

DEC 02 2016

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1717

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY P. JOEL L. VELASCO, M.D., LICENSE NO. 30468, 10214 STONE SCHOOL ROAD, PROSPECT, KENTUCKY 40059

**AMENDED AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel B, and P. Joel L. Velasco, M.D. (“the licensee”), and, based upon their mutual desire to fully and finally resolve the licensee’s non-compliance without an evidentiary hearing, hereby enter into the following **AMENDED 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, P. Joel L. Velasco, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Psychiatry.
3. The Office of Inspector General (“OIG”) received a report from the Louisville Metro Police Department regarding a patient who received overlapping controlled substance prescriptions from the licensee.
4. On or about September 9, 2015, Jill Lee, R.Ph., OIG, Drug Enforcement and Professional Practices Branch, reviewed and analyzed the licensee’s KASPER records (dated August 22, 2014 to August 22, 2015) and selected sixteen (16) patient names for further review based upon addictive drug combinations, excessive doses, failure to query KASPER, polypharmacy, early refills, and duplicate therapy.

5. A board consultant reviewed sixteen (16) patient charts and found that the licensee engaged in conduct which departs from or fails to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky. Specifically, the consultant stated, in part:

He had pervasive failure to order KASPERs, ever, on any patient's records provided to me. Secondly, he pervasively omitted in every patient in every progress note any mention of the number of pills dispensed or the number of refills ordered. Finally, he has close-to-unreadable writing. Interestingly, his writing back in 2003 was good. And, on a rare occasion, recently written notes were legible handwriting, proving that he can write well enough if he only tries.

My review did show the same problems in these three areas with every chart you had me look at.

The alleged overlapping prescriptions on the patient who started this whole thing should be strongly cautioned against. With the doctor not keeping any chart records of Disp # and refills # on prescriptions written, he could not know if that or other patients really needed a refill or not.

6. On or about April 6, 2016, the licensee entered into an Agreed Order with the Board, in lieu of the issuance of a Complaint and Emergency Order of Restriction, in which he agreed to:

- a. Within twenty (20) days of the filing of this Agreed Order, the licensee SHALL contact the Center for Personalized Education for Physicians ("CPEP"), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232 Fax: (303) 577-3241, to schedule a clinical skills assessment for the earliest dates available to both CPEP and the licensee

...

- i. If the Assessment Report recommends development of an Educational Plan, the licensee SHALL take all necessary steps to arrange for CPEP to immediately develop such a plan, at the licensee's expense;

1. Upon receipt of an Educational Intervention by the licensee, the licensee SHALL immediately comply with and SUCCESSFULLY complete all requirements of that Educational Intervention, at his expense and as directed by CPEP;

2. If deemed necessary and appropriate by CPEP, the licensee SHALL SUCCESSFULLY COMPLETE the Post-Education Assessment, at his expense and as directed by CPEP;
    3. The licensee SHALL TAKE ALL NECESSARY STEPS, including the execution of waivers and/or releases, to ensure that CPEP provides timely written reports to the Board outlining his compliance with the Educational Intervention;
  - b. Within six (6) months of the filing of this Agreed Order, the licensee SHALL successfully complete the "Prescribing Controlled Drugs" course at The Center for Professional Health at Vanderbilt University Health Center, Nashville, Tennessee, Tel. (615) 936-0678 or the University of Florida, Gainesville, Florida, Tel. (352) 265-5300, at his expense;
  - c. Within six (6) months of the date of filing of this Agreed Order, the licensee SHALL successfully complete a Board-approved course relating to HB1 from the approved course list available on the Board's website at <http://kbml.ky.gov>;
  - d. The licensee SHALL pay the costs of the investigation in the amount of \$2750.00 within six (6) months from entry of this Agreed Order;
7. The licensee reimbursed the Board's costs in full on March 31, 2016.
  8. The licensee completed the course entitled "Proper Prescribing of Controlled Prescription Drugs" at Vanderbilt University Medical Center on June 15-17, 2016.
  9. The licensee completed the course entitled "Prescription Opioids: Risk Management and Strategies for Safe Use" on August 25, 2016.
  10. The licensee obtained a clinical skills assessment at CPEP on May 23-24, 2016. CPEP's

**Assessment Findings include:**

During this Assessment, Dr. Velasco demonstrated superficial knowledge of outpatient and inpatient adult and adolescent psychiatry topics with significant deficiencies in all areas covered, including controlled substances. His clinical judgment and reasoning were poor. His documentation in outpatient charts was poor, in inpatient charts was marginal with need for improvement, and was adequate for the Simulated Patient (SP) encounters. Dr. Velasco's communication skills were mixed with SPs and generally professional with consultants and CPEP staff; however, the consultants reported that Dr. Velasco did not appear to be fluent in English.

