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APR 27 2012

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1195

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY BRIAN A. GREENLEE, M.D., LICENSE NO. 35215,  
3781 BROADMOOR DRIVE, LEXINGTON, KENTUCKY 40509

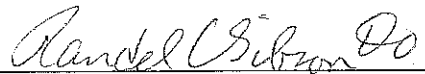
**ORDER TERMINATING**  
**AMENDED AGREED ORDER**

At its April 19, 2012 meeting, the Kentucky Board of Medical Licensure, acting by and through its Inquiry Panel B considered a request by the licensee to terminate the terms and conditions imposed upon his Kentucky medical license by Amended Agreed Order filed of record November 22, 2010.

In addition to the licensee's request, the Panel has considered a memorandum prepared by the Board's Assistant General Counsel dated March 19, 2012; the Amended Agreed Order filed of record November 22, 2010; a Compliance Inspection Report dated March 13, 2012 prepared by Doug Wilson, Medical Investigator; correspondence prepared by Greg L. Jones, M.D., Medical Director, Kentucky Physicians Health Foundation dated March 13, 2012, supporting the licensee's request; and a Board consultant report dated March 11, 2012.

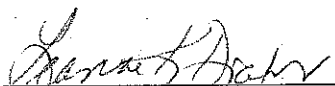
Having considered all of these materials and being sufficiently convinced that the licensee will continue to abide by the terms and conditions previously fixed, without a formal Amended Agreed Order, the Panel hereby ORDERS that the terms and conditions imposed upon the licensee's Kentucky medical license are hereby TERMINATED.

SO ORDERED this 27<sup>th</sup> day of April, 2012.

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

Certificate of Service

I hereby certify that the original of this Order Terminating Amended Agreed Order was delivered to Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, and a copy was mailed to Brian A. Greenlee, M.D., License No. 35215, 3781 Broadmoor Drive, Lexington, Kentucky 40509 on this 27<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
LEANNE K. DIAKOV  
Assistant General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, KY 40222  
(502) 429-7150

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COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1195

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY BRIAN A. GREENLEE, M.D., LICENSE NO. 35215, 2441 SOUTH HIGHWAY 27, SOMERSET, KENTUCKY 42501

AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Brian A. Greenlee, M.D. (hereafter "the Licensee"), and, based upon the Panel's decision to grant the licensee's request to amend his Agreed Order 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 Amended Agreed Order:

1. At all relevant times, Brian A. Greenlee, M.D. (hereinafter "the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is psychiatry.
3. On August 6, 2008, the Board received a grievance from Chris Johnson, R.Ph, Cabinet for Health and Family Services, Office of the Inspector General, Drug Enforcement Branch, alleging that the licensee was inappropriately prescribing controlled substances, fraudulently obtaining controlled substances, and prescribing controlled substances to a female patient/co-worker with whom he had a sexual relationship. Mr. Johnson's investigation revealed that the licensee fraudulently obtained controlled substances by deceiving colleagues as well as having residents who worked for him also prescribe him controlled substances.

4. The Board investigator interviewed the co-worker with whom the licensee had become romantically involved, a recreational therapist who had worked with the licensee at the University of Kentucky. She reported that she had become sexually involved with the licensee, and that during their relationship, the licensee had prescribed Xanax to her. In addition, the licensee had written prescriptions for hydrocodone in her name which she would fill for him and then turn over the hydrocodone to him for his personal use.
5. The Board also received information from the Kentucky Physicians Health Foundation ("the Foundation") that the licensee had presented himself to them for opiate dependence. According to James T. Jennings, M.D., Medical Director of the Foundation, the licensee was obtaining his controlled substances frequently by contacting fellow physicians for prescriptions. The licensee had also been caught altering the date on a written prescription for Adderall in order to get it filled on an earlier date. The licensee admitted that he had been inappropriately using opiates for one and a half to two years. Dr. Jennings recommended that the licensee be evaluated and treated at Bradford Health Services ("Bradford") in Warrior, Alabama.
6. The licensee reported to Bradford on June 29, 2008, for the ninety-day residential treatment program.
7. On July 7, 2008, the licensee entered into an Interim Agreed Order (Treatment) with the Board, pursuant to which he was prohibited from practicing medicine and unable to request resuming the practice of medicine until he had successfully completed residential treatment.
8. On September 26, 2008, the licensee was successfully discharged from Bradford. The Axis I diagnosis was opiate dependence and stimulant abuse. The Final Assessment

stated that the licensee "made progress in treatment with his acceptance of his disease and the need to remain in recovery. He appears motivated and willing. Prognosis is good if recommendations are followed."

9. On October 16, 2008, in Pulaski Circuit Court, the Commonwealth Attorney charged the licensee with two Class D felony counts. The Information charged that the licensee:

Count 1: On or about June 19, 2008, committed the offense of attempting to obtain a controlled substance by fraud, false statement or forgery, by attempting to obtain a prescription for a controlled substance.

Count 2: On or about June 11, 2008, committed the offense of obtaining an unauthorized prescription for a controlled substance by obtaining an unauthorized prescription for Xanax.

10. On the same day, the Pulaski Circuit Court Judge placed the licensee on pretrial diversion, as recommended by the Commonwealth. The pretrial diversion will be for a period of five years, with the possibility of that time being reduced to two years if the licensee provides the Commonwealth with a signed contract between him and the Foundation. The Pretrial Diversion Order imposed a number of conditions, including that the licensee surrender his DEA identification number for at least two years. The Pretrial Diversion Order also required that the licensee "work faithfully at suitable employment as far as possible."
11. On December 19, 2008, the Board was contacted by Keith Sinclair, M.D.F.A.C.S., Medical Director, and Edward N. Maxwell Jr., M.D. of The Communities at Oakwood ("Oakwood"). Dr. Sinclair and Dr. Maxwell stated that they wished to appear before the Board in order to present evidence advocating for the licensee's return to employment at Oakwood as a member of the psychiatric consultation staff with no prescribing rights. The two physicians stated that "we believe that we can present to the Board evidence that

Dr. Greenlee would have no opportunity to cause harm, but great opportunity to benefit the residents of Oakwood and the Commonwealth of Kentucky.”

12. By letter of January 7, 2009, Dr. Sinclair, Oakwood’s Medical Director, again requested that the licensee be permitted to resume employment at Oakwood. Dr. Sinclair stated that the licensee “was an excellent staff member while he worked here. I feel that permitting him to return to these duties would be highly beneficial to the patients at Oakwood and the Commonwealth of Kentucky, while also probably increasing his rehabilitation potential.” Dr. Sinclair offered a proposal for the licensee to be employed at Oakwood in a limited capacity as a consultant in psychiatry. Among the conditions that Oakwood would place upon the licensee’s employment, would be that the licensee would not see or examine patients unaccompanied, would not have access to any medications or prescribing rights, and all his treatment recommendations would be reviewed by the Oakwood medical board prior to implementation:

13. By letter of January 12, 2009, Dr. Jennings, Foundation Medical Director, contacted the Board. He stated that “I could not be more pleased with the progress Dr. Greenlee has made since returning from treatment. Brian has remained completely and totally compliant with all the requirements of the Foundation. He is regularly attending 12-step meetings, often above the number required by the Foundation, and working the steps with a sponsor. He attends individual and group therapy at the Morton Center . . . All random drug screens have remained negative.” Dr. Jennings stated that he had reviewed Dr. Sinclair’s proposal for the licensee’s employment at Oakwood, and was “quite excited by this opportunity and feel certain Brian is up to the task. . . . This is a wonderful opportunity for Brian to not only provide for himself and his family, but also to

contribute to his community and assist patients which is by his own admission what he truly loves doing.”

