

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1341

FILED OF RECORD  
SEP 09 2011  
K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY THOMAS M. HALL, M.D., LICENSE NO. 17726, 2400 WEST HIGHWAY 60, OWINGSVILLE, KENTUCKY 40360

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel B, and Thomas M. Hall, M.D. (“the licensee”), and, based upon their mutual desire to fully and finally resolve this pending grievance 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, Thomas M. Hall, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is psychiatry.
3. On or about January 23, 2010, the Morehead Police discovered the licensee passed out behind the wheel of his vehicle in the parking lot of a Kroger grocery store. When asked to exit the vehicle, the licensee had to use the vehicle door and side to balance himself. The licensee’s speech was slurred; his breath smelled of alcohol; and an open container was found in the car. The licensee failed several sobriety tests at the scene and was arrested and charged with operating a motor vehicle under the influence of alcohol/drugs and possession of an open alcohol beverage container in a motor vehicle.

4. On or about February 26, 2010, the licensee submitted a license renewal application to the Board. Although he had been arrested and charged with operating a motor vehicle under the influence of alcohol/drugs and possession of an open alcohol beverage container in a motor vehicle approximately one month earlier, and those charges were pending in Rowan District Court, the licensee answered “No” to Question No. 12 which asked, “[s]ince you last registered, to your knowledge, have you become the subject of any criminal investigation or are any criminal charges pending against you?”
5. Following his January 2010 arrest, a colleague of the licensee referred him to the Kentucky Physicians Health Foundation (“the Foundation”).
6. In September 2010, at the Foundation’s directive, the licensee underwent an impairment evaluation at Bradford Health Services in Warrior, Alabama, where he received Axis I diagnoses of Alcohol Dependence and Alcohol-Related Cognitive Disorder and it was recommended that he enter into a residential treatment program.
7. On or about November 22, 2010, the licensee entered residential treatment at Metro Atlanta Recovery Residences, Inc. (“MARR”).
8. On or about December 10, 2010, the licensee entered into an Interim Agreed Order (Treatment) with the Board. Pursuant to the Treatment Order, the licensee was prohibited from the practice of medicine, required to successfully complete residential treatment, and would be permitted to petition the Board to resume the active practice of medicine upon a favorable recommendation by the Foundation’s Medical Director.
9. While at MARR, the licensee underwent a neuropsychological evaluation in which he exhibited some sluggishness in his abstract perception/conception speeds and scores.

MARR attributed this condition to the licensee having abused alcohol and noted that it would likely improve with sustained sobriety.

10. On or about March 12, 2011, the licensee successfully completed residential treatment at MARR and was discharged with an Axis I diagnosis of Alcohol Dependence.
11. Upon discharge, MARR concluded that the licensee was “physically and mentally fit and competent to fully retire any and all responsibilities as a Medical Doctor.”
12. On or about March 14, 2011, the licensee entered into a five-year Aftercare Contract with the Foundation.
13. On or about April 7, 2011, the licensee requested that he be allowed to resume the practice of medicine at his place of regular employment, Eastern State Hospital in Lexington, Kentucky.
14. By letter of April 15, 2011, the Foundation’s Medical Director, Burns M. Brady, M.D., advocated that the licensee be allowed to resume the practice of medicine.
15. On April 20, 2011, the Chair of Panel B considered the licensee’s request and allowed him to resume the practice of medicine on an interim basis, pending review by the full Panel, and pursuant to the following terms and conditions:
  - a. That the licensee may practice at Eastern State Hospital in Lexington, Kentucky; and
  - b. That he maintain and comply with his Aftercare Contract with the Foundation.
16. The full Panel reviewed the licensee’s request to resume the practice of medicine and the Interim Agreed Order approved by the Panel Chair at its July 21, 2011, meeting, and voted to reinstate the licensee’s ability to practice medicine, subject to the terms and conditions contained herein.

### 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(1) and (7). Accordingly, there is a legal basis for disciplinary action against his medical license.
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 Thomas M. Hall, 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. The licensee MAY practice medicine at the Eastern State Hospital in Lexington, Kentucky. The licensee may not practice at any other locations or facilities during the duration of this Agreed Order, unless and until the Panel or its Chair has approved, in writing, another practice location at which he may practice

medicine. The decision whether to approve a particular practice location lies in the sole discretion of the Panel or its Chair. In determining whether to approve a particular practice location, the Panel or its Chair will particularly consider whether there will be appropriate supervision of the licensee, and may also consider the nature of the practice, including the licensee's proposed duties and hours to be worked. In approving such practice location, the Panel or its Chair may include specific conditions/restrictions to ensure patient safety;

- b. The licensee shall not change employment or practice locations without first obtaining written approval by the Panel or its Chair for such change. The parties agree that the Panel or its Chair may require additional conditions and/or restrictions as a condition of granting approval for a new employment or practice location;
- c. The licensee SHALL maintain his contractual relationship with the Kentucky Physicians Health Foundation and shall fully comply with all requirements of that contractual relationship;
- d. The licensee 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;

- e. The 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 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, or to remain alcohol and/or drug-free shall be considered a violation of this Agreed Order;
  - f. The licensee SHALL pay a FINE in the amount of \$1,000.00, at the rate of \$250.00 per month, commencing on September 1, 2011 and continuing until such time as the fine is paid in full; and
  - m. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly agrees that if he should violate any term or condition of the 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 the licensee 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) and may provide a legal basis for criminal prosecution for practicing medicine without a license.

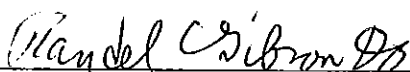
SO AGREED on this 29<sup>th</sup> day of August, 2011.

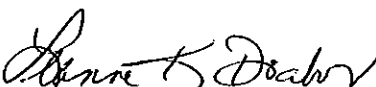
FOR THE LICENSEE:

  
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THOMAS M. HALL, M.D.

N/A  
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COUNSEL FOR DR. HALL  
(IF APPLICABLE)

FOR THE BOARD:

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

  
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