11. CPEP recommended that the licensee participate in a structured, individualized education intervention to address the identified areas of need.
12. On or about September 28, 2016, a Board investigator notified the licensee that he must enroll in his education plan by October 6, 2016.
13. The licensee did not enroll in the Educational Intervention until October 13, 2016.

#### STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's Kentucky 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(9), as illustrated by KRS 311.597(4), as well as KRS 311.595(12) and (13). Accordingly, there are legal grounds for the parties to enter into this Amended Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Amended Agreed Order.

#### AMENDED AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and based upon the parties' mutual desire to fully and finally address the licensee's non-compliance without an evidentiary hearing, the parties hereby enter into the following **AMENDED AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by P. JOEL L. VELASCO, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Amended Agreed Order;
2. During the effective period of this Amended Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION until further order of the Board:
  - a. The licensee SHALL NOT prescribe, dispense, or otherwise professionally utilize controlled substances unless and until approved to do so by the Panel;
  - b. Upon receipt of an Educational Intervention by the licensee, the licensee SHALL comply with and SUCCESSFULLY complete all requirements of that Educational Intervention, at his expense and as directed by CPEP;
    - i. If deemed necessary and appropriate by CPEP, the licensee SHALL SUCCESSFULLY COMPLETE the Post-Education Assessment, at his expense and as directed by CPEP;
    - ii. The licensee SHALL TAKE ALL NECESSARY STEPS, including the execution of waivers and/or releases, to ensure that CPEP provides timely written reports to the Board outlining his compliance with the Educational Intervention;
  - c. Pursuant to KRS 311.565(1)(v), the licensee SHALL submit payment of a FINE in the amount of one-thousand dollars (\$1,000) to the Board within six (6) months from the date of entry of this Amended Agreed Order; and
  - d. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly understands and agrees that the Panel will not consider a request to resume the professional utilization of controlled substances unless and until he has ensured that CPEP has provided copies of its assessment and education plan to the Panel for review.
4. The licensee expressly understands and agrees that if the Panel should grant the licensee's request to resume the prescribing, dispensing or professional utilization of

controlled substances in the future, it will do so by an Amended Agreed Order, which shall at least require that:

- a. The licensee maintain a "controlled substances log" for all controlled substances prescribed, dispensed or otherwise utilized and shall provide for at least two (2) favorable consultant reviews of the log and relevant records by Board agents before the order may be terminated; and
  - b. Any other conditions deemed necessary by the Panel or Panel Chair at that time.
5. 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 he 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 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; and
6. 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 2nd day of December, 2016.

FOR THE LICENSEE:

  
P. JOEL L. VELASCO, M.D.

FOR THE BOARD:

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)



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RUSSELL L. TRAVIS, M.D.  
CHAIR, INQUIRY PANEL B



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

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1717

FILED OF RECORD

APR 06 2015

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**AGREED ORDER**

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**STIPULATIONS OF FACT**

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

1. At all relevant times, P. Joel L. Velasco, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Psychiatry.
3. The Office of Inspector General ("OIG") received a report from the Louisville Metro Police Department regarding a patient who received overlapping controlled substance prescriptions from the licensee.
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5. A board consultant reviewed sixteen (16) patient charts and found that the licensee engaged in conduct which departs from or fails to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky. Specifically, the consultant stated, in part:

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6. On March 17, 2016, the Board's Inquiry Panel B reviewed the investigation. The Panel and the licensee agree to enter into this Agreed Order, in lieu of the issuance of a Complaint and Emergency Order of Restriction.