14. On January 13, 2009, the licensee’s attorney contacted the Board, requesting that the licensee be permitted to resume the practice of medicine by entering into an agreed order that would permit the licensee to serve as a member of Oakwood’s psychiatric consultation staff with certain key restrictions and safeguards in place.
15. The Panel reviewed the licensee’s case at its January 22, 2009, meeting. Dr. Jennings advocated for the licensee to return to the practice of medicine at Oakwood. Dr. Jennings informed the Panel that he believed the Oakwood placement would be safely effectuated, that the licensee’s recovery was extremely satisfactory, and that the licensee’s medical and professional abilities were of the highest. The Panel voted to reinstate the licensee to the practice of medicine, subject to certain terms and conditions under an Agreed Order of Indefinite Restriction.
16. On November 6, 2009, the Pulaski Circuit Court dismissed Indictment Case No. 08-CR-00290 against the licensee.
17. On December 9, 2009, the licensee contacted the Board and requested that his prescribing privileges be restored to all non-controlled substances and that the chaperone requirement and practice locations and scheduling restrictions be lifted. His request was supported by the Foundation, which stated by letter of December 2, 2009 that “[...] The Foundation firmly stands behind Dr. Greenlee’s request for the removal of these restrictions.... Dr. Greenlee currently enjoys over 18 months of recovery. ... He has remained in complete compliance with all components of his contract including AA participation, individual and group therapy and drug screens, which have all been negative.”

18. On January 12, 2010, Keith Sinclair, M.D., of Bluegrass Oakwood, Inc. (the licensee's employer), wrote a letter to the Board requesting that the chaperone requirement, practice location and scheduling restrictions be lifted from the licensee; that the word "accompanied" be removed from a condition regarding the licensee's examination of female patients at Oakwood; and that the licensee's prescribing privileges be restored as to all non-controlled substances. Dr. Sinclair wrote, "Dr. Greenlee has performed well over the past twelve months, and I feel that he is ready to move to the next level of reinsertion into the medical community with widening responsibilities."
19. On January 21, 2010, the Board's Inquiry Panel B voted to amend the licensee's Second Amended Agreed Order of Indefinite Restriction to an Agreed Order and to reinstate the licensee's prescribing privileges as to all non-controlled substances, to terminate the chaperone requirement, to remove the word "accompanied" as it relates to the licensee's examinations of female patients, and to lift the practice location and scheduling restrictions.
20. In October 2010, the licensee requested that his privileges to prescribe controlled substances be restored and that he be allowed to be in the presence of partially or fully disrobed female patients. His request was supported by the Foundation, which stated by letter of September 16, 2010 that "It is the position of the Kentucky Physicians Health Foundation that allowing Dr. Greenlee to prescribe controlled substances would in no way compromise his recovery. Additionally, we see no danger or undue risk to the public as a result."



21. On October 21, 2010, the Board's Inquiry Panel B voted to amend the licensee's Agreed Order to reinstate the licensee's prescribing privileges as to controlled substances and allow him to be in the presence of partially or fully disrobed female patients.

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(4), (5), (6), (8), (10), and (9) as illustrated by KRS 311.597(1)(a), (c), and (4). 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 grievance 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 Panel's decision to grant the licensee's request to amend his Agreed Order, the parties hereby ENTER INTO the following **AMENDED AGREED ORDER**:

1. The license to practice medicine within the Commonwealth of Kentucky held by Brian A. Greenlee, M.D., SHALL BE SUBJECT to this Amended Agreed Order for a period of five (5) years from the date of entry of the Agreed Order, entered February 22, 2010.

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:

- a. The licensee SHALL maintain a "controlled substances log" for all controlled substances prescribed. The controlled substances log must include date, patient name, patient complaint, medication prescribed, when it was last prescribed and how much on the last visit. Note: All log sheets will be consecutively numbered, legible i.e. printed or typed, and must reflect "call-in" and refill information. Prescriptions should be maintained in the following manner: 1) patient; 2) chart; and 3) log.
- b. The licensee SHALL permit the Board's agents to inspect, copy and/or obtain the controlled substance log and other relevant records, upon request, for review by the Board's agents and/or consultants.
- c. The licensee SHALL reimburse the Board fully for the costs of each consultant review performed pursuant to this Amended Agreed Order. Once the Board receives the invoice from the consultant(s) for each review, it will provide the licensee with a redacted copy of that invoice; omitting the consultant's identifying information. The licensee SHALL pay the costs noted on the invoice within thirty (30) days of the date on the Board's written notice. The licensee's failure to fully reimburse the Board within that time frame SHALL constitute a violation of this Amended Agreed Order.
- d. The licensee understands and agrees that at least one (1) consultant review must be performed, on terms determined by the Panel or its staff, and a minimum of

one (1) year must pass from entry of this Amended Agreed Order before the Panel will consider a request to modify or terminate this order.

- e. The licensee SHALL maintain his contractual relationship with the Kentucky Physicians Health Foundation – Impaired Physicians Program (IPP) and shall fully comply with all requirements of that contractual relationship.
- f. The licensee SHALL completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Amended Agreed Order.
- g. The licensee SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by the licensee, which costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Amended Agreed Order.
- h. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if he should violate any term or condition of this Amended 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 Amended 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 Amended Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this 10<sup>th</sup> day of November, 2010.

FOR THE LICENSEE:

  
\_\_\_\_\_  
BRIAN A. GREENLEE, M.D.

\_\_\_\_\_  
COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:

*Randel Gibson D.O.*

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

*Leanne K. Diakov*

\_\_\_\_\_  
LEANNE K. DIAKOV  
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**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Brian A. Greenlee, M.D., and, based upon the Panel's decision to grant the licensee's request to modify the Second Amended Agreed Order of Indefinite Restriction, hereby ENTER INTO the following **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, Brian A. Greenlee, M.D. (hereinafter "the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is psychiatry.
3. On August 6, 2008, the Board received a grievance from Chris Johnson, R.Ph, Cabinet for Health and Family Services, Office of the Inspector General, Drug Enforcement Branch, alleging that the licensee was inappropriately prescribing controlled substances, fraudulently obtaining controlled substances, and prescribing controlled substances to a female patient/co-worker with whom he had a sexual relationship. Mr. Johnson's investigation revealed that the licensee fraudulently obtained controlled substances by deceiving colleagues as well as having residents who worked for him also prescribe him controlled substances.

4. The Board investigator interviewed the co-worker with whom the licensee had become romantically involved, a recreational therapist who had worked with the licensee at the University of Kentucky. She reported that she had become sexually involved with the licensee, and that during their relationship, the licensee had prescribed Xanax to her. In addition, the licensee had written prescriptions for hydrocodone in her name which she would fill for him and then turn over the hydrocodone to him for his personal use.
5. The Board also received information from the Kentucky Physicians Health Foundation ("the Foundation") that the licensee had presented himself to them for opiate dependence. According to James T. Jennings, M.D., Medical Director of the Foundation, the licensee was obtaining his controlled substances frequently by contacting fellow physicians for prescriptions. The licensee had also been caught altering the date on a written prescription for Adderall in order to get it filled on an earlier date. The licensee admitted that he had been inappropriately using opiates for one and a half to two years. Dr. Jennings recommended that the licensee be evaluated and treated at Bradford Health Services ("Bradford") in Warrior, Alabama.
6. The licensee reported to Bradford on June 29, 2008, for the ninety-day residential treatment program.
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stated that the licensee “made progress in treatment with his acceptance of his disease and the need to remain in recovery. He appears motivated and willing. Prognosis is good if recommendations are followed.”

