



State Medical Board of

Ohio

November 8, 2017

Case number: 17-CRF- 0133

Stephen Scott Brown, M.D.
2715 Guyan Ave
Huntington, WV 25702

Dear Doctor Brown:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about April 17, 2017, the Commonwealth of Kentucky Board of Medical Licensure issued an Order of Revocation [April 2017 Kentucky Order of Revocation] whereby your license to practice medicine in the Commonwealth of Kentucky was revoked. The underlying Complaint and subsequent Recommended Order Granting Motion for Default Ruling indicate that you engaged in misconduct related to prescribing practices with regards to two patients, that you abandoned those and other patients by closing your medical practice without notification, and that although you acknowledged receiving a subpoena, you failed to produce medical records in response to the subpoena issued by the Commonwealth of Kentucky Board of Medical Licensure. A copy of the April 2017 Kentucky Order of Revocation is attached hereto and incorporated herein.
- (2) On or about May 28, 2017, you submitted an online application for renewal of your license to practice medicine and surgery in Ohio. Despite the aforementioned April 2017 Kentucky Order of Revocation, you answered "No" to the question that asked, "At any time since signing your last application for renewal of your certificate has any board, bureau, department, agency, or any other body, including those in Ohio other than this board, filed any charges, allegations, or complaints against you?"
- (3) By letter dated July 10, 2017, the Board sent you The State Medical Board of Ohio's First Set of Interrogatories Directed to Stephen Scott Brown, M.D. via certified mail to your credentials mailing address. As was set forth in the Interrogatories and the accompanying cover letter, your answers were due to the Board's office no later than August 10, 2017. Information received by the United States Postal Service indicates that the Interrogatories were received by you on July 27, 2017. Based on your failure to respond to the July 10, 2017 letter, the Board sent you a subsequent letter dated August 11, 2017 again directing to you to respond to the Board's first set of interrogatories posed to you, and your answers were due to the Board's office no later than September 11, 2017. Information received by the United States Postal Service indicates that the Board's second letter was received by you on August 21, 2017. Based on your failure to respond to the July 10, 2017 and August 11, 2017 letters, the Board sent you a

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subsequent letter dated September 12, 2017 again directing you to respond to the Board's first set of interrogatories posed to you, and your answers were due to the Board's office no later than October 13, 2017. A response was not received from you by the Board with regards to the September 12, 2017 letter.

The April 2017 Kentucky Order of Revocation as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories," as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

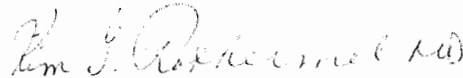
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to

grant or register or renew or reinstate your certificate or license to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/JBR/bjr
Enclosures

CERTIFIED MAIL #91 7199 9991 7036 6914 0703
RETURN RECEIPT REQUESTED

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1768

FILED OF RECORD

APR 17 2017

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY STEPHEN SCOTT BROWN, M.D., LICENSE NO. 45876, 2715 GUYAN AVENUE, HUNTINGTON, WEST VIRGINIA 25702

ORDER OF REVOCATION

On April 13, 2017, the Kentucky Board of Medical Licensure (hereinafter "the Board"), acting by and through its Hearing Panel A, took up this case for final action. The members of Panel A reviewed the Complaint, filed December 12, 2016; the hearing officer's Recommended Order Granting Motion for Default Ruling, dated February 16, 2017; and an April 13, 2017 memorandum from the Board's counsel. The licensee, Stephen Scott Brown, M.D., did not file exceptions to the hearing officer's recommended order and did not appear before the Panel.

Having considered all the information available and being sufficiently advised, Hearing Panel A ACCEPTS the hearing officer's recommended findings and ADOPTS those findings and INCORPORATES them BY REFERENCE into this Order; Hearing Panel A FURTHER ACCEPTS AND ADOPTS the hearing officer's Recommended Order. (Attachment) Having considered all of the sanctions available under KRS 311.595 and the nature of the violations in this case, Hearing Panel A has determined that revocation is the appropriate sanction.

Accordingly, Hearing Panel A **ORDERS**:

1. The license to practice medicine held by Stephen Scott Brown, M.D., is hereby REVOKED and he shall not perform any act which constitutes 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;
2. The provisions of KRS 311.607 SHALL apply to any petition for reinstatement filed by the licensee; and

3. Pursuant to KRS 311.565(1)(v), the licensee SHALL REIMBURSE the costs of these proceedings in the amount of \$218.75, prior to filing any petition for reinstatement of his license to practice medicine in the Commonwealth of Kentucky.

SO ORDERED on this 17th day of April, 2017.

C. William Briscoe MD

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

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Order of Revocation 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 Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601 and a copy was sent via certified mail return-receipt requested to the licensee, Stephen Scott Brown, M.D., License No. 45876, 2715 Guyan Avenue, Huntington, West Virginia 25702 on this 17th day of April, 2017.

