulatory updates, and alert notifications regarding diversion and prescription forgeries.

Prescribers and their delegates will receive an email notification that a message is available in KASPER. Messages can be viewed by logging into KASPER, clicking on the Direct Messaging tab and viewing new messages in the Inbox. To ensure that you will receive these notifications, please validate your email address in KASPER is up to date.

For more information on Direct Messaging, register for a webinar on KASPER Direct Messaging Basics here: [KASPER Training](#) or email eKASPERHelp@ky.gov.

Renewal of Medical License For 2022

The 2022 annual renewal notice was mailed to physicians in December 2021. Please note that state regulation requires all physicians currently practicing in the state to renew their license by March 1, 2021 and pay the \$150.00 registration fee in order to keep their license active. Renewals paid after March 1, 2022 but prior to the April 1, 2022 deadline, may be made by paying an additional \$50.00 penalty fee. Failure to renew your license by the April 1, 2022 deadline will cause your license to automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine.

To renew your Kentucky license, please go to the Board's website, www.kbml.ky.gov, choose the physician renewal tab, click on the renewal link and log in using your Kentucky license number as your username and the last four digits of your social security number as your password.

There is also a paper application on the website should you choose to renew your license by paper. There is an additional \$10.00 charge if you renew by paper application. If you have any questions regarding your renewal or require assistance, please contact the Board at (502) 429-7150.

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 10/01/2021)

Matthew Bacchetta, M.D., Nashville, TN #55989
Agreed Order of Fine entered into 10/06/2021

Daniel G. Bercu, D.O., Nashville, TN #02366
Order Terminating Agreed Order issued
11/19/2021

William B. Bebout, M.D., Morganfield, KY #32416
Second Amended Agreed Order issued
12/03/2021

Robert L. Bertram, D.O., Russell Springs, KY #02506
Order Terminating Agreed Order issued
11/23/2021

Debra L. Bunger, M.D., Owensboro, KY #51217
Agreed Order entered into 12/01/2021

Debra L. Bunger, M.D., Owensboro, KY # 51217
Order Terminating Agreed Order issued
12/13/2021

Gregory G. Duma, M.D., Mason, OH #28974
Fourth Amended Agreed Order entered into
10/27/2021

Lenard R. Durrett, M.D., Leburn, KY #43855
Agreed Order of Retirement entered into
10/21/2021

Tyler J. Evans, D.O., Portsmouth, OH #05111
Agreed Order of Fine entered into 10/06/2021

Sai P. Gutti, M.D., Pikeville, KY #29929
Agreed Order entered into 10/21/2021

Stanley R. Horner, D.O., Mokane, MO #04942
Agreed Order entered into 11/02/2021

Waheed Jalalzai, M.D., Omaha, NE, #53699
Agreed Order entered into 11/04/2021

Todd Stephen Jarosz, M.D., Hazard, KY #51109
Amended Agreed Order issued 11/30/2021

Robert T. Mabry, M.D., Paducah, KY # 33994
Default and Final Order issued 12/17/2021,
effective 12/20/2021

Janda G. Morgan, P.A.-C, Ashland, KY #PA1223
Order Terminating Amended Agreed Order
issued 12/03/2021

Anthony Nigliazzo, M.D., Berea, KY #52918
Order Dissolving Emergency Order of
Suspension issued 11/19/2021

Miquel A. Ordonez, PA-C, Florence, KY #PA2048
Order Terminating Agreed Order issued
11/24/2021

William M. Parell, M.D., Lexington, KY #22473
Agreed Order of Retirement entered into
11/04/2021

Matthew Schocket, M.D., Austin, TX #51730
Agreed Order entered into 12/02/2021

Matthew Schocket, M.D., Austin, TX #51730
Order Terminating Agreed Order issued
12/08/2021

Bruce J. Swearingen, M.D., Brooklyn, NY #44223
Order Terminating Amended Agreed Order
issued 11/24/2021

Eric Thomas, M.D., Helena, MT #55990
Agreed Order entered into 10/06/2021

Jon D. Walker, M.D., Louisville, KY #17409
Agreed Order entered into 11/16/2021

Jon D. Walker, M.D., Louisville, KY #17409
Order Terminating Agreed Order issued
11/17/2021

Jennifer G. Walters, P.A.-C, Louisville, KY # PA866
Agreed Order entered into 12/16/2021

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

Michael E. Fletcher, M.D., Crestview Hills, KY #31154
Emergency Order of Restriction issued
11/23/2021, effective 11/23/2021

Kendall E. Hansen, M.D., Crestview Hills, KY #25777
Emergency Order of Restriction issued
11/23/2021, effective 11/23/2021