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Count 1: On or about June 19, 2008, committed the offense of attempting to obtain a controlled substance by fraud, false statement or forgery, by attempting to obtain a prescription for a controlled substance.

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10. On the same day, the Pulaski Circuit Court Judge placed the licensee on pretrial diversion, as recommended by the Commonwealth. The pretrial diversion will be for a period of five years, with the possibility of that time being reduced to two years if the licensee provides the Commonwealth with a signed contract between him and the Foundation. The Pretrial Diversion Order imposed a number of conditions, including that the licensee surrender his DEA identification number for at least two years. The Pretrial Diversion Order also required that the licensee “work faithfully at suitable employment as far as possible.”

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Dr. Greenlee would have no opportunity to cause harm, but great opportunity to benefit the residents of Oakwood and the Commonwealth of Kentucky.”

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contribute to his community and assist patients which is by his own admission what he truly loves doing.”

14. On January 13, 2009, the licensee’s attorney contacted the Board, requesting that the licensee be permitted to resume the practice of medicine by entering into an agreed order that would permit the licensee to serve as a member of Oakwood’s psychiatric consultation staff with certain key restrictions and safeguards in place.
15. The Panel reviewed the licensee’s case at its January 22, 2009, meeting. Dr. Jennings advocated for the licensee to return to the practice of medicine at Oakwood. Dr. Jennings informed the Panel that he believed the Oakwood placement would be safely effectuated, that the licensee’s recovery was extremely satisfactory, and that the licensee’s medical and professional abilities were of the highest. The Panel voted to reinstate the licensee to the practice of medicine, subject to certain terms and conditions under an Agreed Order of Indefinite Restriction.
16. On November 6, 2009, the Pulaski Circuit Court dismissed Indictment Case No. 08-CR-00290 against the licensee.
17. On December 9, 2009, the licensee contacted the Board and requested that his prescribing privileges be restored to all non-controlled substances and that the chaperone requirement and practice locations and scheduling restrictions be lifted. His request was supported by the Foundation, which stated by letter of December 2, 2009 that “[...] The Foundation firmly stands behind Dr. Greenlee’s request for the removal of these restrictions.... Dr. Greenlee currently enjoys over 18 months of recovery. ... He has remained in complete compliance with all components of his contract including AA participation, individual and group therapy and drug screens, which have all been negative.”

18. On January 12, 2010, Keith Sinclair, M.D., of Bluegrass Oakwood, Inc. (the licensee's employer), wrote a letter to the Board requesting that the chaperone requirement, practice location and scheduling restrictions be lifted from the licensee; that the word "accompanied" be removed from a condition regarding the licensee's examination of female patients at Oakwood; and that the licensee's prescribing privileges be restored as to all non-controlled substances. Dr. Sinclair wrote, "Dr. Greenlee has performed well over the past twelve months, and I feel that he is ready to move to the next level of reinsertion into the medical community with widening responsibilities."
19. On January 21, 2010, the Board's Inquiry Panel B voted to amend the licensee's Second Amended Agreed Order of Indefinite Restriction to an Agreed Order and to reinstate the licensee's prescribing privileges as to all non-controlled substances, to terminate the chaperone requirement, to remove the word "accompanied" as it relates to the licensee's examinations of female patients, and to lift the practice location and scheduling restrictions.

#### 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(4), (5), (6), (8), (10), and (9) as illustrated by KRS 311.597(1)(a), (c), and (4). 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 grievance 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 Panel's decision to grant the licensee's request to modify the Second Amended Agreed Order of Indefinite Restriction, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. The license to practice medicine within the Commonwealth of Kentucky held by Brian A. Greenlee, M.D., SHALL BE SUBJECT to this Agreed Order for a period of five (5) years from the date of filing of the 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:
  - a. The licensee SHALL NOT prescribe, dispense, or otherwise professionally utilize any controlled drugs or medication, unless and until approved to do so by the Panel. As required by his Diversion Order, the licensee surrendered his DEA number, and his DEA number shall remain so surrendered until the Panel grants his request for its reinstatement;
  - b. The Panel will not consider a request by the licensee to resume the professional utilization of controlled substances or reinstatement of his DEA number prior to October 2010. The licensee may begin the application and registration process for a DEA number in anticipation thereof;

- c. The licensee will not perform any sensitive examinations or be in the presence of a female patient who is fully or partially disrobed;
- d. The licensee shall maintain his contractual relationship with the Kentucky Physicians Health Foundation – Impaired Physicians Program (IPP) and shall fully comply with all requirements of that contractual relationship;
- e. The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order;
- f. The licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by the licensee, which costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Agreed Order; and
- g. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if he should violate any term or condition of this 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 a violation of any term or condition of this Agreed 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.
4. 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), and may provide a legal basis for criminal prosecution.

SO AGREED on this 10<sup>th</sup> day of February, 2010.

FOR THE LICENSEE:

  
BRIAN A. GREENLEE, M.D.

\_\_\_\_\_  
COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:



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



\_\_\_\_\_  
LEANNE K. DIAKOV  
Assistant General Counsel  
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BOARD OF MEDICAL LICENSURE  
CASE NO. 1195

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY BRIAN A. GREENLEE, M.D., LICENSE NO. 35215,  
2441 SOUTH HIGHWAY 27, SOMERSET, KENTUCKY 42501

**SECOND AMENDED AGREED ORDER OF INDEFINITE RESTRICTION**

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Brian A. Greenlee, M.D., and, based upon the decision of the Panel Chair to approve a different physical location for the licensee's practice, hereby ENTER INTO the following **AMENDED AGREED ORDER OF INDEFINITE RESTRICTION**:

**STIPULATIONS OF FACT**

The parties stipulate the following facts, which serve as the factual bases for this Second Amended Agreed Order of Indefinite Restriction:

1. At all relevant times, Brian A. Greenlee, 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 August 6, 2008, the Board received a grievance from Chris Johnson, R.Ph, Cabinet for Health and Family Services, Office of the Inspector General, Drug Enforcement Branch, alleging that the licensee was inappropriately prescribing controlled substances, fraudulently obtaining controlled substances, and prescribing controlled substances to a female patient/co-worker with whom he had a sexual relationship. Mr. Johnson's investigation revealed that the licensee



- fraudulently obtained controlled substances by deceiving colleagues as well as having residents who worked for him also prescribe him controlled substances.
4. The Board investigator interviewed the co-worker with whom the licensee had become romantically involved, a recreational therapist who had worked with the licensee at the University of Kentucky. She reported that she had become sexually involved with the licensee, and that during their relationship, the licensee had prescribed Xanax to her. In addition, the licensee had written prescriptions for hydrocodone in her name which she would fill for him and then turn over the hydrocodone to him for his personal use.
  5. The Board also received information from the Kentucky Physicians Health Foundation (“the Foundation”) that the licensee had presented himself to them for opiate dependence. According to James T. Jennings, M.D., Medical Director of the Foundation, the licensee was obtaining his controlled substances frequently by contacting fellow physicians for prescriptions. The licensee had also been caught altering the date on a written prescription for Adderall in order to get it filled on an earlier date. The licensee admitted that he had been inappropriately using opiates for one and a half to two years. Dr. Jennings recommended that the licensee be evaluated and treated at Bradford Health Services (“Bradford”) in Warrior, Alabama.
  6. The licensee reported to Bradford on June 29, 2008, for the ninety day residential treatment program.
  7. On July 7, 2008, the licensee entered into an Interim Agreed Order (Treatment) with the Board, pursuant to which he was prohibited from practicing medicine

and unable to request resuming the practice of medicine until he had successfully completed residential treatment.

