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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. IAO(T)-23

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

INTERIM AGREED ORDER (TREATMENT)

Come now the Kentucky Board of Medical Licensure (hereinafter "the Board"), acting by and through its Inquiry Panel B, and Thomas M. Hall, M.D. (hereinafter "the licensee"), and, based upon their mutual desire to fully ensure patient safety during the time necessary for the Panel to fully evaluate and determine the appropriate action following the licensee's completion of or failed attempt at residential treatment for substance abuse, hereby ENTER INTO the following **INTERIM AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by Thomas M. Hall, M.D., SHALL BE SUBJECT TO THE following terms and conditions of this Interim Agreed Order, for an indefinite period of time which shall commence immediately upon the filing of this Interim Agreed Order and shall continue until further Order of the Panel:
 - a. If not already admitted, the licensee SHALL report for residential treatment at the time and location designated by the Medical Director, Kentucky Physicians Health Foundation (hereinafter "the Foundation").
 - b. The licensee SHALL take all necessary actions, including the execution of any necessary waivers and/or releases, so that the treatment facility may provide the following information to Board investigators on a recurring bases—whether the licensee remains in treatment; the licensee's anticipated

anticipated discharge date; any compliance issues that may affect the licensee's licensing status; and, the anticipated date of issuance of the facility's final report regarding the licensee.

- c. The licensee SHALL successfully complete residential treatment as directed by the facility's staff and the Foundations' Medical Director. The licensee SHALL NOT leave residential treatment against medical advice or until appropriately discharged by the facility's staff. The licensee SHALL FULLY COMPLY with all treatment directives of the facility's staff.
- d. The licensee SHALL NOT perform any act, within the Commonwealth of Kentucky or in any other state, which constitutes the "practice of medicine," as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction or any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities -- from the date of filing of this Interim Agreed Order until approved by written Order of this Panel to resume practice. The Foundation's Medical Director may not legally approve the licensee's return to the active practice of medicine.
- e. The Panel will not consider a petition to resume the active practice of medicine unless it is accompanied by a favorable recommendation by the Foundation's Medical Director, which shall include:
 - 1. A copy of his contract with the Foundation, if applicable;

2. A copy of the full discharge summary from a residential treatment facility and any reports of other evaluations performed;
3. If not included in that discharge summary, a statement of all aftercare requirements for the licensee;
4. An assessment that the licensee may safely resume the active practice of medicine without undue risk or danger to patients or the public; and
5. The licensee's specific plans for the return to practice, including prospective employer and practice description.

If other violations, in addition to the substance abuse, were reported as part of the initial grievance, the Panel may defer consideration of any request to resume practice until the investigation of those other allegations is complete.

- f. The Board's investigator will make every effort to complete the investigation of any other violations alleged, in addition to the substance abuse, so that the investigation may be completed by the time the licensee is discharged from treatment. To that end, the licensee shall take all appropriate actions, including appearing for an interview by the investigator and providing relevant records, so that the investigation may be completed in a prompt manner.
- g. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

2. If the licensee successfully completes residential treatment and the requirements of Condition 1e have been met, the Panel may take up the case for resolution or

defer action until the investigation of all violations alleged is complete and ready for the Panel's review.

3. If the licensee successfully completes residential treatment and the requirements of Condition 1e have been met, the Panel may take any of the following actions to resolve the investigation:
 - a. Close the investigation without action;
 - b. Close the investigation without formal action on and the licensee's agreement to maintain and comply with a contractual relationship with the Foundation;
 - c. Require the licensee to enter into a confidential Letter of Agreement;
 - d. Require the licensee to enter into an Agreed Order with terms and conditions determined by the Panel based upon the information available to it at that time; or
 - e. Issue a Complaint and, if appropriate, Emergency Order of Restriction/Suspension.
4. The Panel Chair shall have the authority to permit the licensee to resume practice on an interim basis until the full Panel meets, if the licensee has successfully completed treatment and the requirements of Condition 1e have been met. That action will then be submitted to the full Panel at its next regularly scheduled meeting for ratification or modification.
5. If there is information satisfactory to the Panel or its Chair that the licensee has failed to comply with any condition of this Interim Agreed Order, or has failed to comply with a requirement of this Interim Agreed Order within the time specified for such completion, the Panel or its Chair may immediately terminate this Interim Agreed Order and issue a Complaint and, if appropriate, an Emergency

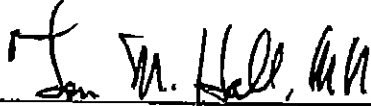
Order. Grounds for issuing a Complaint and Emergency Order would include, among other things, leaving treatment against medical advice, failing to successfully complete treatment, relapse during or following treatment, and/or resuming the active practice of medicine without written approval of the Panel;

6. If the parties must proceed to an evidentiary hearing on this matter at some time in the future, and the Board's witness(es) becomes unavailable to testify at that evidentiary hearing, the parties agree that the witness' statement to the Board's investigator or written report may be admitted into evidence, may be fully considered and may constitute the basis for a finding(s) without the live testimony of the consultant. The licensee expressly waives any hearsay objection that may be raised by him or by the Hearing Officer at a future hearing under the provisions of KRS 13B.090(1), as an express consideration to the Board for entering into this Interim Agreed Order and in recognition that, otherwise, the Board's case may be unduly prejudiced by the loss of an essential witness through its effort to resolve this matter in an informal manner. If the Board had to accept the possible loss of relevant evidence due to the passage of time in effectuating this Interim Agreed Order, the Board would not attempt to address the issues raised by the investigation in this informal manner; rather, the Board would issue the Complaint at this time and proceed with the evidentiary hearing to preserve the proof presently available.
7. The parties agree that this Interim Agreed Order does not constitute final action on this matter. Accordingly, it shall not be reported to the National Practitioner's Data Bank.

8. The parties also agree that, because this Interim Agreed Order does not constitute final action in this matter, it is preliminary document and part of a continuing investigation and is exempt from inspection and/or production under the Open Records Act pursuant to KRS 61.878(1)(h), (i), and (k). However, the parties further agree that, if the Panel should issue a Complaint or require the licensee to enter into an Agreed Order, this Interim Agreed Order would be admissible as evidence in that proceeding and could become public as part of that proceeding. The parties further agree that a copy of this Interim Agreed Order may be provided to any other state licensing board which requests information regarding the licensee's licensure status in Kentucky during the period that the terms of this Interim Agreed Order are in effect.
9. The licensee understands and agrees that any violation of the terms and conditions of this Interim Agreed Order would constitute a separate violation and may result in disciplinary action against his Kentucky medical license, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 9th day of December, 2010.


FOR THE LICENSEE:



THOMAS M. HALL, M.D.

COUNSEL FOR DR. HALL
(IF APPLICABLE)

FOR THE BOARD:



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



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