

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1276

FILED OF RECORD

AUG 02 2010

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY L. JEAN COOPER, M.D., LICENSE NO. 40821, 611 FOREST AVENUE, MAYSVILLE, KENTUCKY 41058

AGREED ORDER OF FINE

Come now the Kentucky Board of Medical Licensure (hereinafter "the Board"), by and through its Inquiry Panel B, and L. Jean Cooper, M.D., (hereinafter "the licensee"), and, based upon their mutual desire to fully and finally address the licensee's noncompliance with terms and conditions set forth in the Agreed Order of Indefinite Restriction, entered January 3, 2007, without an evidentiary hearing, hereby enter into the following **AGREED ORDER OF FINE**:

STIPULATIONS OF FACT

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

1. At all relevant times, 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 November 8, 1995, the licensee entered into a consent agreement with the Ohio State Board based upon her depression and alcohol dependence. Her original consent agreement was for two years. She was released from the terms of the consent agreement on November 13, 1997.
4. In May of 2002 the licensee relapsed. She entered an out-patient relapse program for alcohol addiction around November of 2002. She continued drinking throughout her treatment and in increased amounts until December of 2004.

5. The licensee entered treatment at the Hazeldon Foundation in Center City, Minnesota on December 31, 2004. She was transferred into the extended care unit at Hazeldon around January 13, 2005 and discharged around May 13, 2005. After her discharge she was transferred in Sober Living for three months. She was hospitalized twice during her stay at Sober Living due to depression. She was diagnosed with alcohol dependence and Bipolar II Disease.
6. On February 9, 2005, the licensee entered into a Step I Consent Agreement with the Ohio Medical Board. The Consent Agreement reprimanded the licensee and suspended her Ohio medical license for an indefinite period of time, but not less than 180 days.
7. On June 13, 2006, the licensee entered into a Step II Consent Agreement with the Ohio Medical Board. The Consent Agreement reinstated the licensee's Ohio medical license under probationary terms, conditions and limitations for a period of five (5) years.
8. On March 8, 2006, Dr. David D. Goldberg, Greene Memorial Hospital, Xenia, Ohio, determined that the licensee was capable of practicing medicine according to acceptable and prevailing standards as long as she continues treatments, psychiatric counseling, random urine testing and meets the monitoring requirements of the Ohio Medical Board.
9. Dr. Ronald Sachs, the licensee's treating psychiatrist, concluded in a March 21, 2006 letter that the licensee was ready to return to work as a psychiatrist.
10. Dr. Burns Brady, Medical Director, Kentucky Physicians Health Foundation (the Foundation), provided a summary and update regarding the licensee. Dr. Brady conferred with Dr. Stan Sateren, Medical Director, Ohio Physicians Health Foundation (OPHF). Dr. Sateren reported that the licensee is working with the OPHF and is in

compliance with her treatment. Dr. Brady recommended that if the licensee is granted a Kentucky medical license, that she be required to work with his Foundation.

11. As a condition of obtaining a license to practice medicine in the Commonwealth of Kentucky, the licensee entered into an Agreed Order of Indefinite Restriction, entered January 3, 2007, with the Kentucky Board. The terms and conditions of that Order require the following:

- a. The licensee shall provide a supervision plan which identifies a supervising physician who will monitor the licensee's medical practice, perform monthly reviews of 10-15 of the licensee's patient charts with the licensee, and provide quarterly reports to the Board advising of 1) the licensee's clinical skills, knowledge and judgment in the practice of psychiatry as reflected by the patient charts reviewed; and 2) the licensee's adherence to the terms of this Agreed Order of Indefinite Restriction. The supervision plan must be submitted with the licensee's request for approval of her employment. If the approved supervising physician should terminate the agreement to act as the supervising physician, the licensee shall immediately notify the Board's investigator of such fact. If no approved supervising physician is in place at any given time, the licensee SHALL NOT engage in the practice of medicine unless and until another supervising physician has been approved by the Board President;
- b. The licensee's employment and supervision plan must be approved by the Board or its President in advance of the licensee commencing employment and the Board's or its President's approval must be in writing. The Board or its President

must approve any change in practice location for the licensee in writing and prior to the licensee practicing medicine at that location(s);

