



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: kbml.ky.gov

Winter 2005

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Clarification of DEA Ruling Concerns KBML

In August 2004, the Drug Enforcement Agency (DEA) published on its Office of Diversion Control Website a document entitled: "Prescription Pain Medications: Frequently Asked Questions and Answers for Health Care Professionals and Law Enforcement Personnel." The August 2004 FAQ was not published in the Federal Register and was not an official statement of the agency and was subsequently withdrawn by the agency because it contained misstatements. As a result, the DEA formally published a clarification statement in the Federal Register (FR Doc 04-25469) on November 16, 2004, which explains the DEA's plans to address the issue of dispensing controlled substances for the treatment of pain.

While the DEA has been clear that Schedule II prescriptions may not be refilled, it has been the understanding that a physician may prepare multiple prescriptions on the same day with instructions to fill on different dates. Physicians would normally write, "do not fill until" then put the date in the future for that prescription to be valid. The DEA's Interim Policy Statement explains that this interpretation is now incorrect and would be tantamount to writing a prescription authorizing refills of a Schedule II controlled substance.

While the Kentucky Board of Medical Licensure has no statutory authority regarding this matter, the Board is concerned that the DEA's clarification of this policy could have a drastic effect on patient care in the Commonwealth. The Board feels that not only should physicians be made aware of this change in policy, but the citizens of the Commonwealth made aware as well.

New Malpractice Settlements/Judgments Policy

The Board at its December 16, 2004 meeting adopted a new policy as it relates to handling malpractice settlements/judgments made against physicians holding a current Kentucky medical/osteopathic license.

- Settlements/judgments of \$250,000 or greater will be reviewed by two physician members of a Panel to determine if further investigation is warranted.
- Settlements/judgments of \$3,000,000 or greater will be reviewed by the full Panel.
- The full Panel will review three or more settlements/judgments in a two-year timeframe.

Prior to this change the Board's Panel reviewed all cases over \$100,000.

Final Disciplinary Actions

Gregory L. Brown, M.D., Jefferson Co. #20307

Agreed Order of Surrender entered into 11/10/04.

Stuart P. Cohen, M.D., Jefferson Co. #12983

Agreed Order of Indefinite Restriction entered into 12/20/04.

Thomas C. Crain, M.D., Spencer Co. #28770

Agreed Order entered into 11/30/04.

Bryant D. Draper, M.D., Whitley Co. # 34457

Agreed Order of Indefinite Restriction entered into 11/30/04.

Rondal E. Goble, M.D., Fayette Co. #26176

Order of Probation issued 11/23/04.

Ramon H. Gonzalez, M.D., Hopkins Co. #27942

Agreed Order of Indefinite Restriction entered into 11/18/04.

Alson L. Greiner, M.D., Bell Co. #18565

Order Suspending License – effective 11/24/04.

Husam E. Hamed, M.D., Out of State #36543

Agreed Order entered into 12/17/04.

Gary L. Higgason, M.D., Fayette Co. #22759

Agreed Order of Suspension and Probation effective 11/30/04 – 2/28/05.

Charles D. Howard, M.D., Washington Co. #13241

Agreed Order of Surrender entered into 10/21/04.

Howard D. Markowitz, M.D., Fayette Co. #33813

Agreed Order of Indefinite Restriction entered into 10/21/04.

Larry W. Maynard, M.D., Simpson Co. # 16825

Agreed Order entered into 11/30/04.

Umar Murad, M.D., Perry Co. #31685

Agreed Order entered into 11/18/04.

John A. Patton, M.D., McCreary Co. #18176

Agreed Order entered into 12/17/04.

Gopal K. Rastogi, M.D., Laurel Co. # 19496

Second Amended Agreed order of Indefinite Restriction entered into 12/29/04.

John H. Storey, M.D., Out of State #28067

Order Reinstating Suspended License issued 11/16/04.

David W. Suetholz, M.D., Kenton Co. #18013

Amended Agreed Order of Indefinite Restriction entered into 11/30/04.

Juan Villafane, M.D., Jefferson Co. # 24893

Agreed Order entered into 11/30/04.

Bryan S. Wood, M.D., Boyle Co. # 35104

Order Terminating Agreed Order of Indefinite Restriction issued 11/16/04.

Dewey E. Wood, M.D., Logan Co. #13043

Agreed Order entered into 12/20/04.

Restrictions have also been placed on the following physician's license pending resolution of charges brought against the physician.

Don E. Cloys, M.D., Madison Co. #14868

Emergency Order of Suspension issued 12/20/04. Physician prevented from practicing medicine in the Commonwealth of Kentucky until further Order of the Board.