8. On September 26, 2008, the licensee was successfully discharged from Bradford.

The Axis I diagnosis was opiate dependence and stimulant abuse. The Final Assessment stated that the licensee "made progress in treatment with his acceptance of his disease and the need to remain in recovery. He appears motivated and willing. Prognosis is good if recommendations are followed."

9. On October 16, 2008, in Pulaski Circuit Court, the Commonwealth Attorney charged the licensee with two Class D felony counts. The Information charged that the licensee:

Count 1: On or about June 19, 2008, committed the offense of Attempting to obtain a controlled substance by fraud, false statement or forgery, by attempting to obtain a prescription for a controlled substance.

Count 2: On or about June 11, 2008, committed the offense of Obtaining an unauthorized prescription for a controlled substance by obtaining an unauthorized prescription for Xanax.

10. On the same day, the Pulaski Circuit Court Judge placed the licensee on pretrial diversion, as recommended by the Commonwealth. The pretrial diversion will be for a period of five years, with the possibility of that time being reduced to two years if the licensee provides the Commonwealth with a signed contract between him and the Foundation. The Pretrial Diversion Order imposed a number of conditions, including that the licensee surrender his DEA identification number for at least two years. The Pretrial Diversion Order also required that the licensee "work faithfully at suitable employment as far as possible."

11. On December 19, 2008, the Board was contacted by Keith Sinclair, M.D.F.A.C.S., Medical Director, and Edward N. Maxwell Jr., M.D. of The Communities at Oakwood ("Oakwood"). Dr. Sinclair and Dr. Maxwell stated that they wished to appear before the Board in order to present evidence advocating for the licensee's return to employment at Oakwood as a member of the psychiatric consultation staff with no prescribing rights. The two physicians stated that "we believe that we can present to the Board evidence that Dr. Greenlee would have no opportunity to cause harm, but great opportunity to benefit the residents of Oakwood and the Commonwealth of Kentucky."
12. By letter of January 7, 2009, Dr. Sinclair, Oakwood's Medical Director, again requested that the licensee be permitted to resume employment at Oakwood. Dr. Sinclair stated that the licensee "was an excellent staff member while he worked here. I feel that permitting him to return to these duties would be highly beneficial to the patients at Oakwood and the Commonwealth of Kentucky, while also probably increasing his rehabilitation potential." Dr. Sinclair offered a proposal for the licensee to be employed at Oakwood in a limited capacity as a consultant in psychiatry. Among the conditions that Oakwood would place upon the licensee's employment, would be that the licensee would not see or examine patients unaccompanied, would not have access to any medications or prescribing rights, and all his treatment recommendations would be reviewed by the Oakwood medical board prior to implementation.
13. By letter of January 12, 2008, Dr. Jennings, Foundation Medical Director, contacted the Board. He stated that "I could not be more pleased with the

progress Dr. Greenlee has made since returning from treatment. Brian has remained completely and totally compliant with all the requirements of the Foundation. He is regularly attending 12-step meetings, often above the number required by the Foundation, and working the steps with a sponsor. He attends individual and group therapy at the Morton Center . . . All random drug screens have remained negative.” Dr. Jennings stated that he had reviewed Dr. Sinclair’s proposal for the licensee’s employment at Oakwood, and was “quite excited by this opportunity and feel certain Brian is up to the task. . . . This is a wonderful opportunity for Brian to not only provide for himself and his family, but also to contribute to his community and assist patients which is by his own admission what he truly loves doing.”

14. On January 13, 2009, the licensee’s attorney contacted the Board, requesting that the licensee be permitted to resume the practice of medicine by entering into an agreed order that would permit the licensee to serve as a member of Oakwood’s psychiatric consultation staff with certain key restrictions and safeguards in place.
15. The Panel reviewed the licensee’s case at its January 22, 2009, meeting. Dr. Jennings advocated for the licensee to return to the practice of medicine at Oakwood. Dr. Jennings informed the Panel that he believed the Oakwood placement would be safely effectuated, that the licensee’s recovery was extremely satisfactory, and that the licensee’s medical and professional abilities were of the highest. The Panel voted to reinstate the licensee to the practice of medicine, subject to the following terms and conditions.

STIPULATED CONCLUSIONS OF LAW

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

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(4), (5), (6), (8), (10), and (9) as illustrated by KRS 311.597(1)(a), (c), and (4). Accordingly, there are legal grounds for the parties to enter into this Second Amended Agreed Order of Indefinite Restriction.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending grievance without an evidentiary hearing by entering into an informal resolution such as this Second Amended Agreed Order of Indefinite Restriction.

**SECOND AMENDED AGREED ORDER OF INDEFINITE RESTRICTION**

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon the Panel Chair's decision to approve a new physical location for the licensee's practice, the parties hereby ENTER INTO the following **SECOND**

**AMENDED AGREED ORDER OF INDEFINITE RESTRICTION:**

1. The license to practice medicine in the Commonwealth of Kentucky held by Brian A. Greenlee, M.D., CONTINUES TO BE RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Order;

2. During the effective period of this Second Amended Agreed Order of Indefinite Restriction, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION for an indefinite term, or until further order of the Board:

- a. The licensee SHALL NOT prescribe, dispense, or otherwise professionally utilize any drugs or medication, controlled or non-controlled, unless and until approved to do so by the Panel. As required by his Diversion Order, the licensee will surrender his DEA number, and his DEA number shall remain so surrendered until the Panel permits him to request its reinstatement.
- b. The Panel will not consider a request by the licensee to resume the professional utilization of non-controlled substances prior to April 16, 2010.
- c. The Panel will not consider a request by the licensee to resume the professional utilization of controlled substances unless and until the following conditions have been satisfied – 1) two years have elapsed since the entry of the licensee's Diversion Order on October 16, 2008; and, 2) the request is accompanied by a favorable recommendation from the Foundation's Medical Director;
- d. The licensee SHALL NOT perform any act which would constitute the "practice of medicine," 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 the Panel or its Chair has approved, in writing, the practice location at which he will practice medicine. The decision whether to approve a particular practice location lies in the sole discretion of the Panel or its Chair. In determining whether to approve a particular practice location, the Panel or its Chair will particularly consider whether there will be appropriate supervision of the licensee, and may also consider the nature of the practice, including the licensee’s proposed duties and hours to be worked. In approving such practice location, the Panel or its Chair may include specific conditions/restrictions to ensure patient safety.

- e. The licensee shall not change practice locations without first obtaining written approval by the Panel or its Chair for such change. The parties agree that the Panel or its Chair may require additional conditions and/or restrictions as a condition of it granting approval for a new practice location.
- f. The licensee’s employment must be approved by the Panel or its Chair in advance of commencing employment and any such approval must be in writing, before the licensee begins practice at that location. The Panel or its Chair must approve any change in practice location for the licensee in writing and prior to the licensee practicing medicine at that location(s);
- g. The Panel has approved and the licensee’s practice of medicine **SHALL BE LIMITED** to performing psychiatric and neurologic examinations, as

defined below, as part of his employment by Oakwood, at Bluegrass Regional MH-MR Board Inc., 1351 Newtown Pike, Lexington, Kentucky 40511. While employed in such a capacity by Oakwood, the licensee will adhere to the following conditions:

- i) The licensee will not perform any sensitive examinations or be in the presence of a female patient who is fully or partially disrobed. The licensee will not examine patients unless accompanied by other Oakwood staff, with such staff to document their presence in the patient chart for each patient visit. The licensee expressly agrees that he will never be alone with a patient under any circumstances;
- ii) Psychiatric examination shall mean direct questioning of the patient with regard to issues of mental status, including an assessment of level of consciousness, orientation, memory, and intelligence as well as evaluating the patient's mood and affectivity, the content and process of thought patterns, and assessing for the presence of perceptual disturbances. The patient's insight, judgment and impulsivity are also taken into consideration;
- iii) Neurological examination shall mean observational analysis for the presence of neurological signs such as gait disturbances, involuntary movements (including but not limited to tremors and dyskinesias), apraxias, dysarthrias and



cranial nerve dysfunction. Limited physical examination requiring no removal of the patient's clothing of muscle strength, reflexes, and for the presence of spasticity and rigidity may be require;