- c. The licensee SHALL advise the supervising physician of his/her duty to immediately notify the Board, in writing, of any deviations from the standard of care present in the licensee's practice of medicine. The licensee SHALL provide any releases or authorizations to permit the designated Neurologist to make such notifications;
- d. The licensee shall maintain a "controlled substance log," for each instance in which the licensee prescribes, dispenses or otherwise professionally utilizes controlled substances. The "controlled substances log" must include date, patient name, patient complaint, medication prescribed, when it was last prescribed/dispensed/utilized 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. Dispensing information should be maintained in the patient chart and the log;
- e. Upon request, the licensee shall make the "controlled substances log" and/or all relevant patient charts available for review, by the Board's agents and/or Board consultants;
- f. Within twelve (12) months of the filing of this Agreed Order of Indefinite Restriction, the licensee SHALL attend a Board Review Course through the American Board of Psychiatry. The licensee shall complete the course work at her expense;

- g. The licensee SHALL provide written verification to the Board that she has successfully completed the coursework in *(f) supra*;
- h. The licensee shall abide by all conditions and terms set forth in the Ohio Medical Board Step II Consent Agreement of June 13, 2006, and any subsequently modified Ohio Consent Agreement. The licensee shall inform the Board if the Stipulation and Order is amended or altered in any manner. The licensee shall inform the Board if this Stipulation and Order is terminated and his license is returned to an unconditional status;
- i. The licensee shall inform the Board of any violations of the terms or conditions of the Ohio Consent Agreement(s);
- j. The licensee SHALL maintain her contractual relationship with the Foundation and shall fully comply with all terms of that contractual relationship Specifically,
 - i. The licensee shall enter into a psychiatrist-patient relationship with a psychiatrist approved by the Foundation for the purpose of monitoring and directing the licensee's therapeutic treatment. The licensee shall comply fully with all treatment directives from her psychiatrist, including the frequency and nature of therapy sessions. The licensee shall cause her approved psychiatrist to submit a monthly report concerning the licensee's treatment to the Foundation. The licensee SHALL NOT terminate therapy until her psychiatrist and the Foundation's Medical Director agree that the licensee is no longer in need of therapeutic treatment.
- k. The licensee SHALL submit to observed, random drug screens and alcohol determinations as directed by the Foundation and/or the Board or its agent(s), the purpose being to ensure that the licensee remains drug and/or alcohol-free. The cost of such blood, urine and breathalyzer alcohol and/or drug analyses and reports will be borne by the licensee, which costs shall be paid within thirty (30) days after the date of the invoice therefore. Failure to make timely payment of

such costs, to comply with the conditions set by the Board or its agent(s) regarding the collection of specimens, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Agreement;

l. 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 Agreement; and

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

12. In addition, pursuant to terms of the Agreed Order of Indefinite Restriction, the licensee agreed that any violation of the Agreed Order of Indefinite Restriction may serve as the basis for disciplinary action pursuant to KRS 311.595(13), including revocation of her Kentucky medical license.

13. In 2010, A KASPER on the licensee for the period March 1 through April 24, 2010 was compared to the licensee's controlled substance log for the same period. Approximately thirty-three patients recorded in the KASPER were omitted from the licensee's log.

14. On April 30, 2010, the licensee acknowledged that she had prescribed controlled substances for the identified patients, but had not recorded those facts in her controlled substances log as required by the Agreed Order of Indefinite Restriction for the following reasons: (1) as to twenty patients, a nurse filled out the prescriptions and the licensee

signed them while covering for another physician; (2) as to eight patients, she did not bring her controlled substances log with her to another office where she was treating them; and (3) as to two patients, she did not know that Ambien and Lunesta were controlled substances and required to be recorded; and (4) as to three patients, she neglected to record their names on the controlled substances log.

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. KRS 311.565(1)(v) provides that the Board may impose a fine of up to five thousand dollars (\$5,000) per violation upon a finding pursuant to disciplinary proceedings that the licensee has violated any provision of KRS 311.595 to 311.597.
3. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(13). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Fine.
4. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending matter without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Fine.

AGREED ORDER OF FINE

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and based upon the parties' mutual desire to fully and finally address the licensee's noncompliance with terms and conditions set forth in the Agreed Order of Indefinite Restriction, entered January

3, 2007, without an evidentiary hearing, the parties hereby enter into the following **AGREED**


ORDER OF FINE:

1. The licensee is hereby FINED One Thousand Dollars (\$1,000.00);
2. The licensee SHALL pay the full amount of the fine within six (6) months from entry of this Agreed Order of Fine;
3. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597;
4. The licensee expressly agrees that if she should violate any term or condition of the Agreed Order of Fine, 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 she has violated any term or condition of this Agreed Order of Fine, 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 of Fine 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 Fine; and
5. The licensee understands and agrees that any violation of the terms of this Agreed Order of Fine would provide a legal basis for additional disciplinary action, including

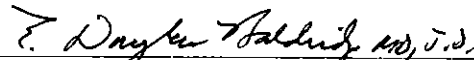
revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine without a license.

