

SEP 19 2024

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Hearing Panel B, and Jason Stamper, D.O. (“the licensee”), and, based upon their mutual desire to fully and finally resolve the amended complaint without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, Jason Stamper, D.O. (“the licensee”), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee’s osteopathic specialty is psychiatry.
3. In or around August 2022, in *Commonwealth v. Stamper*, Case No. 22-M-00653 (Floyd District Court), the licensee was charged, with Operating a Motor Vehicle Under the Influence of a Substance; Failure to or Use of Improper Signal; Improper Display of Registration Plates; Failure to Produce Insurance Card; Careless Driving; and Resisting Arrest, based upon the following facts noted by a Prestonsburg Police Officer:

I observed the listed vehicle traveling at a high rate of speed while coming up on my bumper on US23. I observed the vehicle to change lanes several times without using a turn signal. At this time I conducted a traffic stop on the vehicle. Upon contact with the operator, later identified as Jason Stamper, I noticed his eyes to be pinpoint sized. When asked why his driving was careless, he responded “I’m tired of being pulled over.” The license plate on

the vehicle was not the correct one that was supposed to be on it. At this time I asked Stamper to step out of the vehicle and performed SFST's which showed horizontal gaze nystagmus tests indicate equal pupil size and equal tracking. Operator did not show resting nystagmus. Officer observed lack of smooth pursuit present in both left and right eyes and onset of nystagmus at angle prior to 45 degrees in both left and right eyes. Operator showed 4 of 6 clues on HGN. Vertical gaze nystagmus was present. Walk and turn tests indicate operator did not touch heel to toe, stepped off the line, made improper turn, and took incorrect number of steps. Operator showed 4 of 8 clues on the WAT. Once I advised Stamper he was under arrest, he stated "You can't take me to jail" and started to back away from Officer Hutchison, Officer Spriggs and myself. Once I got one cuff on one of Stamper's wrists, he began to tense up and pull away. Stamper was transported to ARH where he was read implied consent. Stamper consented to a blood test, refused a test of his own and did contact an attorney.

4. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
5. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
6. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued a complaint, on or about February 16, 2023.
7. In or around February 2023, the charge of Operating a Motor Vehicle Under the Influence of a Substance was dismissed in *Commonwealth v. Stamper*, Case No. 22-M-00653 (Floyd District Court).

8. In or around April 2023, the licensee was found guilty on charges of Failure to or Use of Improper Signal; Improper Display of Registration Plates; Failure to Produce Insurance Card; Careless Driving; and Resisting Arrest, in *Commonwealth v. Stamper*, Case No. 22-M-00653 (Floyd District Court).
9. On or about May 25, 2023, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and note for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).
10. On or about May 30, 2023, the Board's Inquiry Panel A Chair issued an amended complaint and an amended emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky.
11. On or about July 18, 2023, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee was released from detention pending trial on a number of conditions including that he refrain from violating federal, state, or local law while on release and that he "not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a medical practitioner." The licensee then commenced supervision in the Middle District of Tennessee where he resided with his mother.
12. On or about October 25, 2023, the licensee's Probation Officer in the Middle of District of Tennessee reported that the licensee tested positive for the use of unprescribed methamphetamine, a controlled substance.

13. On or about November 1, 2023, during a hearing before U.S. Magistrate Judge Atkins, the licensee stipulated to the use of amphetamine and conceded that his conduct constituted a violation of the conditions of his release. Magistrate Judge Atkins expressed serious concern with respect to the licensee's history of methamphetamine use and his apparent dishonesty to probation officers during his bond interview and when initially confronted with the suspected bond violation. Ultimately, the Magistrate Judge determined, based on Stamper's past drug usage, his present conduct, and his untruthfulness, that release was not appropriate under 18 U.S.C. § 3148. The licensee was then taken into custody and detained pending trial.

14. On or about March 14, 2024, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee (a.k.a. "Defendant") entered a guilty plea to one (1) count of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), based upon the following admitted facts:

Between April 15, 2022, and September 27, 2022, a DEA Task Force Officer (the "UC") made 6 undercover patient visits at Defendant's clinic, where he was the sole doctor. In those visits, Defendant prescribed Schedule II (Ritalin and Adderall) controlled substances outside the usual course of professional practice and without a legitimate medical purpose. For instance, at the initial visit, the Defendant prescribed the UC Ritalin after the UC said he wanted something to give him a "kick in the britches." Other than cursory blood-pressure and lung-sound checks (on a few, but not all of the visits), Defendant performed no medical examinations, did not inquire into legitimate medical need for the prescriptions, took no action when the UC failed to secure blood work as directed for 5 straight visits, increased doses and/or switched between controlled substances (Ritalin to Adderall) without explanation.