Samson K. Orusa, M.D., Clarksville, TN #33408
Emergency Order of Suspension issued
10/22/2021, effective 10/23/2021

Carolyn V. Smith, M.D., Lexington, KY #31089
Emergency Order of Restriction issued
11/17/2021, effective 11/17/2021

David N. Smith, M.D., Waxhaw, NC, #52836
Emergency Order of Restriction issued
11/04/2021, effective 11/04/2021

David W. Suetholz, M.D., Taylor Mill, KY #18013
Emergency Order of Suspension issued
10/15/2021, effective 10/20/2021

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

During the deliberations of the Board's December 2021 meeting, the Board considered amending its *Opinion Related to Online/Virtual Medication Assisted Treatment (MAT)*, which was initially adopted in June 2021 and published on July 21, 2021. After deliberation, which included the consideration of comments from the Kentucky Society for Addiction Medicine (KYSAM) and other interested parties, the Board voted to amend the Opinion.

The Board would like to thank those who shared their concerns on this issue and a copy of the revised Opinion is included below:

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 ("MAT") for opioid use disorder ("OUD") via a 100% virtual (online) format. According to reports, some of these providers are offering 100% 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 or "telehealth" (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 MAT for OUD.

Telemedicine, as a substitute for, or in lieu of, the provision of in-person medical care is not appropriate in all circumstances. With regard to MAT for OUD, telemedicine has a role but is not appropriate for satisfying the standards of all components of a treatment program, particularly in regard to monitoring components.

OUD presents complex behavioral health and physical medicine issues regarding addiction. Precisely, by the mere act of seeking MAT for OUD, this patient population has acknowledged a loss of self-control and regulation over controlled substance use. 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 MAT for OUD. Therefore, it is the Board's opinion that:

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.

Telemedicine visits through real-time interactive audio and video technology can be an important modality for treating patients with OUD, including the initiation of MAT for OUD. KRS 311.597(1) states that "electronic, on-line or telephonic evaluation by questionnaire is inadequate for the initial evaluation of the patient or for any follow-up evaluation." Initial audio-only person-to-person telephone visits may be considered by physicians treating patients with OUD – especially during a global health pandemic or when real-time, interactive audio and video technology is not immediately available to the patient - provided that an appointment for an inperson medical evaluation or telemedicine evaluation through real-time interactive audio and video technology is scheduled to take place as soon as possible thereafter.

Some but not all components of MAT for OUD may be appropriately carried out via telemedicine technologies, including evaluation and counseling and behavioral modification components. 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.

However, the use of telemedicine technologies to carry out monitoring components of treatment, such as through self-directed pills counts or unsupervised off-site drug screening methodologies, are wholly unreliable, and thus are inappropriate and counter to the intent of MAT for OUD. Any credible standards that would allow for monitoring components to be carried out solely via telemedicine technologies would be those set forth and adopted in the Substance Abuse and Mental Health Services Administration's (SAMHSA's) publication: Medications for Opioid Use Disorder. Treatment Improvement Protocol (TIP) Series 63. Publication No. PEP20-02-01-006. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2020.

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 MAT for OUD must take appropriate steps to practice consistent with standards of acceptable and prevailing medical practice set forth in 201 KAR 9:270.

(Adopted June 2021; published July 21, 2021; revised December 16, 2021.)

Interstate Medical License Compact

If you are interested in obtaining a medical license in another state, it is important to remember that the Kentucky Board of Medical Licensure is now an active participant in the Interstate Medical Licensure Compact (IMLC). Currently, over half of the medical/osteopathic boards in the nation are participating in the IMLC, including some of our neighboring states such as Tennessee, West Virginia, and soon to be Ohio.

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/>.

Board Consultant Appreciation

The Board would like to take this opportunity to publically offer its most sincere appreciation and thanks to each of the physicians throughout the Commonwealth who have agreed to serve as a Board consultant. As physicians throughout the state are aware, the primary mission of the Board is public protection and the services provided by our Board consultants are vital to the Board's ability to meet its statutory obligations.

Board consultants are primarily asked to review medical records of physicians under investigation in order to make a determination whether the care rendered meets the acceptable and prevailing medical standards in the Commonwealth. Each of these reviews are specialty specific, which is part of the reason why the Board is always looking to recruit new consultants. It is important to point out that physicians who serve in this capacity for the Board are not only protecting the citizens of Kentucky, but are also providing a critical and valuable service to their fellow physicians and the practice of medicine.

The Board recognizes these physicians for their dedicated service and again thanks each one for their contributions to the public safety of Kentuckians.

**Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
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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.