Rosarie M. Dubrule, M.D., Out of State #32575

Complaint and Emergency Order of Suspension issued on 11/23/04. Physician prevented from practicing medicine in the Commonwealth of Kentucky pending resolution of the Complaint.

Lorenzo D. Nichols, III, M.D., Out of State #33053

Complaint and Emergency Order of Suspension issued 11/23/04. Physician prevented from practicing medicine in the Commonwealth of Kentucky pending resolution of the Complaint.

Arif M. Omar, M.D., Franklin Co. #32517

Complaint and Emergency Order of Restriction issued on 12/14/04. Effective 12/15/04, physician prohibited from performing invasive and interventional cardiology procedures in the Commonwealth of Kentucky pending resolution of the Complaint.

Consumer Complaints against Physicians

One of the most common complaints the Board receives from consumers involves the conduct of a physician; lack of attention or disinterest on the part of the physician or the staff, rudeness, or failure to provide medical records when requested. When a relative dies, apparent lack of sensitivity and communication issues can often result in complaints. These are areas where a physician's efforts to improve may result in fewer grievances filed with the Board.

Meetings with Insurance Providers

One of the Board's primary responsibilities is to take appropriate corrective action when it determines that a licensed physician has violated the Medical Practice Act. In the minority of cases, the Board determines that license revocation or suspension is necessary for the safety of patients and the public. However, in most cases, the Board determines that the physician involved should be permitted to continue practicing while taking the corrective action determined necessary by the Board.

The Board's actions, whether by final order or by agreed order, are matters of public record. By law, most actions by the Board must be reported to the National Practitioner's Data Bank. Orders and their terms are also available to the Drug Enforcement Administration, hospitals and insurers. In certain cases, those third parties may take action they deem appropriate, in response to the Board's orders.

The Board has received a number of reports that certain physicians' practices have been significantly impaired because an insurance provider(s) has excluded the physician from participation, based upon a Board order. The Board's President and staff have begun meeting with major providers to try to fashion a solution that will permit physicians to continue practicing, and participating in their plans, while taking the corrective action required by the Board, in appropriate circumstances. The providers have expressed an interest in working with the Board on this issue. All parties have agreed to further discussions and hope to find an appropriate solution.

Board Welcomes New Member

The Board at its December 16, 2004 meeting welcomed Thangam Rangaswamy, as its newest member. Mr. Rangaswamy fills the citizen-at-large vacancy left by Roszaly Mack Akins who completed her term on the Board. Preston P. Nunnelley, M.D., Lexington, and Donald J. Swikert, M.D., Florence, were reappointed for four-year terms.

Renewal of Medical License for 2005

The 2005 annual renewal forms were mailed in December. The \$125.00 renewal fee is due by March 1, 2005 and to avoid paying a late fee, forms must be postmarked no later than the March 1 deadline. Late registration, (after March 1, but before April 1), may be made by an additional \$50.00 penalty fee. Should you fail to register before the April 1, 2005 deadline, your license will automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine or osteopathy. Anyone registering after the April 1 deadline will be imposed an additional penalty fee. Printable 2005 annual renewal forms are available for your use on the KBML website at kbml.ky.gov.

It should be noted that incomplete renewal forms or forms received without the proper payment are returned prior to registering the license. This not only causes additional expense but also delays timely processing of your license renewal.

KBML, Inquiry Panel & Committee Meetings for 2005

January	13	Board Inquiry Panel B	
February	02	Advisory Council on Athletic Trainers	
	03	Advisory Committee for Surgical Assistants	
	10	Physician Assistant Advisory Committee	
	17	Board Inquiry Panel A	
March	17	Kentucky Board of Medical Licensure	
April	21	Board Inquiry Panel B	
May	04	Advisory Council on Athletic Trainers	
	05	Advisory Committee for Surgical Assistants	
	12	Physician Assistant Advisory Committee	
	19	Board Inquiry Panel A	
	June	16	Kentucky Board of Medical Licensure
July	21	Board Inquiry Panel B	
August	03	Advisory Council on Athletic Trainers	
	04	Physician Assistant Advisory Committee	
	04	Advisory Committee for Surgical Assistants	
	18	Board Inquiry Panel A	
	September	14	Kentucky Board of Medical Licensure
	October	20	Board Inquiry Panel B
November	02	Advisory Council on Athletic Trainers	
	03	Advisory Committee for Surgical Assistants	
	03	Physician Assistant Advisory Committee	
	17	Board Inquiry Panel A	
	December	15	Kentucky Board of Medical Licensure

