



Kentucky Board of Medical Licensure Newsletter

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

Fall 2004

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Requirements for Writing Prescriptions

Illegible and incorrectly completed prescriptions are increasingly becoming a problem throughout the state. These oversights can lead to a possible medical error or cause a unknowing physician to incorrectly have a prescription for a controlled substance be attributed to them via KASPER, which may lead to a review of their prescribing practices. Physicians that write illegible or incorrect prescriptions also run the risk of having the pharmacy reject filling the prescription due to it not meeting the statutory requirements in Kentucky, thus causing an undue hardship on the patient and unwanted stress for the pharmacist.

Recently, a meeting was held with representatives of the Kentucky Board of Pharmacy and with the Kentucky Drug Enforcement Branch to discuss some of these problems. As a result, the Board would like to provide physicians with a few simple reminders to consider when writing prescriptions for their patients. According to Kentucky law, all prescription blanks should include the following:

- The full name of the patient, name of the drug, strength, dosage form, quantity prescribed, directions for use and the date the prescription was issued;
- The name, telephone number, and business address of the prescribing practitioner; and
- For the prescribing of controlled substances, prescription blanks should bear the preprinted, stamped, typed, or manually printed name, address and telephone number of the prescribing physician. It is very important to note that prescriptions for controlled substances also require the signature of the prescribing physician.

The Board realizes that the practice of medicine is often times fast paced and hectic, but would like to strongly encourage all physicians to take the extra time that is needed and complete their prescriptions with the legible and correct information as required by law.

Board Disciplinary/Other Actions

Lowell G. Arnett, M.D. – Fayette Co. #35139

Amended Agreed Order of Indefinite Restriction entered into 9/7/04.

Bill E. Barnett, M.D. – Boyle Co. #19443

Order Terminating Agreed Order of Indefinite Restriction issued 9/7/04.

Randall S. Brown, M.D. – Henderson Co. #18596

Order Terminating Suspension; Order Reinstating License issued 8/19/04.

Patrick L. Burba, M.D. – Fayette Co. # 29358

Second Order Amending Agreed Order of Indefinite Restriction entered into 7/29/04.

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

Amended Agreed Order of Indefinite Restriction entered into 8/10/04.

Marilyn L. Conner, M.D. - Fayette Co. #28209

Agreed Order of Indefinite Restriction entered into 8/19/04.

Steven W. Crawford, M.D. – Out of State # 31192

Agreed Order of Probation entered into 8/26/04.

Terry L. Davis, M.D. – Jefferson Co. #13892

Agreed Order Resolving Complaint entered into 7/15/04.

Subrata Dey, M.D. – Letcher Co. # 33249

Order Denying Request for Reinstatement issued 8/17/04.

Michael S. Gainey, M.D. – Harrison Co. # 22283

Agreed Order of Probation entered into 8/26/04.

Herman A. Garrett, M.D. – Greenup Co. #33843

Order Reinstating License issued 9/7/04.

Mark L. Glasgow, M.D. – Out of State # 36538

Second Amended Agreed Order of Indefinite Restriction entered into 7/8/04.

Carol J. Heckman, M.D. – Jefferson Co. # 26548

Agreed Order of Indefinite Restriction entered into 8/11/04.

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

Agreed Order of Probation entered into 8/16/04.

Gopal R. Majmundar, M.D. – Floyd Co. #19452

Order Dismissing Final Order Modifying Emergency Order of Suspension issued 9/10/04.

F. Christopher Massa, M.D. – Fayette Co. # 34943

Amended Agreed Order of Indefinite Restriction entered into 8/19/04.

Roy B. McEndre, M.D. – Logan Co. #12018

Agreed Order of Indefinite Restriction entered into 7/15/04.

Kenneth L. Mudd, M. D. – Jefferson Co. # R0304

Agreed Order of Indefinite Restriction entered into 8/19/04.