- iv) The licensee's treatment recommendations will be reviewed by the Oakwood medical board before being implemented;
  - v) The licensee will not have prescribing rights or be required to prescribe, and all medications will be written by the Oakwood primary care staff;
  - vi) The licensee's work week will be limited to five days per week, with no more than seven and a half hours each day. The licensee will not be on call, and will not perform any work out of hours; and
  - vii) The licensee will not have access to any medications.
- h. The licensee shall adhere to all terms and requirements of the Pulaski Circuit Court Diversion Order entered into on October 16, 2008, including:
- i. The Diversion shall be supervised and the defendant shall pay a supervision fee in the amount of \$25.00 per month.
  - ii. Probation and parole shall conduct home visits as they see fit.
  - iii. The defendant shall not own/possess or have access to any type of firearm.

- iv. The defendant shall not commit any other offense during the period of Pretrial Diversion. Specifically, the defendant shall have no violation of the Penal Code or the Controlled Substance Act.
  - v. The defendant shall refrain from the use of Drugs and/or alcohol unless prescribed by a doctor.
  - vi. Avoid injurious or vicious habits.
  - vii. Avoid person or places of disreputable or harmful character.
  - viii. Report to the probation officer as directed.
  - ix. Pay the cost of the proceedings.
  - x. Work faithfully at suitable employment as far as possible
  - xi. Support his/her dependents and meet other family responsibilities
  - xii. Pay restitution in the amount \$500.00 to be paid by November 20, 2008, to the Circuit Court Clerk and forwarded to Lake Cumberland Area Drug Task Force, Somerset, Kentucky.
  - xiii. All firearms are to be destroyed or otherwise lawfully disposed of in accordance with KRS 16.220.
- i. The licensee shall maintain his contractual relationship with the Kentucky Physicians Health Foundation – Impaired Physicians Program (IPP) and shall fully comply with all requirements of that contractual relationship;
  - j. The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the

Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Second Amended Agreed Order of Indefinite Restriction;

k. The licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by Licensee, which costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Second Amended Agreed Order of Indefinite Restriction;

l. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if he should violate any term or condition of this Second Amended Agreed Order of Indefinite Restriction, 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 Second Amended Agreed Order of Indefinite Restriction, 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 Second Amended Agreed Order of Indefinite Restriction 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 Second Amended Agreed Order of Indefinite Restriction.

4. The licensee understands and agrees that any violation of the terms of this Second Amended Agreed Order of Indefinite Restriction would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this 9<sup>th</sup> day of July 2009.

FOR THE LICENSEE:

  
BRIAN A. GREENLEE, M.D.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:

*Randel Gibson D.O.*

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

*C. Lloyd Vest II*

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C. LLOYD VEST II  
General Counsel  
Kentucky Board of Medical Licensure  
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COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1195

FILED OF RECORD

APR 16 2009

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY BRIAN A. GREENLEE, M.D., LICENSE NO. 35215, 2441 SOUTH HIGHWAY 27, SOMERSET, KENTUCKY 42501

**AMENDED AGREED ORDER OF INDEFINITE RESTRICTION**

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Brian A. Greenlee, M.D., and, based upon their mutual desire to fully and finally resolve this pending grievance without an evidentiary hearing, hereby ENTER INTO the following **AMENDED AGREED ORDER OF INDEFINITE RESTRICTION**:

**STIPULATIONS OF FACT**

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

1. At all relevant times, Brian A. Greenlee, 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 August 6, 2008, the Board received a grievance from Chris Johnson, R.Ph, Cabinet for Health and Family Services, Office of the Inspector General, Drug Enforcement Branch, alleging that the licensee was inappropriately prescribing controlled substances, fraudulently obtaining controlled substances, and prescribing controlled substances to a female patient/co-worker with whom he had a sexual relationship. Mr. Johnson's investigation revealed that the licensee

- fraudulently obtained controlled substances by deceiving colleagues as well as having residents who worked for him also prescribe him controlled substances.
4. The Board investigator interviewed the co-worker with whom the licensee had become romantically involved, a recreational therapist who had worked with the licensee at the University of Kentucky. She reported that she had become sexually involved with the licensee, and that during their relationship, the licensee had prescribed Xanax to her. In addition, the licensee had written prescriptions for hydrocodone in her name which she would fill for him and then turn over the hydrocodone to him for his personal use.
  5. The Board also received information from the Kentucky Physicians Health Foundation ("the Foundation") that the licensee had presented himself to them for opiate dependence. According to James T. Jennings, M.D., Medical Director of the Foundation, the licensee was obtaining his controlled substances frequently by contacting fellow physicians for prescriptions. The licensee had also been caught altering the date on a written prescription for Adderall in order to get it filled on an earlier date. The licensee admitted that he had been inappropriately using opiates for one and a half to two years. Dr. Jennings recommended that the licensee be evaluated and treated at Bradford Health Services ("Bradford") in Warrior, Alabama.
  6. The licensee reported to Bradford on June 29, 2008, for the ninety day residential treatment program.
  7. On July 7, 2008, the licensee entered into an Interim Agreed Order (Treatment) with the Board, pursuant to which he was prohibited from practicing medicine

and unable to request resuming the practice of medicine until he had successfully completed residential treatment.

8. On September 26, 2008, the licensee was successfully discharged from Bradford. The Axis I diagnosis was opiate dependence and stimulant abuse. The Final Assessment stated that the licensee "made progress in treatment with his acceptance of his disease and the need to remain in recovery. He appears motivated and willing. Prognosis is good if recommendations are followed."
9. On October 16, 2008, in Pulaski Circuit Court, the Commonwealth Attorney charged the licensee with two Class D felony counts. The Information charged that the licensee:

Count 1: On or about June 19, 2008, committed the offense of Attempting to obtain a controlled substance by fraud, false statement or forgery, by attempting to obtain a prescription for a controlled substance.

Count 2: On or about June 11, 2008, committed the offense of Obtaining an unauthorized prescription for a controlled substance by obtaining an unauthorized prescription for Xanax.

10. On the same day, the Pulaski Circuit Court Judge placed the licensee on pretrial diversion, as recommended by the Commonwealth. The pretrial diversion will be for a period of five years, with the possibility of that time being reduced to two years if the licensee provides the Commonwealth with a signed contract between him and the Foundation. The Pretrial Diversion Order imposed a number of conditions, including that the licensee surrender his DEA identification number for at least two years. The Pretrial Diversion Order also required that the licensee "work faithfully at suitable employment as far as possible."



