

JUN 08 2012

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1344

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JULIE A. HOLMAN, M.D., LICENSE NO. 33012, 223 HIGH STREET, P.O. BOX 36, GLENDALE, KENTUCKY 42740

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, and Julie A. Holman, 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 OF SURRENDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, Julie A. Holman, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is psychiatry.
3. In or around November 2008, the licensee voluntarily entered into a contractual relationship with the Kentucky Physicians Health Foundation (“the Foundation”) for the purpose of addressing her abuse of alcohol. The licensee met the expectations of that contract and it expired on November 18, 2010.
4. On or about April 10, 2011, the Kentucky State Police responded to a single vehicle accident involving the licensee in Hardin County, Kentucky. Upon arrival, the police found the licensee and a strong odor of alcohol. The licensee

acknowledged that she had been drinking vodka and gin; she stated that she was on her way home but stopped at the liquor store. It was noted that there was an opened and spilled bottle of wine on the floorboard of the licensee's vehicle. The licensee was not able to follow directions or maintain her balance during a standard field sobriety test. The licensee was arrested and charged with (1) Operating a Motor Vehicle Under the Influence of Alcohol/Drugs/Etc. and (2) Possession of an Open Alcohol Container in a Motor Vehicle. In June 2011, as a result of these charges, the licensee's driver's license was suspended for 120 days; she was ordered to pay court costs and a fine; and she was jailed for four days.

5. On or about June 23, 2011, the licensee presented to her clinical practice at Seven Counties Services with a tired affect, rumped appearance and hair askew. When asked if she needed to go home, the licensee reported that she had not slept well the night before. During the conversation, the licensee skipped topics two times abruptly. After lunch, the licensee appeared unsteady on her feet and disheveled. She entered another staff person's office without speaking; dropped her empty lunch bag on the floor; reached for a drawer and missed the drawer; and then exited the office. When confronted by the clinical supervisor following this incident, the licensee's speech was slurred and she responded with profanities. Also, on the same day, a foster parent noted that the licensee appeared "high" or "drunk," did not make any documentation during her foster child's psychological evaluation, repeated the same questions multiple times, and repeatedly told the child, "[w]e knew it was a matter of time before you would be removed from your mom." Staff became concerned that the licensee was suffering a physical or

mental health crisis and attempted to call an ambulance to transport her to the hospital. The licensee reported that she would refuse to go to the hospital and would refuse treatment if an ambulance came. The licensee's sister was called to take the licensee home.

6. On or about June 24, 2011, the licensee called the clinic and apologized for her behavior a day earlier. The licensee claimed that she did not remember anything that had occurred and reported that, over the past three or four years, she suffered periods of amnesia during the last week of each June and first week of each July. The licensee reported that she had sought medical treatment with a neurologist and that there were no medical reasons for the symptoms.
7. On or about June 24, 2011, the licensee's medical privileges at Seven Counties Services were revoked and the licensee was advised that failure to submit to a fitness-for-duty examination before July 5, 2011 would result in termination of her employment. The licensee failed to submit to a fitness-for-duty examination and her employment was terminated.
8. On or about July 22, 2011, the Kentucky State Police responded to a single vehicle accident involving the licensee in Hardin County, Kentucky. According to the collision report, the licensee's vehicle went off the right side of the road, continued to travel in the ditch line on the edge of the road, went up an embankment striking several small trees and brush, and came back down the embankment to reenter the roadway, overturning and rolling several times before coming to a rest in an upright position blocking all lanes of traffic. The licensee was trapped in the vehicle and had to be freed by mechanical means. She was

then airlifted to the University of Louisville Hospital. Alcohol was believed to be a contributing factor in the cause of the accident. The licensee was charged with (1) a second offense of Operating a Motor Vehicle Under the Influence of Alcohol/Drugs/Etc. and (2) Driving on a DUI Suspended License.