Eric A. Norsworthy, M.D. – Ohio Co. #20834

Order Denying Request to Terminate Agreed Order issued 9/7/04.

Brett M. Ryabik, M. D. – Jefferson Co. # 28055

Agreed Order of Suspension entered into 8/11/04.

Praveer Srivastava, M. D. – Fayette Co. # 35449

Agreed Order of Probation entered into 8/19/04.

Michael R. Swenson, M. D. – Jefferson Co. # 32736

Agreed Order of Indefinite Restriction entered into 8/26/04.

David H. Thurman, M.D. - Jefferson Co. # 14526 (Deceased)

Order Dismissing Complaint and Emergency Order of Suspension issued 8/24/04.

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

Patricia A. Doncaster, D.O. – Whitley Co. #02458

Complaint and Emergency Order of Restriction issued on 7/15/04. Physician restricted from prescribing, dispensing or otherwise professionally utilizing controlled substances pending resolution of the Complaint – effective 7/28/04.

John L. Doyle, III, M.D. - Montgomery Co. #31288

Jefferson Circuit Court issued a Temporary Injunction on 7/19/04, enjoining and prohibiting the Board from enforcing its Final Order Modifying Emergency Order of Suspension until resolution of the Board's Complaint.

Wrenda B. Gallien, M.D. – Jefferson Co. #35312

Complaint and Emergency Order of Suspension issued 7/30/04. Physician prevented from practicing medicine in Kentucky pending resolution of the Complaint – effective 8/2/04.

Morteza H. Shafa, M.D. – Ballard Co. # 22367

Complaint and Emergency Order of Restriction issued 8/12/04. Physician prevented from prescribing, dispensing or otherwise professionally utilizing controlled substances until resolution of the Complaint – effective 8/16/04.

Michael P. Stevens, M.D. – Logan Co. #32733

Complaint and Emergency Order of Suspension issued 9/7/04. Physician prevented from practicing medicine in Kentucky pending resolution of Complaint – effective 9/8/04. On 9/17/04 Dr. Stevens entered into an Interim Agreed Order whereby the Emergency Order of Suspension was stayed and held in abeyance during the effective period of the Interim Agreed Order.

Action was also taken on the following physician's assistant:

Ben William Back, P.A.-C. – Perry Co. #PA364

Agreed Order of Suspension, stayed; Order of Probation issued 8/30/04.

DEA Certificate Revised

The Drug Enforcement Administration's (DEA), office of Diversion Control, has changed the style and appearance of the DEA Controlled Substance Registration Certificate. As of October 1, 2004 the revised Certificate of Registration consists of two parts: one that can be displayed on the wall and a wallet size version. The certificate will have an imbedded watermark logo, which will provide authentication of the certificate and also deter counterfeiting.

Registrants that are currently allowed to renew their DEA registration via the Diversion Control Program's website may print their Certificate of Registration upon completion of the registration renewal process as long as no changes have been made to their registration since their last renewal. The Diversion Control Program's website may be accessed at DEAdiversion.usdoj.gov. The DEA will continue to send Certificates of Registration via the US postal service to all new registrants and all other DEA registrants renewing their DEA registration.

Internet Prescribing – KRS 311.597(1)(e)

The prescribing and dispensing of medications via the Internet has created complex regulatory challenges for state medical boards in protecting the public. Accepted standards of practice must be upheld regardless of means of communication or delivery of health care services. Consumers obtaining prescriptions, medications, and/or medical treatment from Internet web sites without an adequate evaluation by a physician pose an immediate threat to the public health and safety.

In order to adequately protect the public health, safety and welfare, the Board has taken the position that prescribing drugs to individuals the physician has never met based solely on answers to a set of questions, as is common in Internet prescribing, is inappropriate and unprofessional. According to KRS 311.597(1)(e), an electronic on-line or telephonic evaluation by questionnaire is inadequate for the initial evaluation or for the personal follow-up evaluation.