During the June 7, 2022, visit, the UC advised Defendant that the Ritalin he was prescribed during the prior visit had no effect. Without further inquiry,

the Defendant advised he would increase the UC's Adderall dose to 10 mg twice per day (the equivalent of 8 times the original dose of Ritalin) and advised that he would then up that dose to 30 mg twice per day at a subsequent visit without any explanation of medical justification for the increased dosage or switch to the more potent stimulant.

15. On or about July 15, 2024, the licensee was sentenced to a term of imprisonment for thirty-two (32) months. Upon release from prison, the licensee will be under supervision of the U.S. Probation Office for three (3) years.

STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's Kentucky osteopathic license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee is in violation of the provisions of KRS 311.595(4), (9) [as illustrated by KRS 311.597(4)] and (12). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the amended complaint without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

AGREED ORDER OF SURRENDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve the amended complaint, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

1. The licensee, Jason Stamper, D.O., HEREBY SURRENDERS, in lieu of revocation, his license to practice medicine/osteopathy within the Commonwealth of Kentucky for an indefinite period of time, with that surrender to become effective immediately upon the date of filing of this Agreed Order of Surrender;

2. Following the effective date of surrender of his license, the licensee SHALL NOT engage in any act which would constitute the “practice of medicine or osteopathy” as that term is defined by 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 approved to do so by the Board;
3. The licensee SHALL NOT petition the Board for a license to again practice medicine/osteopathy in the Commonwealth unless and until:
 - a. At least two (2) years have passed from the date of entry of this Agreed Order of Surrender;
 - b. The licensee has satisfied all terms and conditions of judgment, including but not limited to any terms of imprisonment, probation and/or supervised release, entered against him in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky); and
 - c. The licensee has fully reimbursed the Board the costs of these proceedings in the amount of \$562.50;
4. If the licensee should in the future petition for a license to again practice medicine/osteopathy in the Commonwealth, he understands and agrees that the provisions of KRS 311.607 SHALL apply to said petition;
 - a. The licensee understands and agrees that the burden SHALL be upon him to satisfy the Board that he is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine/osteopathy, without undue risk or danger to his patients or the public;
 - b. The licensee understands and agrees that the Board SHALL require him to successfully complete a Board-approved clinical skills assessment(s) and/or evaluation(s), at his expense, prior to considering his petition to resume the practice of medicine/osteopathy and to assist the Board in its consideration of the petition;
 - c. The licensee understands and agrees that the Board SHALL require him to successfully complete a 96-hour inpatient impairment evaluation at a Kentucky Physicians Health Foundation-approved facility, at his expense, prior to considering his petition to resume the practice of medicine/osteopathy and to assist the Board in its consideration of the petition;
 - d. The licensee understands and agrees that the decision whether to permit him to resume the active practice of medicine/osteopathy lies within the sole discretion of the Board and that the Board shall not be

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Jason Stamper
Chad Elder

required to allow him to resume the practice of medicine/osteopathy in the Commonwealth of Kentucky; and

- e. The licensee understands and agrees that in the event that the Board should allow him to resume the active practice of medicine/osteopathy at any time in the future it SHALL do so conditioned upon the licensee entering into an agreed order pursuant to which (1) he shall be indefinitely and permanently restricted from the prescribing, dispensing or professional utilization of controlled substances as a condition, consistent with the legislative intent set forth in KRS 218A.205, and (2) he shall otherwise be under probation for a period of no less than two years nor more than five years, such that any subsequent violation during the probation period shall result in automatic revocation of license;
5. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order of Surrender, 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 Surrender, 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 Surrender 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 Surrender; and
 6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender 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/osteopathy without a license.

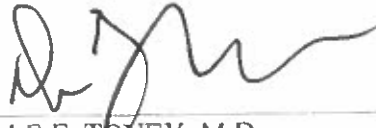
SO AGREED on this 8th day of August, 2024.

FOR THE LICENSEE:

Jason Stamper D.O.
 JASON STAMPER, D.O.