9. On August 19, 2011, the Board's Inquiry Panel considered the licensee's above history and ordered her to submit to an impairment evaluation at the Foundation and to follow their directives for further evaluations or treatment.
10. On or about August 30, 2011, the licensee submitted to an impairment evaluation and the Foundation recommended that she enter into a residential treatment program to address her alcohol dependence. However, the licensee did not enter into residential treatment immediately, due to ongoing legal and physical recovery issues related to her July 22 accident.
11. On or about September 13, 2011, 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 and disciplinary action against her license to practice medicine was held in abeyance pending her completion of residential treatment for alcohol dependence.
12. On or about December 27, 2011, the licensee entered residential treatment for alcohol dependence at Questhouse in Bowling Green, Kentucky.
13. On or about March 26, 2012, the licensee completed the core components of the recovery program and was discharged from Questhouse. At the time of discharge, Questhouse noted that the licensee "may be allowed to practice her profession as she does not presently present a danger to the public and is in a position to

practice with reasonable skill and safety, contingent upon her following the recommendations [of Questhouse] and the requirements set forth by the Kentucky Physicians Health Foundation,” including complete abstinence from consumption of alcohol and mood-altering substances.

14. On or about March 30, 2012, the licensee was required to report to the Hardin County Detention Center to begin serving fifteen (15) days of incarceration based upon her arrest and charges from the July 22, 2011, DUI accident. Instead of reporting to the detention center at the required time, the licensee phoned in and reported that she was being treated for “alcohol poisoning.” She then reported to the detention center more than two hours late and with red and watery eyes and a strong odor of alcohol. The licensee was given an alcohol test upon entry and it was positive. A second alcohol test thirty minutes later was also positive. The licensee was then arrested and charged with Alcohol Intoxication in a Public Place and reported to the Court for jail service noncompliance.

STIPULATED CONCLUSIONS OF LAW

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

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), (8) and (9). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.

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 of Surrender.
4. For the purposes of KRS 311.607, this Agreed Order of Surrender is the legal equivalent of an Order of Revocation.

AGREED ORDER OF SURRENDER

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 OF SURRENDER:**

1. The licensee, Julie A. Holman, M.D., shall SURRENDER her Kentucky medical license, in lieu of revocation, with that surrender to become effective immediately upon the filing of this Agreed Order of Surrender, and continuing until further Order of the Panel.
2. During the effective period of this Agreed Order of Surrender, the licensee SHALL NOT perform any act within the Commonwealth of Kentucky which would constitute the “practice of medicine or osteopathy,” as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities,” unless and until approved to do so by the Panel, in response to a properly filed petition for reinstatement.
1. The Board or its Panels will not consider an application or a request by the licensee to practice medicine in the Commonwealth of Kentucky for a minimum

period of two (2) years from the date of filing of this Agreed Order of Surrender and unless accompanied by:

- (1) A favorable recommendation by the Kentucky Physicians Health Foundation, which shall include a copy of the licensee's contract with the Foundation and a statement affirming that the licensee's return to practice would not present a danger to her patients or the public;
- (2) A statement that no federal or state criminal investigations are pending against the licensee; and
- (3) A statement detailing what, if any, federal or state criminal actions may have been initiated or resolved against the licensee since the date of surrender, including copies of any citations, indictments, Court orders, pleas or judgments.

The provisions of KRS 311.607 shall apply to any request for reinstatement filed by the licensee. The burden shall be upon the licensee to satisfy the Panel that she is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine, without undue risk or danger to his patients or the public.

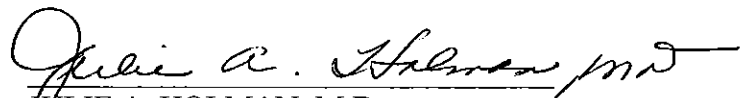
3. The licensee SHALL NOT violate any provisions of KRS 311.595 and/or 311.597.
4. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order of Surrender, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as 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 of Surrender, 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

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 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 of Surrender.

6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender 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.

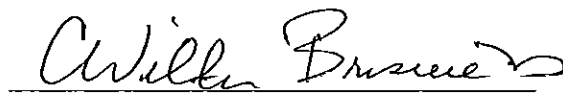
SO AGREED on this 4th day of June, 2012.

FOR THE LICENSEE:


JULIE A. HOLMAN, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


C. WILLIAM BRISCOE, M.D.
CHAIR, INQUIRY PANEL A

Leanne K. Diakov

LEANNE K. DIAKOV
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150