The Board feels a valid physician/patient relationship cannot be established without an initial face-to-face evaluation by a health care professional. Therefore, the Board considers Internet prescribing to be unethical and unprofessional and grounds for disciplinary action.

Physical Medicine and the Use of CPT Codes by Physicians

The Board of Physical Therapy has asked the KBML to point out that a state statute, KRS 327.020(3), prohibits any practitioner other than a licensed physical therapist from using the words "physical therapy" or "physiotherapy" in connection with their practice name or business. Physical therapists recognize that physicians may provide and bill for procedures such as ultrasound, superficial heat, exercise and other modalities and therapeutic procedures. However, given this statute, it is the position of the Board of Physical Therapy that physicians must call such procedures "restorative services", "physical medicine", and/or "rehabilitation," rather than "physical therapy" and "physiotherapy". The Board of Physical Therapy has also asked the KBML to share their position that only licensed physical therapists may use CPT codes 97001 (physical therapy evaluation) and 97002 (physical therapy reevaluation).

KBML Annual Report

The annual report of the Board's activities for fiscal year ending June 30, 2004 has been filed with the Governor's office and is available on the Board's web site at kbml.ky.gov.

2005 Renewal of Medical License

Forms for 2005 renewal of medical/osteopathic licenses will be mailed in December. Failure to renew your license prior to the April 1, 2005 deadline will cause your license to automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine or

osteopathy. The \$125.00 renewal fee is due by March 1, 2005. Renewals paid after March 1, but prior to the April 1 deadline may be made by payment of an additional \$50.00 penalty fee.

When completing the application, the physician should be mindful of the following points:

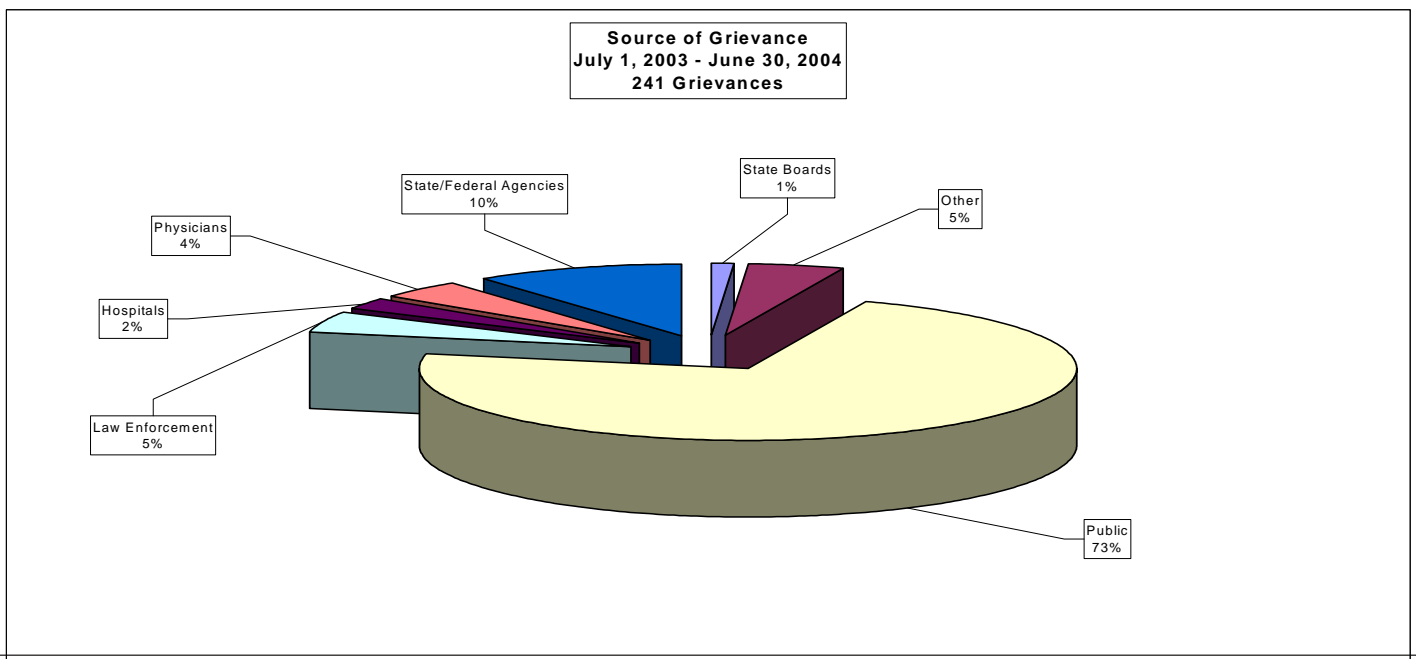
- The instructions on the application direct the applicant to disclose information about events that have occurred since last applying to renew their medical license. The applicant needs only to provide information about events that occurred during the past year. It is not necessary to report events that were previously reported.
- Each time an applicant answers “yes” to a question on the application, he/she is required to submit an explanation of the circumstances that gave rise to that disclosure. The Board and/or its staff review the information provided in the application. In most cases submitting a “yes” answer will not result in any action against the physician’s license.
- The information contained on the first two pages of the renewal application is considered public information. Information on the third page is confidential. Answers to questions may be considered by the Board and may be disclosed in any contested case proceeding, including a Show Cause proceeding, or an appeal of a licensing decision based upon them. The questions pertaining to drug and alcohol abuse and to physical and medical issues comply with the Americans with Disabilities Act.
- Incomplete renewals received will be returned for completion and resubmission will be required before the license will be renewed.