#### 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 Kentucky 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(9), as illustrated by KRS 311.597(4), as well as KRS

311.595(12). 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 investigation 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 the parties' mutual desire to fully and finally address this pending investigation, without an evidentiary hearing, the parties hereby enter into the following **AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by P. JOEL L. VELASCO, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Agreed Order;
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION until further order of the Board:
  - a. The licensee SHALL NOT prescribe, dispense, or otherwise professionally utilize controlled substances unless and until approved to do so by the Panel;
  - b. Within twenty (20) days of the filing of this Agreed Order, the licensee SHALL contact the Center for Personalized Education for Physicians ("CPEP"), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232 Fax: (303) 577-3241, to schedule a clinical skills assessment for the earliest dates available to both CPEP and the licensee;
    - i. Both parties may provide relevant information to CPEP for consideration as part of the clinical skills assessment. In order to permit the Board to provide such relevant information, the licensee SHALL immediately notify the Board's Legal Department of the assessment dates once the assessment is scheduled;

- ii. The licensee SHALL travel to CPEP and complete the assessment as scheduled, at his expense;
  - iii. The licensee expressly understands and agrees that CPEP will issue its final Assessment Report, in accordance with its internal policies;
  - iv. The licensee SHALL take all steps necessary, including signing any waiver and/or consent forms required to ensure that CPEP will provide a copy of the Assessment Report to the Board's Legal Department promptly after its completion;
  - v. If the Assessment Report recommends development of an Educational Plan, the licensee SHALL take all necessary steps to arrange for CPEP to immediately develop such a plan, at the licensee's expense, so that the proposed Educational Plan may be presented to the Panel for review along with the Assessment Report;
  - vi. The licensee expressly understands and agrees that if the CPEP Assessment Report recommends that the licensee retrain in a residency or residency-like setting, the licensee SHALL NOT perform any act which would constitute the "practice of medicine or osteopathy," as that term is defined in 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;
  - vii. If the CPEP Assessment Report recommends that the licensee retrain in a residency or residency-like setting, the Panel shall neither modify nor terminate this Agreed Order unless and until he completes a residency or residency-like program and obtains a CPEP clinical skills assessment demonstrating that he is competent to engage in the "practice of medicine or osteopathy" without additional education;
- c. Within six (6) months of the filing of this Agreed Order, the licensee SHALL successfully complete the "Prescribing Controlled Drugs" course at The Center for Professional Health at Vanderbilt University Health Center, Nashville, Tennessee, Tel. (615) 936-0678 or the University of Florida, Gainesville, Florida, Tel. (352) 265-5300, at his expense;
  - d. Within six (6) months of the date of filing of this Agreed Order, the licensee SHALL successfully complete a Board-approved course relating to HB1 from the approved course list available on the Board's website at <http://kbml.ky.gov>;
  - e. The licensee SHALL pay the costs of the investigation in the amount of \$2750.00 within six (6) months from entry of this Agreed Order; and

- f. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly understands and agrees that the Panel will not consider a request to resume the professional utilization of controlled substances unless and until he has ensured that CPEP has provided copies of its assessment and education plan, if so recommended, to the Panel for review and he has successfully completed the courses listed in Paragraphs 2(c) and 2(d).
  4. The licensee expressly understands and agrees that if the Panel should grant the licensee's request to resume the prescribing, dispensing or professional utilization of controlled substances in the future, it will do so by an Amended Agreed Order, which shall at least require that:
    - a. The licensee maintain a "controlled substances log" for all controlled substances prescribed, dispensed or otherwise utilized and shall provide for at least two (2) favorable consultant reviews of the log and relevant records by Board agents before the order may be terminated; and
    - b. Any other conditions deemed necessary by the Panel or Panel Chair at that time.
  5. 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 he 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 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; and

6. 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).

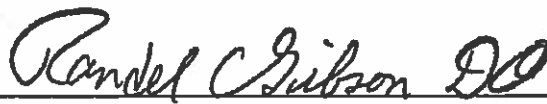
SO AGREED on this 6<sup>th</sup> day of April, 2016.

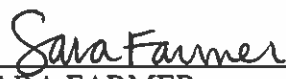
FOR THE LICENSEE:

  
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P. JOEL L. VELASCO, M.D.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:

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

  
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