

AUG 5 2024

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

SECOND AMENDED COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 16, 2023, states for its Second Amended Complaint against the licensee, Jason Stamper, D.O., as follows:

1. At all relevant times, Jason Stamper, D.O. ("the licensee"), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
5. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued a complaint, on or about February 16, 2023.

6. On or about May 25, 2023, a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).
7. On or about May 30, 2023, the Board's Inquiry Panel A Chair issued an amended emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky along with an amended complaint.
8. On or about July 18, 2023, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee was released from detention pending trial on a number of conditions including that he refrain from violating federal, state, or local law while on release and that he "not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a medical practitioner." The licensee then commenced supervision in the Middle District of Tennessee where he resided with his mother.
9. On or about October 25, 2023, the licensee's Probation Officer in the Middle of District of Tennessee reported that the licensee tested positive for the use of unprescribed methamphetamine, a controlled substance.
10. On or about November 1, 2023, during a hearing before U.S. Magistrate Judge Atkins, the licensee stipulated to the use of amphetamine and conceded that his conduct constituted a violation of the conditions of his release. Magistrate Judge Atkins expressed serious concern with respect to the licensee's history of methamphetamine use and his apparent dishonesty to probation officers during his

bond interview and when initially confronted with the suspected bond violation. Ultimately, the Magistrate Judge determined, based on Stamper's past drug usage, his present conduct, and his untruthfulness, that release was not appropriate under 18 U.S.C. § 3148. The licensee was then taken into custody and detained pending trial.

11. On or about March 14, 2024, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee (a.k.a. "Defendant") entered a guilty plea to one (1) count of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), based upon the following admitted facts:

Between April 15, 2022, and September 27, 2022, a DEA Task Force Officer (the "UC") made 6 undercover patient visits at Defendant's clinic, where he was the sole doctor. In those visits, Defendant prescribed Schedule II (Ritalin and Adderall) controlled substances outside the usual course of professional practice and without a legitimate medical purpose. For instance, at the initial visit, the Defendant prescribed the UC Ritalin after the UC said he wanted something to give him a "kick in the britches." Other than cursory blood-pressure and lung-sound checks (on a few, but not all of the visits), Defendant performed no medical examinations, did not inquire into legitimate medical need for the prescriptions, took no action when the UC failed to secure blood work as directed for 5 straight visits, increased doses and/or switched between controlled substances (Ritalin to Adderall) without explanation.

During the June 7, 2022, visit, the UC advised Defendant that the Ritalin he was prescribed during the prior visit had no effect. Without further inquiry, the Defendant advised he would increase the UC's Adderall dose to 10 mg twice per day (the equivalent of 8 times the original dose of Ritalin) and advised that he would then up that dose to 30 mg twice per day at a subsequent visit without any explanation of medical justification for the increased dosage or switch to the more potent stimulant.

12. On or about July 15, 2024, the licensee was sentenced to a term of imprisonment for thirty-two (32) months. Upon release from prison, the licensee will be under supervision of the U.S. Probation Office for three (3) years.
13. By his conduct, the licensee has violated KRS 311.595(4), (9) [as illustrated by KRS 311.597(4)] and (12). Accordingly, legal grounds exist for disciplinary action against his license to practice osteopathy in the Commonwealth of Kentucky.
14. The licensee is directed to respond to the allegations delineated in the Second Amended Complaint within thirty (30) days of service thereof and is further given notice that:
- (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
15. NOTICE IS HEREBY GIVEN that a hearing on this Second Amended Complaint is scheduled for **October 30, 2024**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

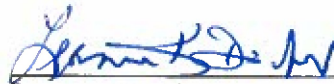
WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice osteopathy in the Commonwealth of Kentucky held by Jason Stamper, D.O.

This 5th day of August, 2024.


WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Second Amended Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Wes Faulkner, Esq., Hearing Officer, 125 South Seventh Street, Louisville, Kentucky 40202 and copies were mailed via certified mail return-receipt requested and sent via email to the licensee, Jason N. Stamper, D.O., License No. 02798, c/o Grayson County Detention Center, 320 Shaw Station Road, Leitchfield, Kentucky 42754, jnstamperdo@gmail.com, and to licensee's counsel, L. Chad Elder, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1, Louisville, Kentucky 40207, celder@eldergood.com on this 5th day of August, 2024.



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

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

MAY 31 2023

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

AMENDED EMERGENCY ORDER OF RESTRICTION

The Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel A, considered a memorandum from Board counsel, dated December 16, 2022; e-mail correspondence the Drug Enforcement Administration, dated December 15, 2022; Uniform Citation, Control No. K895389, dated December 15, 2022; and an Appalachian News-Express article, “Pike doctor charged with drug trafficking, possession,” dated December 15, 2022. On or about May 30, 2023, the Board considered an Indictment returned against the licensee in *USA v. Stamper*, Case No. 7:23-CR-0009 (U.S. District Court, E.D. Ky.). Having considered this information and being sufficiently advised, the Chair of Inquiry Panel A enters the following AMENDED EMERGENCY ORDER OF RESTRICTION, in accordance with KRS 311.592(1) and 13B.125(1):

FINDINGS OF FACT

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Restriction:

1. At all relevant times, Jason Stamper, D.O. (“the licensee”), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee’s osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee’s residence during which the following were recovered:

- a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
 5. On or about May 25, 2023, a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and note for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Amended Emergency Order of Restriction:

1. The licensee's Kentucky osteopathic license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.

3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12).
4. 201 KAR 9:240 §1 provides,
 - (1) An inquiry panel or the panel's chair, acting on behalf of the inquiry panel, may issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky in accordance with KRS 311.592 and 13B.125.
 - (2) ...
 - (3) (a) An inquiry panel's chair may act on behalf of the inquiry panel and issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky if the panel chair determines that a basis for an emergency order as established in subsection (1) of this section exists and the circumstances of the specific case warrant emergency action prior to the next regularly scheduled meeting of the inquiry panel.
5. 201 KAR 9:240 §3 provides
 - (1) If a licensee is indicted in any state for a crime classified as a felony in that state and the conduct charged relates to a controlled substance, that licensee's practice shall be considered an immediate danger to the public health, safety or welfare, pursuant to KRS 311.592 and 13B.125.
 - (2) If the Board receives verifiable information that a licensee has been indicted in any state for a crime classified as a felony in the state of indictment and the conduct charged relates to a controlled substance, the inquiry panel or panel chair, acting on behalf of the inquiry panel, shall immediately issue an emergency order suspending or restricting that licensee's Kentucky license....
6. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
7. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act

when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's osteopathic practice.

8. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

AMENDED EMERGENCY ORDER OF RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel A hereby ORDERS that the license to practice osteopathy in the Commonwealth of Kentucky held by Jason N. Stamper, D.O., is RESTRICTED and Dr. Stamper is prohibited from prescribing, dispensing, or otherwise professionally utilizing controlled substances until the Board's hearing panel has finally resolved the Amended

Complaint after receipt of the court documents resolving the criminal charges discussed in this pleading or until such further Order of the Board.


The Chair of Inquiry Panel A further declares that this is an EMERGENCY ORDER, effective immediately upon receipt by the licensee.

SO ORDERED this 31st day of May, 2023.


WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Amended Emergency Order of Restriction was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and copies were mailed via certified mail return-receipt requested and sent via email to the licensee, Jason N. Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, jnstamperdo@gmail.com, and to licensee's counsel, L. Chad Elder, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1, Louisville, Kentucky 40207, celder@eldergood.com on this 31st day of May, 2023.


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

MAY 31 2023

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

AMENDED COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 16, 2023, states for its Amended Complaint against the licensee, Jason Stamper, D.O., as follows:

1. At all relevant times, Jason Stamper, D.O. ("the licensee"), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
5. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued a complaint, on or about February 16, 2023.