Election of Officers

At the September meeting, the Board elected officers for the coming year. Danny M. Clark, M.D., of Somerset was reelected as President. Also reelected were Preston P. Nunnelley, M.D., of Lexington as Vice President, and Donald J. Swikert, M.D., of Edgewood as Secretary.

Source of Grievances

During the past year 241 grievances were received against licensed physicians in the state. Listed below is a chart that depicts the source and percentages based on the grievances registered with this office.



Kentucky Board of Medical Licensure Status Report

| Meetings Held | FY2004 |
|--|---------------|
| Board of Medical Licensure | 4 |
| Inquiry/Hearing Panel | 10 |
| Physician Assistant Advisory Committee | 4 |
| State Council on Athletic Trainers | 4 |

| Services Provided | |
|---|-------|
| Physicians Registered in State | 9,053 |
| Physicians Registered Out of State | 3,875 |
| Applications for Initial Licensure Reviewed | 1,148 |
| New Medical Licenses Issued | 750 |
| New Osteopathic Licenses Issued | 52 |
| Temporary Permits Issued | 652 |
| Fellowship Training Limited Licenses | 27 |
| Institutional Practice Limited Licenses | 53 |
| Residency Training Licenses | 208 |
| Faculty Licenses | 9 |
| Limited Licenses Renewed | 13 |
| Applications Denied | 6 |
| Active Physician Assistants Certified | 630 |
| New Physician Assistants Certified | 77 |
| Active Athletic Trainers Certified | 285 |
| New Athletic Trainers Certified | 37 |

| Disposition of Grievances and Disciplinary Actions Taken | |
|---|-----|
| Grievances Received | 241 |
| Grievances Reviewed | 245 |
| Grievances Investigated | 146 |
| Grievances Pending | 134 |
| Malpractice Cases Reviewed | 135 |
| Disciplinary Proceedings Initiated | 48 |
| Letters of Agreement Initiated | 6 |
| Complaints Issued | 28 |
| Emergency Orders of Suspension | 12 |
| Emergency Orders of Restriction | 6 |
| Disciplinary Hearings Held | 13 |
| Licenses Probated | 3 |
| Revoked | 9 |
| Suspended | 4 |
| Restricted | 30 |
| Surrendered | 12 |
| Letters of Agreement | 11 |
| Agreed Orders | 6 |

