

APR 23 2009

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1140

K.B.M.L.

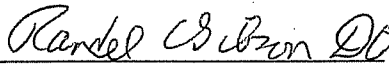
IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MARGARET K. HUSK, M.D., LICENSE NO. 41999, 8609 BUTTERNUT COURT, LOUISVILLE, KENTUCKY 40242

ORDER TERMINATING AGREED ORDER

At its April 16, 2009 meeting, the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, considered a request by the licensee to terminate the Agreed Order filed on January 30, 2008. In addition to the Agreed Order and the request, the Panel considered a March 11, 2009 memorandum by the Board's General Counsel; a March 11, 2009 letter from James T. Jennings, M.D., Medical Director, Kentucky Physicians Health Foundation; and, Compliance Inspection Reports dated April 21 and October 7, 2008. Dr. Jennings also addressed the Panel on the licensee's behalf.

Having considered all available information and being sufficiently advised, Inquiry Panel B hereby **ORDERS** that the Agreed Order filed on January 30, 2008 is **TERMINATED**, effective immediately upon the filing of this Order.

SO ORDERED on this 23rd day of April, 2009.



RANDEL C. GIBSON, D.O.
CHAIR, INQUIRY PANEL B

Certificate of Service

I certify that the original of this Order was delivered to C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B., Louisville, Kentucky 40222 and a copy was mailed to Margaret K. Husk, M.D., 8609 Butternut Court, Louisville, Kentucky 40242 on this 23rd day of April, 2009.

C. Lloyd Vest II

C. LLOYD VEST II
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150

FILED OF RECORD

JAN 30 2008

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1140

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY MARGARET K. HUSK, M.D., LICENSE NO. R1291,
8609 BUTTERNUT COURT, LOUISVILLE, KENTUCKY 40242

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Margaret K. Husk, M.D., and, based upon their mutual desire to fully and finally resolve a pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Margaret K. Husk, M.D., has been an applicant or has been licensed by the Board to practice medicine in the Commonwealth of Kentucky.
The licensee currently holds a residency training license.
2. The licensee's medical specialty is Psychiatry.
3. On December 20, 2006, the licensee entered into a confidential Letter of Agreement with the Board, as an express condition for the granting of her request for a Residency Training license by the Board. Condition 2 of that Letter of Agreement provides,

Licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by Licensee, which costs shall be paid within thirty (30) days after the date of the invoice therefore. Failure to make timely payment of such costs, to provide a

specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Agreement.

4. The Panel previously considered an investigative report that informed the Panel that the licensee had failed to make her daily call to the Board's testing program to determine whether she was required to submit to testing on February 2, March 16 and April 25, 2007. The Panel required the licensee to pay a fine of \$250.00 for those violations of her Letter of Agreement, and she paid that amount on August 20, 2007. The Panel also issued a Letter of Admonishment to the licensee on July 31, 2007 for her misconduct. The Letter of Admonishment provided, in part, "The Panel also wanted me to convey to you that any further violation of the Letter of Agreement will result in disciplinary action against your Kentucky medical license."
5. The licensee failed to make her required daily calls to the Board's testing program to determine whether she was required to submit to testing on July 26, September 29, November 27 and 29, and December 8, 2007.
6. In her December 2, 2007 response to the investigation, the licensee stated,

I would like to express my sincere regret over the number of missed calls I have had this year. I have put in place several mechanisms (three daily alarms and numerous visual reminders) to help me remember to make the call. I can only say that as a resident and single mother there are days (if my routine is disrupted just so) when I fail.

Please note that on any occasion when I miss a call, and am aware of it, I go test immediately. I am accountable as well to the KPHF, a counselor at the Morton Center, and an AA sponsor, all of whom I believe will vouch that I am doing what I need to remain sober.

I will redouble my efforts to be compliant with the letter of agreement. Thank you for your consideration.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(7) and (13). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending grievance without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending grievance without an evidentiary hearing, the parties hereby ENTER INTO the following

AGREED ORDER:

1. The license to practice medicine within the Commonwealth of Kentucky held by Margaret K. Husk, M.D., SHALL BE SUBJECT to this Agreed Order for a period of five (5) years from the date of filing of the Agreed Order.
2. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- a. She SHALL continue in her contractual relationship with the Kentucky Physicians Health Foundation and SHALL FULLY COMPLY with all conditions of that contractual relationship;
- b. She SHALL completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order.
- c. She SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by the licensee, which costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, to make her daily calls to the Board's testing agent, or to remain alcohol and/or drug-free shall be considered a violation of this Agreed Order.
- d. She SHALL pay a fine in the amount of \$375.00 within three (3) calendar months of the date of filing of this Agreed Order.

- e. She SHALL NOT violate any provisions of KRS 311.595 or 311.597.
3. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

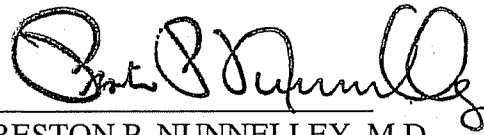
SO AGREED on this 27 day of January, 2008.

FOR THE LICENSEE:

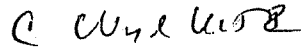

MARGARET K. HUSK, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



PRESTON P. NUNNELLEY, M.D.
ACTING CHAIR, INQUIRY PANEL B



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