L Chad Elder
 L. CHAD ELDER, ESQ.
 COUNSEL FOR THE LICENSEE

FOR THE BOARD:



DALE E. TONEY, M.D.
CHAIR, HEARING PANEL B



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


WAIVER OF RIGHTS

I, Jason Stamper, D.O., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 2079. I understand that, under 201 KAR 9:082, I must waive certain rights if I wish to resolve this matter by informal dispensation. Accordingly, I WAIVE my right to raise any constitutional, statutory or common law objection(s) I may have to the Hearing Panel rejecting the proposed informal dispensation or to the curtailment of such a settlement by the Board's General Counsel or Assistant General Counsel.

Furthermore, if the Hearing Panel accepts the proposed Agreed Order of Surrender as submitted, I WAIVE my right to demand an evidentiary hearing or to raise additional constitutional or statutory objections in this matter. However, if the Hearing Panel should reject the proposed Agreed Order of Surrender, I understand that further proceedings will be conducted in accordance with KRS 311.530 *et seq.*, and I will have the right to raise any objections normally available in such proceedings.

Executed this 8th day of August, 2024.



JASON STAMPER, D.O.
RESPONDENT

L. CHAD ELDER, ESQ.
COUNSEL FOR THE RESPONDENT

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

SECOND AMENDED COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 16, 2023, states for its Second Amended Complaint against the licensee, Jason Stamper, D.O., as follows:

1. At all relevant times, Jason Stamper, D.O. ("the licensee"), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
5. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued a complaint, on or about February 16, 2023.

6. On or about May 25, 2023, a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).
7. On or about May 30, 2023, the Board's Inquiry Panel A Chair issued an amended emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky along with an amended complaint.
8. On or about July 18, 2023, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee was released from detention pending trial on a number of conditions including that he refrain from violating federal, state, or local law while on release and that he "not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a medical practitioner." The licensee then commenced supervision in the Middle District of Tennessee where he resided with his mother.
9. On or about October 25, 2023, the licensee's Probation Officer in the Middle of District of Tennessee reported that the licensee tested positive for the use of unprescribed methamphetamine, a controlled substance.
10. On or about November 1, 2023, during a hearing before U.S. Magistrate Judge Atkins, the licensee stipulated to the use of amphetamine and conceded that his conduct constituted a violation of the conditions of his release. Magistrate Judge Atkins expressed serious concern with respect to the licensee's history of methamphetamine use and his apparent dishonesty to probation officers during his

bond interview and when initially confronted with the suspected bond violation. Ultimately, the Magistrate Judge determined, based on Stamper's past drug usage, his present conduct, and his untruthfulness, that release was not appropriate under 18 U.S.C. § 3148. The licensee was then taken into custody and detained pending trial.

11. On or about March 14, 2024, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee (a.k.a. "Defendant") entered a guilty plea to one (1) count of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), based upon the following admitted facts:

Between April 15, 2022, and September 27, 2022, a DEA Task Force Officer (the "UC") made 6 undercover patient visits at Defendant's clinic, where he was the sole doctor. In those visits, Defendant prescribed Schedule II (Ritalin and Adderall) controlled substances outside the usual course of professional practice and without a legitimate medical purpose. For instance, at the initial visit, the Defendant prescribed the UC Ritalin after the UC said he wanted something to give him a "kick in the britches." Other than cursory blood-pressure and lung-sound checks (on a few, but not all of the visits), Defendant performed no medical examinations, did not inquire into legitimate medical need for the prescriptions, took no action when the UC failed to secure blood work as directed for 5 straight visits, increased doses and/or switched between controlled substances (Ritalin to Adderall) without explanation.

During the June 7, 2022, visit, the UC advised Defendant that the Ritalin he was prescribed during the prior visit had no effect. Without further inquiry, the Defendant advised he would increase the UC's Adderall dose to 10 mg twice per day (the equivalent of 8 times the original dose of Ritalin) and advised that he would then up that dose to 30 mg twice per day at a subsequent visit without any explanation of medical justification for the increased dosage or switch to the more potent stimulant.

12. On or about July 15, 2024, the licensee was sentenced to a term of imprisonment for thirty-two (32) months. Upon release from prison, the licensee will be under supervision of the U.S. Probation Office for three (3) years.
13. By his conduct, the licensee has violated KRS 311.595(4), (9) [as illustrated by KRS 311.597(4)] and (12). Accordingly, legal grounds exist for disciplinary action against his license to practice osteopathy in the Commonwealth of Kentucky.
14. The licensee is directed to respond to the allegations delineated in the Second Amended Complaint within thirty (30) days of service thereof and is further given notice that:
- (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
15. NOTICE IS HEREBY GIVEN that a hearing on this Second Amended Complaint is scheduled for **October 30, 2024**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.


WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice osteopathy in the Commonwealth of Kentucky held by Jason Stamper, D.O.

This 5th day of August, 2024.


WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Second Amended Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Wes Faulkner, Esq., Hearing Officer, 125 South Seventh Street, Louisville, Kentucky 40202 and copies were mailed via certified mail return-receipt requested and sent via email to the licensee, Jason N. Stamper, D.O., License No. 02798, c/o Grayson County Detention Center, 320 Shaw Station Road, Leitchfield, Kentucky 42754, jnstamperdo@gmail.com, and to licensee's counsel, L. Chad Elder, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1, Louisville, Kentucky 40207, celder@eldergood.com on this 5th day of August, 2024.



Leanne K. Diakov
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150

MAY 31 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

AMENDED EMERGENCY ORDER OF RESTRICTION

The Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel A, considered a memorandum from Board counsel, dated December 16, 2022; e-mail correspondence the Drug Enforcement Administration, dated December 15, 2022; Uniform Citation, Control No. K895389, dated December 15, 2022; and an Appalachian News-Express article, “Pike doctor charged with drug trafficking, possession,” dated December 15, 2022. On or about May 30, 2023, the Board considered an Indictment returned against the licensee in *USA v. Stamper*, Case No. 7:23-CR-0009 (U.S. District Court, E.D. Ky.). Having considered this information and being sufficiently advised, the Chair of Inquiry Panel A enters the following AMENDED EMERGENCY ORDER OF RESTRICTION, in accordance with KRS 311.592(1) and 13B.125(1):

FINDINGS OF FACT

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Restriction:

1. At all relevant times, Jason Stamper, D.O. (“the licensee”), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee’s osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee’s residence during which the following were recovered:

- a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
 5. On or about May 25, 2023, a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and note for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Amended Emergency Order of Restriction:

1. The licensee's Kentucky osteopathic license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.

3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12).
4. 201 KAR 9:240 §1 provides,
 - (1) An inquiry panel or the panel's chair, acting on behalf of the inquiry panel, may issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky in accordance with KRS 311.592 and 13B.125.
 - (2) ...
 - (3) (a) An inquiry panel's chair may act on behalf of the inquiry panel and issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky if the panel chair determines that a basis for an emergency order as established in subsection (1) of this section exists and the circumstances of the specific case warrant emergency action prior to the next regularly scheduled meeting of the inquiry panel.
5. 201 KAR 9:240 §3 provides
 - (1) If a licensee is indicted in any state for a crime classified as a felony in that state and the conduct charged relates to a controlled substance, that licensee's practice shall be considered an immediate danger to the public health, safety or welfare, pursuant to KRS 311.592 and 13B.125.
 - (2) If the Board receives verifiable information that a licensee has been indicted in any state for a crime classified as a felony in the state of indictment and the conduct charged relates to a controlled substance, the inquiry panel or panel chair, acting on behalf of the inquiry panel, shall immediately issue an emergency order suspending or restricting that licensee's Kentucky license....
6. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
7. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act

when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's osteopathic practice.

8. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

AMENDED EMERGENCY ORDER OF RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel A hereby ORDERS that the license to practice osteopathy in the Commonwealth of Kentucky held by Jason N. Stamper, D.O., is RESTRICTED and Dr. Stamper is prohibited from prescribing, dispensing, or otherwise professionally utilizing controlled substances until the Board's hearing panel has finally resolved the Amended

Complaint after receipt of the court documents resolving the criminal charges discussed in this pleading or until such further Order of the Board.

The Chair of Inquiry Panel A further declares that this is an EMERGENCY ORDER, effective immediately upon receipt by the licensee.


SO ORDERED this 31st day of May, 2023.



WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Amended Emergency Order of Restriction was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and copies were mailed via certified mail return-receipt requested and sent via email to the licensee, Jason N. Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, jnstamperdo@gmail.com, and to licensee's counsel, L. Chad Elder, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1, Louisville, Kentucky 40207, celder@eldergood.com on this 31st day of May, 2023.



Leanne K. Diakov
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150

MAY 31 2023

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798, 35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

AMENDED COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 16, 2023, states for its Amended Complaint against the licensee, Jason Stamper, D.O., as follows:

1. At all relevant times, Jason Stamper, D.O. ("the licensee"), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
5. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued a complaint, on or about February 16, 2023.