6. On or about May 25, 2023, a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).
7. On or about May 30, 2023, the Board's Inquiry Panel A Chair issued an amended emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky along with this amended complaint.
8. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against his license to practice osteopathy in the Commonwealth of Kentucky.
9. The licensee is directed to respond to the allegations delineated in the Amended Complaint within thirty (30) days of service thereof and is further given notice that:
 - (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
10. NOTICE IS HEREBY GIVEN that a hearing on this Amended Complaint is scheduled for **October 25 & 26, 2023**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

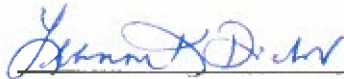
WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice osteopathy in the Commonwealth of Kentucky held by Jason Stamper, D.O.

This 31st day of May, 2023.


WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Amended Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205 and copies were mailed via certified mail return-receipt requested and sent via email to the licensee, Jason N, Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, jnstamperdo@gmail.com, and to licensee's counsel, L. Chad Elder, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1, Louisville, Kentucky 40207, celder@eldergood.com on this 31st day of May, 2023.


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

FILED OF RECORD

FEB 20 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 16, 2023, states for its Complaint against the licensee, Jason Stamper, D.O., as follows:

1. At all relevant times, Jason Stamper, D.O. ("the licensee"), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
5. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued this complaint, on or about February 16, 2023.

6. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4). Accordingly, legal grounds exist for disciplinary action against his license to practice osteopathy in the Commonwealth of Kentucky.
7. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:
 - (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
8. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for **June 21, 2023**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice osteopathy in the Commonwealth of Kentucky held by Jason Stamper, D.O.

This 20th day of February, 2023.

W. Saleem.

WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205 and a copy was mailed via certified mail return-receipt requested to the licensee, Jason N. Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, and emailed to the licensee's email of record, jnstamperdo@gmail.com, on this 20th day of February, 2023.



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

DEC 16 2022

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

EMERGENCY ORDER OF RESTRICTION

The Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel A, considered a memorandum from Board counsel, dated December 16, 2022; e-mail correspondence the Drug Enforcement Administration, dated December 15, 2022; Uniform Citation, Control No. K895389, dated December 15, 2022; and an Appalachian News-Express article, “Pike doctor charged with drug trafficking, possession,” dated December 15, 2022. Having considered this information and being sufficiently advised, the Chair of Inquiry Panel A enters the following EMERGENCY ORDER OF RESTRICTION, in accordance with KRS 311.592(1) and 13B.125(1):

FINDINGS OF FACT

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Restriction:

1. At all relevant times, Jason Stamper, D.O. (“the licensee”), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee’s osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee’s residence during which the following were recovered:

- a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.

CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Restriction:

1. The licensee's Kentucky osteopathic license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4).
4. 201 KAR 9:240 §1 provides,
 - (1) An inquiry panel or the panel's chair, acting on behalf of the inquiry panel, may issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky in accordance with KRS 311.592 and 13B.125.
 - (2) ...

- (3) (a) An inquiry panel's chair may act on behalf of the inquiry panel and issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky if the panel chair determines that a basis for an emergency order as established in subsection (1) of this section exists and the circumstances of the specific case warrant emergency action prior to the next regularly scheduled meeting of the inquiry panel.
5. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
6. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's osteopathic practice.
7. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780

(1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

EMERGENCY ORDER OF RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel A hereby ORDERS that the license to practice osteopathy in the Commonwealth of Kentucky held by Jason N. Stamper, D.O., is RESTRICTED and Dr. Stamper is prohibited from prescribing, dispensing, or otherwise professionally utilizing controlled substances until the Board's hearing panel has finally resolved the complaint after receipt of the court documents resolving the criminal charges discussed in this pleading or until such further Order of the Board.

The Chair of Inquiry Panel A further declares that this is an EMERGENCY ORDER, effective immediately upon receipt by the licensee.

SO ORDERED this 16th day of December, 2022.



WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Restriction was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed via certified mail return-receipt requested to the licensee, Jason N. Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, and emailed to the licensee's email of record, jnstamperdo@gmail.com, on this 16th day of December, 2022.



Leanne K. Diakov
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