Leanne K. Diakov

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

EFFECTIVE DATE AND APPEAL RIGHTS

Pursuant to KRS 311.593(1) and 13B.120, the effective date of this Order will be thirty (30) days after this Order of Revocation is received by the licensee.

The licensee may appeal from this Order, pursuant to KRS 311.593 and 13B.140-.150, by filing a Petition for Judicial Review in Jefferson Circuit Court within thirty (30) days after this Order is mailed or delivered by personal service. Copies of the petition shall be served by the licensee upon the Board and its General Counsel or Assistant General Counsel. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested, along with a copy of this Order.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1768

FILED OF RECORD

FEB 21 2017

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY STEPHEN SCOTT BROWN, M.D., LICENSE NO. 45876, 2715 GUYAN AVENUE, HUNTINGTON, WEST VIRGINIA 25702

**RECOMMENDED ORDER GRANTING
MOTION FOR DEFAULT RULING**

This action is before the hearing officer on the *Motion for Default Ruling* filed by the Kentucky Board of Medical Licensure. The licensee, Dr. Stephen Scott Brown, has not filed a response, and he did not respond to the hearing officer's order directing him to file a response to the *Complaint* and to the *Motion for Default Ruling. Order Requiring Filing of Responses*. After reviewing the Board's motion, the hearing officer finds it has substantial merit and that Dr. Brown is in default. Therefore, the hearing officer recommends the Board issue a Final Order finding Dr. Brown in default and guilty of the allegations set forth in the *Complaint*. The hearing officer further recommends the Board take any appropriate action against Dr. Brown's license for his violations of the Board's statutes governing the practice of medicine. In support of his recommendation the hearing officer states the following:

On December 12, 2016, the Board issued the *Complaint* alleging that Dr. Brown violated KRS 311.595(9), as illustrated by KRS 311.597(4). *Complaint*, page 4. In support of that charge the Board alleged Dr. Brown engaged in misconduct relating to his prescribing practices for two patients, Patients A and B. *Complaint*, pages 1-3. The Board also alleged that Dr. Brown abandoned those and other patients by closing his medical practice without notifying them, and the Board further alleged that Dr. Brown failed to produce medical records in response to the

Board's subpoena that was issued as part of the investigation of his medical practice. *Complaint*, pages 1-4.

Dr. Brown was served with the *Complaint* on December 16, 2016, at his address of record with the Board. *Complaint*, Attachment. When he did not file a response to the charges by the deadline set forth in KRS 311.591(4), the Board filed its *Motion for Default Ruling*. Shortly thereafter, the hearing officer issued an order requiring Dr. Brown to file by February 9, 2017, responses to the *Complaint* and the Board's motion. *Order Requiring Filing of Responses*. Dr. Brown has not filed anything in response to the Board's motion or the hearing officer's order.

Therefore, pursuant to the provisions of KRS 13B.080(6) and KRS 13B.090(2), the hearing officer finds Dr. Brown is in default. In addition, under the provisions of KRS 311.591(4), the Board may take Dr. Brown's failure to respond to the allegations against him "as an admission of the charges." Based upon the factual allegations in the *Complaint* and his admission to those allegations, Dr. Brown is in violation of KRS 311.595(9), as illustrated by KRS 311.597(4).

Due to the hearing officer's issuance of a recommended order in this action, the administrative hearing scheduled for March 7 and 8, 2017, is canceled.

RECOMMENDED ORDER

Since Dr. Stephen Scott Brown is in default, the hearing officer recommends the Board issue a Final Order finding the factual allegations against Dr. Brown to be true and that he has violated KRS 311.595(9), as illustrated by KRS 311.597(4). The hearing officer also recommends the Board take any appropriate action against Dr. Brown's license for those violations.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4) a party has the right to file exceptions to this recommended decision:

A copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

A party also has a right to appeal the Final Order of the agency pursuant to KRS 13B.140(1) which states:

All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the circuit court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in circuit court.

SO RECOMMENDED this 16th day of February, 2017.