SO AGREED on this 27 day of July, 2010.

FOR THE LICENSEE:

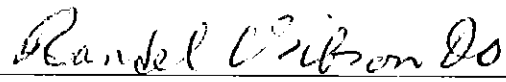


JEAN COOPER, M.D.




COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



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



LEANNE K. DIAKOV
Assistant General Counsel
Kentucky Board of Medical Licensure
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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1083

FILED OF RECORD

JAN 03 2007

K.B.M.L.

IN RE: THE APPLICATION FOR PHYSICIAN LICENSURE IN THE
COMMONWEALTH OF KENTUCKY FILED BY L. JEAN COOPER, M.D.,
3614 MICHIGAN AVENUE, CINCINNATI, OH 45208

AGREED ORDER OF INDEFINITE RESTRICTION

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), and
L. Jean Cooper, M.D., and, based upon licensee's Application for Physician Licensure,
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. On September 15, 2006, the licensee executed an Application for Physician Licensure in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Psychiatry.
3. On November 8, 1995, the licensee entered into a consent agreement with the Ohio State Board based upon her depression and alcohol dependence. Her original consent agreement was for two years. She was released from the terms of the consent agreement on November 13, 1997.
4. In May of 2002 the licensee relapsed. She entered an out-patient relapse program for alcohol addiction around November of 2002. She continued drinking throughout her treatment and in increased amounts until December of 2004.

5. The licensee entered treatment at the Hazeldon Foundation in Center City, Minnesota on December 31, 2004. She was transferred into the extended care unit at Hazeldon around January 13, 2005 and discharged around May 13, 2005. After her discharge she transferred in Sober Living for three months. She was hospitalized twice during her stay at Sober Living due to depression. She was diagnosed with alcohol dependence and Bipolar II Disease.
6. On February 9, 2005, the licensee entered into a Step I Consent Agreement with the Ohio Medical Board. The Consent Agreement reprimanded the licensee and suspended her Ohio medical license for an indefinite period of time, but not less than 180 days.
7. On June 13, 2006, the licensee entered into a Step II Consent Agreement with the Ohio Medical Board. The Consent Agreement reinstated the licensee's Ohio medical license under probationary terms, conditions and limitations for a period of five (5) years.
8. On March 8, 2006, Dr. David D. Golderg, Greene Memorial Hospital, Xenia, Ohio, determined that the licensee was capable of practicing medicine according to acceptable and prevailing standards as long as she continues treatments, psychiatric counseling, random urine testing and meets the monitoring requirements of the Ohio Medical Board.
9. Dr. Ronald Sachs, the licensee's treating psychiatrist, concluded in a March 21, 2006 letter that the licensee was ready to return to work as a psychiatrist.
10. Dr. Burns Brady, Medical Director, Kentucky Physicians Health Foundation (the Foundation), provided a summary and update regarding the licensee. Dr. Brady

conferred with Dr. Stan Sateren, Medical Director, Ohio Physicians Health Foundation (OPHP). Dr. Sateren reported that the licensee is working with the OPHP and is compliance with her treatment. Dr. Brady recommended that if the licensee is granted a Kentucky medical license, that she be required to work with his Foundation.

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 information contained in the Stipulations of Fact, the licensee has engaged in conduct, which violates KRS 311.595(6), (8) and (17). Accordingly, there are legal bases for disciplinary action against her Kentucky medical license.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the issues which are grounds for denial of a Kentucky medical license through 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 the licensee's Application for Physician Licensure, 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 L. Jean Cooper, M.D., is hereby RESTRICTED FOR AN INDEFINITE PERIOD

OF TIME, with that restriction to commence immediately upon the filing of this Agreed Order of Indefinite Restriction.

2. During that period of restriction, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- a. The licensee shall provide a supervision plan which identifies a supervising physician who will monitor the licensee's medical practice, perform monthly reviews of 10-15 of the licensee's patient charts with the licensee, and provide quarterly reports to the Board advising of 1) the licensee's clinical skills, knowledge and judgment in the practice of psychiatry as reflected by the patient charts reviewed; and 2) the licensee's adherence to the terms of this Agreed Order of Indefinite Restriction. The supervision plan must be submitted with the licensee's request for approval of her employment. If the approved supervising physician should terminate the agreement to act as the supervising physician, the licensee shall immediately notify the Board's investigator of such fact. If no approved supervising physician is in place at any given time, the licensee SHALL NOT engage in the practice of medicine unless and until another supervising physician has been approved by the Board President;
- b. The licensee's employment and supervision plan must be approved by the Board or its President in advance of the licensee commencing employment and the Board's or its President's approval must be in writing. The Board or its President must approve any change in practice location for the

licensee in writing and prior to the licensee practicing medicine at that location(s);