11. On December 19, 2008, the Board was contacted by Keith Sinclair, M.D.F.A.C.S., Medical Director, and Edward N. Maxwell Jr., M.D. of The Communities at Oakwood ("Oakwood"). Dr. Sinclair and Dr. Maxwell stated that they wished to appear before the Board in order to present evidence advocating for the licensee's return to employment at Oakwood as a member of the psychiatric consultation staff with no prescribing rights. The two physicians stated that "we believe that we can present to the Board evidence that Dr. Greenlee would have no opportunity to cause harm, but great opportunity to benefit the residents of Oakwood and the Commonwealth of Kentucky."
12. By letter of January 7, 2009, Dr. Sinclair, Oakwood's Medical Director, again requested that the licensee be permitted to resume employment at Oakwood. Dr. Sinclair stated that the licensee "was an excellent staff member while he worked here. I feel that permitting him to return to these duties would be highly beneficial to the patients at Oakwood and the Commonwealth of Kentucky, while also probably increasing his rehabilitation potential." Dr. Sinclair offered a proposal for the licensee to be employed at Oakwood in a limited capacity as a consultant in psychiatry. Among the conditions that Oakwood would place upon the licensee's employment, would be that the licensee would not see or examine patients unaccompanied, would not have access to any medications or prescribing rights, and all his treatment recommendations would be reviewed by the Oakwood medical board prior to implementation.
13. By letter of January 12, 2008, Dr. Jennings, Foundation Medical Director, contacted the Board. He stated that "I could not be more pleased with the

progress Dr. Greenlee has made since returning from treatment. Brian has remained completely and totally compliant with all the requirements of the Foundation. He is regularly attending 12-step meetings, often above the number required by the Foundation, and working the steps with a sponsor. He attends individual and group therapy at the Morton Center . . . All random drug screens have remained negative.” Dr. Jennings stated that he had reviewed Dr. Sinclair’s proposal for the licensee’s employment at Oakwood, and was “quite excited by this opportunity and feel certain Brian is up to the task. . . . This is a wonderful opportunity for Brian to not only provide for himself and his family, but also to contribute to his community and assist patients which is by his own admission what he truly loves doing.”

14. On January 13, 2009, the licensee’s attorney contacted the Board, requesting that the licensee be permitted to resume the practice of medicine by entering into an agreed order that would permit the licensee to serve as a member of Oakwood’s psychiatric consultation staff with certain key restrictions and safeguards in place.
15. The Panel reviewed the licensee’s case at its January 22, 2009, meeting. Dr. Jennings advocated for the licensee to return to the practice of medicine at Oakwood. Dr. Jennings informed the Panel that he believed the Oakwood placement would be safely effectuated, that the licensee’s recovery was extremely satisfactory, and that the licensee’s medical and professional abilities were of the highest. The Panel voted to reinstate the licensee to the practice of medicine, subject to the following terms and conditions.

STIPULATED CONCLUSIONS OF LAW

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

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(4), (5), (6), (8), (10), and (9) as illustrated by KRS 311.597(1)(a), (c), and (4). Accordingly, there are legal grounds for the parties to enter into this Amended Agreed Order of Indefinite Restriction.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending grievance without an evidentiary hearing by entering into an informal resolution such as this Amended Agreed Order of Indefinite Restriction.

**AMENDED AGREED ORDER OF INDEFINITE RESTRICTION**

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 grievance without an evidentiary hearing, the parties hereby ENTER INTO the following

**AMENDED AGREED ORDER OF INDEFINITE RESTRICTION:**

1. The license to practice medicine in the Commonwealth of Kentucky held by Brian A. Greenlee, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Order;
2. During the effective period of this Amended Agreed Order of Indefinite Restriction, the licensee's Kentucky medical license SHALL BE SUBJECT TO

THE FOLLOWING TERMS AND CONDITIONS OF  
RESTRICTION/LIMITATION for an indefinite term, or until further order of the  
Board:

- a. The licensee SHALL NOT prescribe, dispense, or otherwise professionally utilize any drugs or medication, controlled or non-controlled, unless and until approved to do so by the Panel. As required by his Diversion Order, the licensee will surrender his DEA number, and his DEA number shall remain so surrendered until the Panel permits him to request its reinstatement.
- b. The Panel will not consider a request by the licensee to resume the professional utilization of non-controlled substances unless and until one year has elapsed since the filing of this Amended Agreed Order of Indefinite Restriction.
- c. The Panel will not consider a request by the licensee to resume the professional utilization of controlled substances unless and until the following conditions have been satisfied – 1) two years have elapsed since the entry of the licensee’s Diversion Order on October 16, 2008; and, 2) the request is accompanied by a favorable recommendation from the Foundation’s Medical Director;
- d. The licensee SHALL NOT perform any act which would constitute the “practice of medicine,” 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 the Panel or its Chair has approved, in writing, the practice location at which he will practice medicine. The decision whether to approve a particular practice location lies in the sole discretion of the Panel or its Chair. In determining whether to approve a particular practice location, the Panel or its Chair will particularly consider whether there will be appropriate supervision of the licensee, and may also consider the nature of the practice, including the licensee's proposed duties and hours to be worked. In approving such practice location, the Panel or its Chair may include specific conditions/restrictions to ensure patient safety.

- e. The licensee shall not change practice locations without first obtaining written approval by the Panel or its Chair for such change. The parties agree that the Panel or its Chair may require additional conditions and/or restrictions as a condition of it granting approval for a new practice location.
- f. The licensee's employment must be approved by the Panel or its Chair in advance of commencing employment and any such approval must be in writing, before the licensee begins practice at that location. The Panel or its Chair must approve any change in practice location for the licensee in writing and prior to the licensee practicing medicine at that location(s);
- g. The Panel has approved and the licensee's practice of medicine **SHALL BE LIMITED** to performing psychiatric and neurologic examinations, as defined below, at Oakwood, 2441 South Highway 27, Somerset, Kentucky

42501. While employed in such a capacity at Oakwood, the licensee will adhere to the following conditions:

- i) The licensee will not perform any sensitive examinations or be in the presence of a female patient who is fully or partially disrobed. The licensee will not examine patients unless accompanied by other Oakwood staff, with such staff to document their presence in the patient chart for each patient visit. The licensee expressly agrees that he will never be alone with a patient under any circumstances;
- ii) Psychiatric examination shall mean direct questioning of the patient with regard to issues of mental status, including an assessment of level of consciousness, orientation, memory, and intelligence as well as evaluating the patient's mood and affectivity, the content and process of thought patterns, and assessing for the presence of perceptual disturbances. The patient's insight, judgment and impulsivity are also taken into consideration;
- iii) Neurological examination shall mean observational analysis for the presence of neurological signs such as gait disturbances, involuntary movements (including but not limited to tremors and dyskinesias), apraxias, dysarthrias and cranial nerve dysfunction. Limited physical examination requiring no removal of the patient's clothing or muscle

strength, reflexes, and for the presence of spasticity and rigidity may be require;

- iv) The licensee's treatment recommendations will be reviewed by the Oakwood medical board before being implemented;
  - v) The licensee will not have prescribing rights or be required to prescribe, and all medications will be written by the Oakwood primary care staff;
  - vi) The licensee's work week will be limited to five days per week, with no more than seven and a half hours each day. The licensee will not be on call, and will not perform any work out of hours; and
  - vii) The licensee will not have access to any medications.
- h. The licensee shall adhere to all terms and requirements of the Pulaski Circuit Court Diversion Order entered into on October 16, 2008, including:
- i. The Diversion shall be supervised and the defendant shall pay a supervision fee in the amount of \$25.00 per month.
  - ii. Probation and parole shall conduct home visits as they see fit.
  - iii. The defendant shall not own/possess or have access to any type of firearm.
  - iv. The defendant shall not commit any other offense during the period of Pretrial Diversion. Specifically, the defendant shall have no violation of the Penal Code or the Controlled Substance Act.