THOMAS J. HELLMANN
HEARING OFFICER
810 HICKMAN HILL RD
FRANKFORT KY 40601
(502) 330-7338
thellmann@mac.com

CERTIFICATE OF SERVICE

I hereby certify that the original of this RECOMMENDATION was mailed this 16th day of February, 2017, by first-class mail, postage prepaid, to:

JILL LUN
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

LEANNE K DIAKOV
GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

STEPHEN SCOTT BROWN MD
2715 GUYAN AVENUE
HUNTINGTON WV 25702



THOMAS J. HELLMANN

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1768

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY STEPHEN SCOTT BROWN, M.D., LICENSE NO.
45876, 2715 GUYAN AVENUE, HUNTINGTON, WEST VIRGINIA 25702

COMPLAINT

Comes now the Complainant Russell L. Travis, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on November 17, 2016, states for its Complaint against the licensee, Stephen Scott Brown, M.D., as follows:

1. At all relevant times, Stephen Scott Brown, 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 or about March 5, 2016, the Board received a grievance in which Patient A alleged patient abandonment by the licensee. According to Patient A, she was referred to the licensee by Counselor's Clinical Cottage for treatment of bipolar disorder, mixed manic depression, and severe anxiety – all diagnoses for which she has been treated since 1993; at her first appointment in November 2015, the licensee prescribed her Xanax for her anxiety but stated that he wanted to “handle one problem at a time”; she was given a second appointment for December 2015, she went to his office and found the doors locked; the patient called the licensee and left several messages; when the licensee called her back, he stated that he was sick and offered to call in her prescription for Xanax; after that, the licensee did

not reopen his office, did not give notice of his intent to close or move his practice and did not return her calls.

4. The medical investigator interviewed Jade Maddox, owner/operator of Counselor's Clinical Cottage ("CCC"), who stated substantially as follows: the licensee contacted CCC to inquire about opening a buprenorphine clinic in the area; he visited CCC on two occasions to observe and speak with CCC physicians; CCC agreed to refer thirty (30) patients to him for treatment; after referral, patients reported to CCC that the licensee was the only provider in his clinic and that it appeared to be an apartment; and shortly afterwards, patients reported that the licensee abandoned them.
5. CCC employee, Becky Davis, provided a written statement in which she stated substantially as follows: after patients reported that they were unable to locate the licensee for follow up appointments, she made contact with the licensee by having someone page him at a hospital; the licensee told her that he closed his office due to a "financial catastrophe" and that he had not referred the patients to other psychiatrists because "they were all reckless"; when asked, the licensee stated that he was "working on" how patients could retrieve their patient records from him but could not provide details and then he hung up without further explanation.
6. Patient B submitted a written statement in which she stated substantially as follows: She was referred to the licensee by her counselor. When she met the licensee for the first appointment, his office was in an apartment building, an empty room with only a coffee table, three chairs and a phone; the licensee's hair was a mess, his pupils dilated and he looked "high." The licensee offered Patient

B Xanax and Klonopin and stated that the DEA should not have a say in what he prescribes. The licensee did not show for Patient B's second appointment but phoned in her medication without notifying her. The licensee was late for Patient B's third appointment. After the licensee opened a suboxone clinic patients were lined up in the hallway and there was a phone number taped to the licensee's office door; when Patient B called the number, a man stated that he was looking for the licensee because he would prescribe suboxone and xanax. The licensee failed to respond to Patient B's calls and emails when her medications ran out and as a result she became very sick coming off of her medication.

7. The medical investigator interviewed Marc Spelar, M.D., Prometheus Mentis Psych, PLLC, who stated substantially as follows: he provided the financial backing for the licensee's failed clinic and is out a substantial amount of money; the licensee stopped seeing patients without explanation; and he has tried to contact the licensee several times to discuss the money he is owed but the licensee will not return his calls.
8. On or about August 22, 2016, Stephanie Johnson, PharmD., of the Office of Inspector General, Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services ("Drug Enforcement") reviewed and analyzed the licensee's KASPER records (dated June 1, 2015 through January 31, 2016) and found that the majority of medications prescribed were buprenorphine products and other controlled substances appropriate for the practice of psychiatry. Ms. Johnson identified twelve (12) patient charts for further investigation by the Board.

9. The Board served a subpoena upon the licensee for the identified twelve (12) patient charts, setting a deadline of September 9 for production of the records.
10. On September 2, 2016, the licensee acknowledged receipt of the subpoena and requested a two-week extension, stating "I am in the process of retrieving files and am not sure I will have all the complete patient records from the list provided by September 9th."
11. The Board granted the licensee a 7-day extension to produce the subpoenaed records.
12. On September 16, the licensee e-mailed the medical investigator and stated: "It seems that those records were destroyed by shredding after they became water damaged and illegible after a frozen water pipe burst in the winter of 2016. Therefore I am unable to comply with your request."
13. The licensee failed to respond to follow-up inquiry from the Board's medical investigator.
14. 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 Kentucky medical license.
15. 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.

16. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for **March 7 & 8, 2017** 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 medicine held by STEPHEN SCOTT BROWN, M.D.

This 12th day of December, 2016.



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

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; and a copy was mailed to Thomas J. Hellmann, Esq., 810 Hickman Hill Road, Frankfort, Kentucky 40601 and mailed via certified mail return-receipt requested to Stephen Scott Brown, M.D., 2715 Guyan Avenue, Huntington, West Virginia 25702 on this 12th day of December, 2016.



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