

JUN - 5 2019

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1915

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MATTHEW FREDERICK WAY, M.D., LICENSE NO. 48416, 1768 BUSINESS CENTER DRIVE, SUITE 100, RESTON, VIRGINIA 20190

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and MATTHEW FREDERICK WAY, M.D., (hereafter "the licensee"), and, based upon their mutual desire to fully and finally resolve this pending investigation 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, Matthew Frederick Way, 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 West Virginia Board of Medicine.
4. On or about August 30, 2018, the West Virginia Board of Medicine issued a Consent Order regarding the medical license held by the licensee.
5. The West Virginia Board concluded that the licensee violated West Virginia statutes in that:

- a. The licensee submitted a renewal application for his medical license on June 11, 2017 for the renewal period of July 1, 2017 through June 30, 2019.
  - b. On his June 2017 renewal application, the licensee certified to the Board that he had complied with all Continuing Medical Education ("CME") requirements for the renewal of his license.
  - c. On or about December 29, 2017, the Board notified the licensee that he had been randomly selected for the Board's annual CME audit.
  - d. The licensee was unable to produce documentation corroborating his certification that he successfully completed his CME requirements for the period of July 1, 2015 and June 30, 2017.
  - e. The documentation provided by the licensee supported his completion of all CME requirements during the requisite time frame except a minimum of three (3) hours in a Board-approved course on drug diversion training and best practice prescribing of controlled substances.
  - f. The licensee stated that despite certifying his completion of the training on his June 2017 renewal application, he inadvertently overlooked the three hours in Board approved courses on drug diversion training and best practice prescribing of controlled substances renewal requirement. The licensee contended that his inaccurate CME certification was inadvertent, and an honest mistake.
6. On January 16, 2018, the licensee completed a three (3) hour Board-approved course on drug diversion training and best practice prescribing of controlled substances.

7. The West Virginia Consent Order imposed a fine in the amount of five hundred dollars (\$500.00) due by September 7, 2018.
8. On August 30, 2018, the West Virginia Board issued a letter confirming that the licensee fulfilled all obligations set forth in the Consent Order and that the matter was considered closed.
9. The licensee did not report the disciplinary action taken by the West Virginia Board of Medicine within ten days of the August 30, 2018 Consent 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 West Virginia Board within ten days of the August 30, 2018 Consent Order.
10. However, the licensee did report the West Virginia action on his 2019 Kentucky renewal application.
11. On May 16, 2019, the Board's Inquiry Panel B reviewed the investigation and chose to offer the licensee this Agreed Order in lieu of the issuance of a Complaint.

#### 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. The Board's regulation, 201 KAR 9:081 Section 9(1)(g) provides
  1. Failure to report a criminal conviction or plea, or action taken by another licensing board as required of a licensee by paragraphs (d) and (e) of this subsection, shall constitute a violation of KRS 311.595(9) and (12).
  2. Upon a finding by the board that the licensee committed a violation, the appropriate panel:

- a. Shall impose a fine of up to \$5,000 and the appropriate sanction mandated by subsection (2), (3), or (4) or this section; and
  - b. May impose any other additional sanction authorized by KRS 311.595 based upon all of the information available to the panel when it takes action.
3. 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.
4. 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 pending investigation 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), the licensee SHALL submit payment of a FINE in the amount of \$100.00, within three (3) months of the filing of this 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 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).

SO AGREED on this 31 day of May, 2019.

FOR THE LICENSEE:



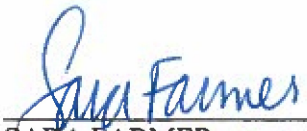
MATTHEW FREDERICK WAY, M.D.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:



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SANDRA R. SHUFFETT, M.D.  
CHAIR, INQUIRY PANEL B



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