- v. The defendant shall refrain from the use of Drugs and/or alcohol unless prescribed by a doctor.
  - vi. Avoid injurious or vicious habits.
  - vii. Avoid person or places of disreputable or harmful character.
  - viii. Report to the probation officer as directed.
  - ix. Pay the cost of the proceedings.
  - x. Work faithfully at suitable employment as far as possible
  - xi. Support his/her dependents and meet other family responsibilities
  - xii. Pay restitution in the amount \$500.00 to be paid by November 20, 2008, to the Circuit Court Clerk and forwarded to Lake Cumberland Area Drug Task Force, Somerset, Kentucky.
  - xiii. All firearms are to be destroyed or otherwise lawfully disposed of in accordance with KRS 16.220.
- i. The licensee shall maintain his contractual relationship with the Kentucky Physicians Health Foundation – Impaired Physicians Program (IPP) and shall fully comply with all requirements of that contractual relationship;
  - j. The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the



treating physician of this responsibility shall be considered a violation of this Amended Agreed Order of Indefinite Restriction;

k. The licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by Licensee, which costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Amended Agreed Order of Indefinite Restriction;

1. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

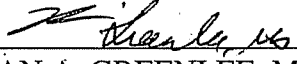
3. The licensee expressly agrees that if he should violate any term or condition of this Amended Agreed Order of Indefinite Restriction, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Amended Agreed Order of Indefinite Restriction, 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

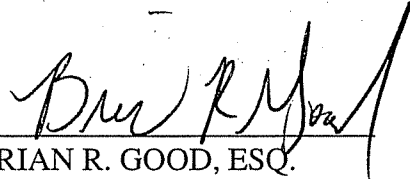
Order, the parties agree and stipulate that a violation of any term or condition of this Amended Agreed Order of Indefinite Restriction would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, 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 Amended Agreed Order of Indefinite Restriction.

4. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order of Indefinite Restriction would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

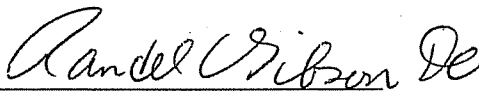
SO AGREED on this 16<sup>th</sup> day of April, 2009.

FOR THE LICENSEE:

  
BRIAN A. GREENLEE, M.D.

  
BRIAN R. GOOD, ESQ.  
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

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



KAREN QUINN

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COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1195

FILED OF RECORD

FEB 12 2009

K R M I

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY BRIAN A. GREENLEE, M.D., LICENSE NO. 35215,  
2441 SOUTH HIGHWAY 27, SOMERSET, KENTUCKY 42501

**AGREED ORDER OF INDEFINITE RESTRICTION**

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Brian A. Greenlee, M.D., and, based upon their mutual desire to fully and finally resolve this pending grievance without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER OF INDEFINITE RESTRICTION:**

**STIPULATIONS OF FACT**

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

1. At all relevant times, Brian A. Greenlee, 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 August 6, 2008, the Board received a grievance from Chris Johnson, R.Ph, Cabinet for Health and Family Services, Office of the Inspector General, Drug Enforcement Branch, alleging that the licensee was inappropriately prescribing controlled substances, fraudulently obtaining controlled substances, and prescribing controlled substances to a female patient/co-worker with whom he had a sexual relationship. Mr. Johnson's investigation revealed that the licensee

- fraudulently obtained controlled substances by deceiving colleagues as well as having residents who worked for him also prescribe him controlled substances.
4. The Board investigator interviewed a recreational therapist who had worked with the licensee. She reported that she had become sexually involved with the licensee, and that during their relationship, the licensee had prescribed Xanax to her. In addition, the licensee had written prescriptions for hydrocodone in her name which she would fill for him and then turn over the hydrocodone to him for his personal use.
  5. The Board also received information from the Kentucky Physicians Health Foundation (“the Foundation”) that the licensee had presented himself to them for opiate dependence. According to James T. Jennings, M.D., Medical Director of the Foundation, the licensee was obtaining his controlled substances frequently by contacting fellow physicians for prescriptions. The licensee had also been caught altering the date on a written prescription for Adderall in order to get it filled on an earlier date. The licensee admitted that he had been inappropriately using opiates for one and a half to two years. Dr. Jennings recommended that the licensee be evaluated and treated at Bradford Health Services (“Bradford”) in Warrior, Alabama.
  6. The licensee reported to Bradford on June 29, 2008, for the ninety day residential treatment program.
  7. On July 7, 2008, the licensee entered into an Interim Agreed Order (Treatment) with the Board, pursuant to which he was prohibited from practicing medicine

and unable to request resuming the practice of medicine until he had successfully completed residential treatment.

8. On September 26, 2008, the licensee was successfully discharged from Bradford.

The Axis I diagnosis was opiate dependence and stimulant abuse. The Final Assessment stated that the licensee “made progress in treatment with his acceptance of his disease and the need to remain in recovery. He appears motivated and willing. Prognosis is good if recommendations are followed.”

9. On October 16, 2008, in Pulaski Circuit Court, the Commonwealth Attorney charged the licensee with two Class D felony counts. The Information charged that the licensee:

Count 1: On or about June 19, 2008, committed the offense of Attempting to obtain a controlled substance by fraud, false statement or forgery, by attempting to obtain a prescription for a controlled substance.

Count 2: On or about June 11, 2008, committed the offense of Obtaining an unauthorized prescription for a controlled substance by obtaining an unauthorized prescription for Xanax.

10. On the same day, the Pulaski Circuit Court Judge placed the licensee on pretrial diversion, as recommended by the Commonwealth. The pretrial diversion will be for a period of five years, with the possibility of that time being reduced to two years if the licensee provides the Commonwealth with a signed contract between him and the Foundation. The Pretrial Diversion Order imposed a number of conditions, including that the licensee surrender his DEA identification number for at least two years. The Pretrial Diversion Order also required that the licensee “work faithfully at suitable employment as far as possible.”

11. On December 19, 2008, the Board was contacted by Keith Sinclair, M.D.F.A.C.S., Medical Director, and Edward N. Maxwell Jr., M.D. of The Communities at Oakwood (“Oakwood”). Dr. Sinclair and Dr. Maxwell stated that they wished to appear before the Board in order to present evidence advocating for the licensee’s return to employment at Oakwood as a member of the psychiatric consultation staff with no prescribing rights. The two physicians stated that “we believe that we can present to the Board evidence that Dr. Greenlee would have no opportunity to cause harm, but great opportunity to benefit the residents of Oakwood and the Commonwealth of Kentucky.”
12. By letter of January 7, 2009, Dr. Sinclair, Oakwood’s Medical Director, again requested that the licensee be permitted to resume employment at Oakwood. Dr. Sinclair stated that the licensee “was an excellent staff member while he worked here. I feel that permitting him to return to these duties would be highly beneficial to the patients at Oakwood and the Commonwealth of Kentucky, while also probably increasing his rehabilitation potential.” Dr. Sinclair offered a proposal for the licensee to be employed at Oakwood in a limited capacity as a consultant in psychiatry. Among the conditions that Oakwood would place upon the licensee’s employment, would be that the licensee would not see or examine patients unaccompanied, would not have access to any medications or prescribing rights, and all his treatment recommendations would be reviewed by the Oakwood medical board prior to implementation.
13. By letter of January 12, 2008, Dr. Jennings, Foundation Medical Director, contacted the Board. He stated that “I could not be more pleased with the

progress Dr. Greenlee has made since returning from treatment. Brian has remained completely and totally compliant with all the requirements of the Foundation. He is regularly attending 12-step meetings, often above the number required by the Foundation, and working the steps with a sponsor. He attends individual and group therapy at the Morton Center . . . All random drug screens have remained negative.” Dr. Jennings stated that he had reviewed Dr. Sinclair’s proposal for the licensee’s employment at Oakwood, and was “quite excited by this opportunity and feel certain Brian is up to the task. . . . This is a wonderful opportunity for Brian to not only provide for himself and his family, but also to contribute to his community and assist patients which is by his own admission what he truly loves doing.”