6. On or about May 25, 2023, a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).
7. On or about May 30, 2023, the Board's Inquiry Panel A Chair issued an amended emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky along with this amended complaint.
8. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against his license to practice osteopathy in the Commonwealth of Kentucky.
9. The licensee is directed to respond to the allegations delineated in the Amended Complaint within thirty (30) days of service thereof and is further given notice that:
 - (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
10. NOTICE IS HEREBY GIVEN that a hearing on this Amended Complaint is scheduled for **October 25 & 26, 2023**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice osteopathy in the Commonwealth of Kentucky held by Jason Stamper, D.O.

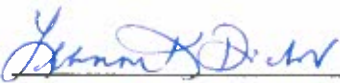
This 31st day of May, 2023.



WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Amended Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205 and copies were mailed via certified mail return-receipt requested and sent via email to the licensee, Jason N, Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, jnstamperdo@gmail.com, and to licensee's counsel, L. Chad Elder, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1, Louisville, Kentucky 40207, celder@eldergood.com on this 31st day of May, 2023.



Leanne K. Diakov
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150

FILED OF RECORD

FEB 20 2023

K.B.M.L

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 16, 2023, states for its Complaint against the licensee, Jason Stamper, D.O., as follows:

1. At all relevant times, Jason Stamper, D.O. ("the licensee"), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
5. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued this complaint, on or about February 16, 2023.

6. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4). Accordingly, legal grounds exist for disciplinary action against his license to practice osteopathy in the Commonwealth of Kentucky.
7. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:
 - (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
8. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for **June 21, 2023**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice osteopathy in the Commonwealth of Kentucky held by Jason Stamper, D.O.

This 20th day of February, 2023.

W. Saleem.

WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205 and a copy was mailed via certified mail return-receipt requested to the licensee, Jason N, Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, and emailed to the licensee's email of record, jnstamperdo@gmail.com, on this 20th day of February, 2023.



Leanne K. Diakov
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150

DEC 16 2022

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798,
35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

EMERGENCY ORDER OF RESTRICTION

The Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel A, considered a memorandum from Board counsel, dated December 16, 2022; e-mail correspondence the Drug Enforcement Administration, dated December 15, 2022; Uniform Citation, Control No. K895389, dated December 15, 2022; and an Appalachian News-Express article, “Pike doctor charged with drug trafficking, possession,” dated December 15, 2022. Having considered this information and being sufficiently advised, the Chair of Inquiry Panel A enters the following EMERGENCY ORDER OF RESTRICTION, in accordance with KRS 311.592(1) and 13B.125(1):

FINDINGS OF FACT

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Restriction:

1. At all relevant times, Jason Stamper, D.O. (“the licensee”), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee’s osteopathic specialty is psychiatry.
3. On or about December 15, 2022, a search warrant was executed on the licensee’s residence during which the following were recovered:

- a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
4. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.

CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Restriction:

1. The licensee's Kentucky osteopathic license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4).
4. 201 KAR 9:240 §1 provides,
 - (1) An inquiry panel or the panel's chair, acting on behalf of the inquiry panel, may issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky in accordance with KRS 311.592 and 13B.125.
 - (2) ...

- (3) (a) An inquiry panel's chair may act on behalf of the inquiry panel and issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky if the panel chair determines that a basis for an emergency order as established in subsection (1) of this section exists and the circumstances of the specific case warrant emergency action prior to the next regularly scheduled meeting of the inquiry panel.
5. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
 6. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's osteopathic practice.
 7. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780

(1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

EMERGENCY ORDER OF RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel A hereby ORDERS that the license to practice osteopathy in the Commonwealth of Kentucky held by Jason N. Stamper, D.O., is RESTRICTED and Dr. Stamper is prohibited from prescribing, dispensing, or otherwise professionally utilizing controlled substances until the Board's hearing panel has finally resolved the complaint after receipt of the court documents resolving the criminal charges discussed in this pleading or until such further Order of the Board.

The Chair of Inquiry Panel A further declares that this is an EMERGENCY ORDER, effective immediately upon receipt by the licensee.

SO ORDERED this 16th day of December, 2022.



WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Restriction was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed via certified mail return-receipt requested to the licensee, Jason N, Stamper, D.O., License No. 02798, 35 Flora Street, Pikeville, Kentucky 41501, and emailed to the licensee's email of record, jnstamperdo@gmail.com, on this 16th day of December, 2022.



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