- c. The licensee SHALL advise the supervising physician of his/her duty to immediately notify the Board, in writing, of any deviations from the standard of care present in the licensee's practice of medicine. The licensee SHALL provide any releases or authorizations to permit the designated Neurologist to make such notifications;
- d. The licensee shall maintain a "controlled substance log," for each instance in which the licensee prescribes, dispenses or otherwise professionally utilizes controlled substances. The "controlled substances log" must include date, patient name, patient complaint, medication prescribed, when it was last prescribed/dispensed/utilized 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. Dispensing information should be maintained in the patient chart and the log;
- e. Upon request, the licensee shall make the "controlled substances log" and/or all relevant patient charts available for review, by the Board's agents and/or Board consultants;
- f. Within twelve (12) months of the filing of this Agreed Order of Indefinite Restriction, the licensee SHALL attend a Board Review Course through

the American Board of Psychiatry. The licensee shall complete the course work at her expense;

- g. The licensee SHALL provide written verification to the Board that she has successfully completed the coursework in (f) *supra*;
- h. The licensee shall abide by all conditions and terms set forth in the Ohio Medical Board Step II Consent Agreement of June 13, 2006, and any subsequently modified Ohio Consent Agreement. The licensee shall inform the Board if the Stipulation and Order is amended or altered in any manner. The licensee shall inform the Board if this Stipulation and Order is terminated and his license is returned to an unconditional status;
- i. The licensee shall inform the Board of any violations of the terms or conditions of the Ohio Consent Agreement(s);
- j. The licensee SHALL maintain her contractual relationship with the Foundation and shall fully comply with all terms of that contractual relationship Specifically,
 - i. The licensee shall enter into a psychiatrist-patient relationship with a psychiatrist approved by the Foundation for the purpose of monitoring and directing the licensee's therapeutic treatment. The licensee shall comply fully with all treatment directives from her psychiatrist, including the frequency and nature of therapy sessions. The licensee shall cause her approved psychiatrist to submit a monthly report concerning the licensee's treatment to the Foundation. The licensee SHALL NOT terminate therapy until her psychiatrist and the Foundation's Medical Director agree that the licensee is no longer in need of therapeutic treatment.
- k. The licensee SHALL submit to observed, random drug screens and alcohol determinations as directed by the Foundation and/or the Board or

its agent(s), the purpose being to ensure that the licensee remains drug and/or alcohol-free. The cost of such blood, urine and breathalyzer alcohol and/or drug analyses and reports will be borne by the licensee, which costs shall be paid within thirty (30) days after the date of the invoice therefore. Failure to make timely payment of such costs, to comply with the conditions set by the Board or its agent(s) regarding the collection of specimens, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Agreement;

l. 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 Agreement;

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

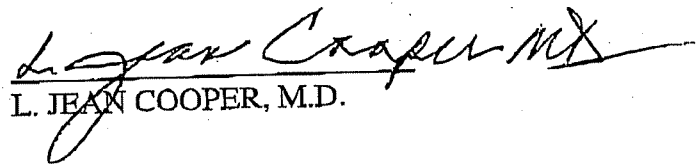
3. The licensee expressly agrees that, if she should violate any term or condition of the Agreed Order of Indefinite Restriction, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that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

information that she has violated any term or condition of Agreed Order of Indefinite Restriction, the Panel Chair or the Panel is authorized by law to enter an Emergency Order of Suspension or Emergency Order of Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation by the Board's General Counsel or Assistant General Counsel. If the Panel Chair or Panel 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 this Agreed Order of Indefinite Restriction may serve as the basis for disciplinary action pursuant to KRS 311.595(13), including revocation of her Kentucky medical license.

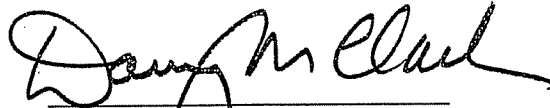
SO AGREED on this 2 day of January, 2007.

FOR THE LICENSEE:

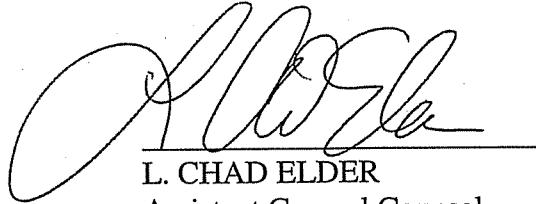

L. JEAN COOPER, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



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BOARD PRESIDENT



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Entered: January 3, 2007