

FEB 16 2012

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1371

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY L. JEAN COOPER, M.D., LICENSE NO. 40821, 611 FOREST AVENUE, MAYSVILLE, KENTUCKY 41058

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel B, and L. Jean Cooper, M.D., (“the licensee”), and, based upon their mutual desire to fully and finally resolve this noncompliance investigation 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, L. Jean Cooper, 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 November 8, 1995, the licensee entered into a consent agreement with the Ohio State Board based upon her depression and alcohol dependence. She was released from the terms of the consent agreement on November 13, 1997.
4. In or around May 2002, the licensee relapsed.
5. In or around November 2002, she entered an out-patient program for alcohol addiction but continued to abuse alcohol throughout her treatment until December of 2004.

6. On or about December 31, 2004, the licensee entered inpatient treatment at the Hazeldon Foundation in Center City, Minnesota. On or about May 13, 2005, she was discharged from the Hazeldon Foundation; three months later she was discharged from transitional facility, Sober Living. The licensee was diagnosed with Axis I alcohol dependence and Bipolar II Disease.
7. On February 9, 2005, the licensee entered into a Step I Consent Agreement with the Ohio Medical Board. The Consent Agreement reprimanded the licensee and suspended her Ohio medical license for an indefinite period of time, but not less than 180 days due to her alcohol dependence.
8. On March 8, 2006, Dr. David D. Goldberg, Greene Memorial Hospital, Xenia, Ohio, determined that the licensee was capable of practicing medicine according to acceptable and prevailing standards as long as she continues treatments, psychiatric counseling, random urine testing and meets the monitoring requirements of the Ohio Medical Board.
9. On June 13, 2006, the licensee entered into a Step II Consent Agreement with the Ohio Medical Board. The Consent Agreement reinstated the licensee's Ohio medical license under probationary terms, conditions and limitations for a period of five (5) years.
10. On or about January 3, 2007, as a condition of obtaining a license to practice medicine in the Commonwealth of Kentucky, the licensee entered into an Agreed Order of Indefinite Restriction, which required, in part, the following:
 - a. that the licensee maintain a "controlled substances log";
 - b. that the licensee abide by all conditions and terms set forth in the Ohio Medical Board Step II Consent Agreement;

- c. that the licensee maintain a contractual relationship with the Kentucky Physicians Health Foundation ("the Foundation") and fully comply with all terms of that contractual relationship, including specifically:

The licensee shall enter into a psychiatrist-patient relationship with a psychiatrist approved by the Foundation for the purpose of monitoring and directing the licensee's therapeutic treatment. The licensee shall comply fully with all treatment directives from her psychiatrist, including the frequency and nature of therapy sessions. The licensee shall cause her approved psychiatrist to submit a monthly report concerning the licensee's treatment to the Foundation. The licensee SHALL NOT terminate therapy until her psychiatrist and the Foundation's Medical Director agree that the licensee is no longer in need of therapeutic treatment.

11. In addition, pursuant to terms of the Agreed Order of Indefinite Restriction, the licensee agreed that any violation of the Agreed Order of Indefinite Restriction may serve as the basis for disciplinary action pursuant to KRS 311.595(13), including revocation of her Kentucky medical license.
12. On or about August 2, 2010, the licensee entered into an Agreed Order of Fine with this Board after she failed to comply with the terms of the Agreed Order of Indefinite Restriction by not recording in the required log certain controlled substances prescribed by her to several patients. The licensee paid a fine of \$1,000 and agreed to not violate any provision of KRS 311.595 and/or 311.597.
13. In or around September 2010, the licensee informed the Foundation and the Board of her plans to move to Illinois and represented that she would continue to fulfill her contractual obligations, including participation in Alcoholics Anonymous ("AA") meetings, therapy and psychiatric follow-up.
14. After September 2010, the licensee violated the terms of her Foundation contract and the Agreed Order of Indefinite Restriction with this Board, by failing to pay required

administrative monitoring fees and failing to attend the required number of AA meetings.

15. After July 2011, the licensee further violated the terms of her Foundation contract and the Agreed Order of Indefinite Restriction with this Board, by failing to ensure that her approved psychiatrist submitted a monthly report concerning her treatment to the Foundation until such time as the psychiatrist and the Foundation's Medical Director agreed that the licensee was no longer in need of therapeutic treatment.

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. The licensee has engaged in conduct which violates the provisions of KRS 311.595(13). 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 noncompliance investigation 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

noncompliance investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

1. The licensee, L. Jean Cooper, 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. Following the effective date of the surrender of her license, the licensee may not engage in any act which would constitute the “practice of medicine” 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 – in the Commonwealth of Kentucky, until approved to do so by the Panel.
3. 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 current CPEP clinical skills assessment, as well as any Education Plan recommended by CPEP;
 - (2) A favorable written recommendation by the Kentucky Physicians Health Foundation’s Medical Director, which shall include:
 - a. A copy of her contract with the Foundation, if applicable;
 - b. A copy of any discharge summary from a residential treatment facility and any reports of other evaluations performed since the date of entry of this Agreed Order of Surrender;
 - c. An assessment that the licensee may safely resume the active practice of medicine without undue risk or danger to patients or the public;

- d. Confirmation that she has paid all overdue fees to the Foundation; and
- e. The licensee's specific plans for the return to practice, including prospective employer and practice description.

The provisions of KRS 311.607, as they exist at the time of filing of the application or petition for reinstatement, SHALL apply to any application or petition 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 her patients or the public.

- 4. If the Board should receive information that, after the date of filing of this Agreed Order of Surrender, the licensee has performed an act which would constitute the "practice of medicine" within the Commonwealth of Kentucky, it will refer the licensee to the Attorney General or appropriate Commonwealth Attorney for prosecution of such acts of practicing medicine without a license.
- 5. The licensee expressly agrees that if she should violate any term or condition of the 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 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 and may provide a legal basis for criminal prosecution for practicing medicine without a license.

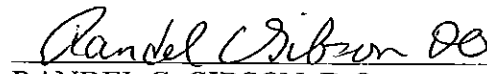
SO AGREED on this 6 day of February, 2012.


FOR THE LICENSEE:


L. JEAN COOPER, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


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


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