

FILED OF RECORD

JUL 20 2018

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1766

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN D. GRIFFITH, M.D., LICENSE NO. 10837, 9415 DENBURY WAY, HOUSTON, TEXAS 77025

AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel B, and JOHN D. GRIFFITH, M.D., (hereafter “the licensee”), and, based upon their mutual desire to allow the licensee to resume the practice of medicine, 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, John D. Griffith, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Psychiatry.
3. The licensee was also licensed by the Texas Medical Board to practice medicine in the state of Texas.
4. On or about August 26, 2016, the licensee entered into an Agreed Order with the Texas Medical Board. The Texas Board concluded that the licensee violated the Medical Practice Act in the following manner:

- a. The licensee delegated prescriptive authority to two nurse practitioners. The licensee failed to adequately supervise his delegates and never signed a prescriptive authority agreement with his delegates at a pain clinic.
 - b. The licensee failed to adhere to the guidelines related to the treatment of several patients' chronic pain.
 - c. The licensee failed to maintain adequate documentation of the treatment provided to several of his chronic pain patients.
 - d. The licensee failed to meet the standard of care for his chronic pain patients in that he lacked diligence in the provision of pain treatment and medical recordkeeping for the care he provided.
5. The Texas Agreed Order states that the licensee shall not practice in Texas until (a) the licensee requests permission in writing to resume practice in Texas, (b) personally appears before the Board to orally petition for permission to resume such practice, and (c) provides sufficient evidence and information, which in the discretion of the Board adequately indicates that the licensee is physically, mentally, and otherwise competent to safely practice.
 6. The licensee reported on his 2016 Kentucky license renewal that he was under investigation by the Texas Board. His license was renewed, and he was asked to notify the Board immediately when there was a final disposition to the Texas Board investigation.
 7. The licensee did not report the disciplinary action taken by the Texas Medical Board within ten days of the August 26, 2016 Agreed Order as required by 201

KAR 9:081(9)(1)(e). Further, the licensee did not provide this Board a copy of the order issued by the Texas Board.

8. On or about December 9, 2016, the licensee entered into an Agreed Order, which contained the following terms and conditions:
 - a. 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 until further order of the Board;
 - b. The Panel SHALL NOT consider a petition by the licensee to resume the practice of medicine until:
 - i. the licensee requests permission in writing;
 - ii. the licensee personally appears before the Board to orally petition for permission to resume such practice; and
 - iii. the licensee provides sufficient evidence and information, which in the discretion of the Board adequately indicates that the licensee is physically, mentally, and otherwise competent to safely practice.
 - c. Pursuant to KRS 311.565(1)(v) and 201 KAR 9:081 Section 9(1)(g)(2)(a), the licensee SHALL submit payment of a FINE in the amount of one-thousand dollars (\$1,000) to the Board within six months from the date of entry of this Agreed Order;
 - d. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
9. The licensee paid the \$1,000 fine in full on December 8, 2016.
10. On or about February 21, 2018, the licensee submitted a written request to resume the practice of medicine. The licensee included a letter from a psychiatrist in Texas who opined that Dr. Griffith is mentally and physically capable of continuing to practice medicine and psychiatry.
11. The Panel considered the licensee’s request at its meeting on May 17, 2018. The licensee was present and addressed the Panel.

12. On or about May 17, 2018, the Panel allowed the licensee to resume the practice of medicine pursuant to the terms and conditions set forth in this Amended Agreed Order.

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. The Board's regulation, 201 KAR 9:081 Section 9(1)(g), provides that a licensee's failure to report action taken by another licensing board in another state, shall constitute a violation of KRS 311.595(9) and (12) and that the Panel shall impose a fine of up to \$5,000 if a licensee fails to report an action by another licensing board in any other state within ten (10) days.
3. The Board's regulation, 201 KAR 9:081 Section 9(4)(c) provides,

If a licensee has had disciplinary action taken against or sanctions imposed upon the licensee's license to practice medicine or osteopathy in any state, the appropriate panel:

 1. Shall, at a minimum, impose the same substantive sanctions, up to and including permanent revocation or surrender, as a disciplinary sanction against the licensee's Kentucky license; and
 2. In addition to those minimum sanctions, may take any other additional disciplinary action authorized by KRS 311.595, including revocation, against the licensee.
4. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(9) - as illustrated by KRS 311.597(4) - and KRS 311.595(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Amended Agreed Order.

5. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation 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 their mutual desire to allow the licensee to resume the practice of medicine, the parties hereby ENTER INTO the following **AMENDED AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by JOHN D. GRIFFITH, 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, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION until further order of the Board:
 - a. The licensee SHALL NOT perform any act which would constitute the "practice of medicine or osteopathy," 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.
 - i. 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.

- ii. 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.

- b. 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 a violation of any term or condition of this Amended 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 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).


SO AGREED on this 11 day of July, 2018.


FOR THE LICENSEE:


JOHN D. GRIFFITH, D.D.

N/A
COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


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


SARA FARMER
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150