

FILED OF RECORD

MAR 12 2019

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1901

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY VIRGINIA F. BARBOSA, M.D., LICENSE NO. 42323, 175 EAST PEACHTREE STREET, CORBIN, KENTUCKY 40701-2578

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, and Virginia F. Barbosa, M.D. (“the licensee”), and, based upon their mutual desire to resolve this matter without an evidentiary hearing, 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, Virginia F. Barbosa, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is psychiatry.
3. On or about October 8, 2018, the Department of Licensing and Regulatory Affairs, for the State of Michigan, issued a Final Order sanctioning the licensee for her failure to comply with continuing medical education requirements for license renewal in Michigan. The Final Order placed the licensee on probation for not less than one day and not more than one year; required her to submit proof of completion of 150 hours of acceptable continuing medical education and imposed a fine of \$1,700.

4. The licensee did not report the Final Order entered against her Michigan medical license within ten (10) days as required by 201 KAR 9:081.
5. On or about January 4, 2019, the Department of Licensing and Regulatory Affairs, for the State of Michigan, terminated the licensee from probation after she submitted proof of the required continuing medical education hours and paid the fine.
6. On or about January 9, 2019, the licensee was found to be in compliance with this Board's continuing medical education requirements.

#### 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(9), (12) and (17). 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 investigation 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 their mutual desire to fully and finally resolve this matter without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
  - a. Pursuant to KRS 311.565(1)(v) and 201 KAR 9:081 §9 (1)(g), the licensee SHALL submit payment of a FINE in the amount of \$100.00, within six (6) months of the filing of this Agreed Order; and
  - b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
2. Upon receipt of full payment of the fine in the amount of \$100.00, the Board agrees to terminate this Agreed Order.
3. The licensee expressly agrees that if she 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 she 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.

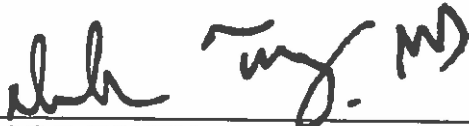
SO AGREED on this 07 day of March, 2019.


FOR THE LICENSEE:

  
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VIRGINIA F. BARBOSA, M.D.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:

  
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DALE E. TONEY, M.D.  
CHAIR, INQUIRY PANEL A

  
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