14. On January 13, 2009, the licensee’s attorney contacted the Board, requesting that the licensee be permitted to resume the practice of medicine by entering into an agreed order that would permit the licensee to serve as a member of Oakwood’s psychiatric consultation staff with certain key restrictions and safeguards in place.
15. The Panel reviewed the licensee’s case at its January 22, 2009, meeting. Dr. Jennings advocated for the licensee to return to the practice of medicine at Oakwood. Dr. Jennings informed the Panel that he believed the Oakwood placement would be safely effectuated, that the licensee’s recovery was extremely satisfactory, and that the licensee’s medical and professional abilities were of the highest. The Panel voted to reinstate the licensee to the practice of medicine, subject to the following terms and conditions.



STIPULATED CONCLUSIONS OF LAW

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

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(4), (5), (6), (8), (10), and (9) as illustrated by KRS 311.597(1)(a), (c), and (4). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Indefinite Restriction.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending grievance without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Indefinite Restriction.

**AGREED ORDER OF INDEFINITE RESTRICTION**

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 grievance without an evidentiary hearing, the parties hereby ENTER INTO the following

**AGREED ORDER OF INDEFINITE RESTRICTION:**

1. The license to practice medicine in the Commonwealth of Kentucky held by Brian A. Greenlee, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Order;
2. During the effective period of this Agreed Order of Indefinite Restriction, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE

FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION

for an indefinite term, or until further order of the Board:

- a. The licensee SHALL NOT prescribe, dispense, or otherwise professionally utilize any drugs or medication, controlled or non-controlled, unless and until approved to do so by the Panel. As required by his Diversion Order, the licensee will surrender his DEA number, and his DEA number shall remain so surrendered until the Panel permits him to request its reinstatement.
- b. The Panel will not consider a request by the licensee to resume the professional utilization of non-controlled substances unless and until one year has elapsed since the filing of this Agreed Order of Indefinite Restriction.
- c. The Panel will not consider a request by the licensee to resume the professional utilization of controlled substances unless and until the following conditions have been satisfied – 1) two years have elapsed since the entry of the licensee’s Diversion Order on October 16, 2008; and, 2) the request is accompanied by a favorable recommendation from the Foundation’s Medical Director;
- d. The licensee SHALL NOT perform any act which would constitute the “practice of medicine,” 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 the Panel or its Chair has

approved, in writing, the practice location at which he will practice medicine. The decision whether to approve a particular practice location lies in the sole discretion of the Panel or its Chair. In determining whether to approve a particular practice location, the Panel or its Chair will particularly consider whether there will be appropriate supervision of the licensee, and may also consider the nature of the practice, including the licensee's proposed duties and hours to be worked. In approving such practice location, the Panel or its Chair may include specific conditions/restrictions to ensure patient safety.

- e. The licensee shall not change practice locations without first obtaining written approval by the Panel or its Chair for such change. The parties agree that the Panel or its Chair may require additional conditions and/or restrictions as a condition of it granting approval for a new practice location.
- f. The licensee's employment must be approved by the Panel or its Chair in advance of commencing employment and the such approval must be in writing, before the licensee begins practice at that location. The Panel or its Chair must approve any change in practice location for the licensee in writing and prior to the licensee practicing medicine at that location(s);

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- g. The Panel has approved and the licensee's practice of medicine SHALL BE LIMITED to being a consultant in psychiatry at Oakwood, 2441 South Highway 27, Somerset, Kentucky 42501. While employed in such a capacity at Oakwood, the licensee will adhere to the following conditions:

- i) The licensee will not see or examine patients unless accompanied by other Oakwood staff, and the licensee expressly agrees that he will never be alone with a patient under any circumstances;
  - ii) The licensee's treatment recommendations will be reviewed by the Oakwood medical board before being implemented;
  - iii) The licensee will not have prescribing rights or be required to prescribe, and all medications will be written by the Oakwood primary care staff;
  - iv) The licensee's work week will be limited to five days per week, with no more than seven and a half hours each day. The licensee will not be on call, and will not perform any work out of hours; and
  - v) The licensee will not have access to any medications.
- h. The licensee shall not conduct any sensitive examination or be in the presence of a female patient who is partially or fully disrobed, unless he is accompanied at all times by an individual who has previously agreed to serve as a chaperon, under the terms specified in the standard letter provided by the Board for this purpose. If the approved chaperon must leave the examination room for any period of time, the licensee SHALL stop his examination and/or treatment of the female patient until the approved chaperon may again be present;

- i. Any chaperon utilized by the licensee must be approved, in advance, by the Board or its staff and must agree in writing to 1) remain present and within direct eyesight and within clear hearing distance of the licensee and the patient throughout the entire period the licensee is with a female patient; 2) accurately record the chaperon's presence, or absence, for the entire duration of such patient interaction in the patient's chart, or the patient record maintained by that clinical setting; 3) immediately notify the designated contact person at the Board's offices to report any violation of the chaperon requirement by the licensee. The licensee may submit and the Board or its agents may approve more than one chaperon to fulfill this requirement. The licensee shall be solely responsible for payment of the costs of such chaperon(s).
- j. The licensee shall maintain a separate log documenting each patient seen with a chaperon and the name, title and location of the chaperon utilized. Upon request, the licensee shall permit the Board's agents to review this log and shall take all necessary steps to arrange for the Board's agents to review the patient(s)' chart(s) and to interview the chaperon(s).
- k. The licensee shall adhere to all terms and requirements of the Pulaski Circuit Court Diversion Order entered into on October 16, 2008,

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including:

- i. The Diversion shall be supervised and the defendant shall pay a supervision fee in the amount of \$25.00 per month.
- ii. Probation and parole shall conduct home visits as they see fit.

- iii. The defendant shall not own/possess or have access to any type of firearm.
  - iv. The defendant shall not commit any other offense during the period of Pretrial Diversion. Specifically, the defendant shall have no violation of the Penal Code or the Controlled Substance Act.
  - v. The defendant shall refrain from the use of Drugs and/or alcohol unless prescribed by a doctor.
  - vi. Avoid injurious or vicious habits.
  - vii. Avoid person or places of disreputable or harmful character.
  - viii. Report to the probation officer as directed.
  - ix. Pay the cost of the proceedings.
  - x. Work faithfully at suitable employment as far as possible
  - xi. Support his/her dependents and meet other family responsibilities
  - xii. Pay restitution in the amount \$500.00 to be paid by November 20, 2008, to the Circuit Court Clerk and forwarded to Lake Cumberland Area Drug Task Force, Somerset, Kentucky.
  - xiii. All firearms are to be destroyed or otherwise lawfully disposed of in accordance with KRS 16.220.
1. The licensee shall maintain his contractual relationship with the Kentucky Physicians Health Foundation – Impaired Physicians Program (IPP) and shall fully comply with all requirements of that contractual relationship;
- m. The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly

licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order of Indefinite Restriction;

- n. The licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by Licensee, which costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Agreed Order of Indefinite Restriction;
- o. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

- 3. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order of Indefinite Restriction, 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 of


Indefinite Restriction, 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 to 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 Agreed Order of Indefinite Restriction 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 Indefinite Restriction.

4. The licensee understands and agrees that any violation of the terms of this Agreed Order of Indefinite Restriction would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this 5<sup>th</sup> day of February, 2009.

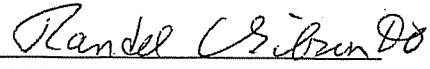
FOR THE LICENSEE:

  
BRIAN A. GREENLEE, M.D.

  
BRIAN R. GOOD, ESQ.  
COUNSEL FOR THE LICENSEE



FOR THE BOARD:



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



\_\_\_\_\_  
KAREN QUINN  
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