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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2090

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY CHRISTOPHER D. NELSON, D.O., LICENSE
NO. 04648, 901 ST. MARY'S DRIVE, SUITE 200, EVANSVILLE, INDIANA
47714

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through the Chair of its Inquiry Panel B, and CHRISTOPHER D. NELSON, D.O., (hereafter "the licensee"), and, based upon their mutual desire to resolve the pending investigation, the parties 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, Christopher D. Nelson, D.O., was licensed by the Board to practice osteopathy within the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is Pulmonary Disease.
3. The licensee contacted the Kentucky Board of Medical Licensure (the "Board") via email on August 3, 2022, advising that due to excess stress he, began using vodka and water while at work to calm himself. Co-workers noticed behavior changes resulting in the administrative office confronting him with their concerns. He reported to them what he had been doing. They had the licensee's wife take him home. The licensee stated that there was no patient harm, but he did have inpatient responsibilities that day and one of his partners had to take over for him. He reported that he took the following treatment measures:

- a. Enrollment in alcohol rehabilitation at Brentwood Springs in Newburgh, Indiana from July 22 through 29, 2022;
 - b. Comprehensive and long-term care at American Addiction Center, Greenhouse Treatment Center in Dallas, Texas; and
 - c. Work with an AA sponsor.
4. The licensee contacted the Kentucky Physicians Health Foundation (KPHF) as directed by Mr. Rodman of the Board.
5. On or about August 31, 2022, the licensee was successfully discharged from Greenhouse Treatment Center in Dallas, Texas. His Axis I diagnosis at discharge was Alcohol Use Disorder, Severe; Major Depressive Disorder, Recurrent Episode, Moderate; and Anxiety Disorder, Unspecified. His discharge summary placed no restrictions on his return to clinical practice.
6. On or about September 5, 2022, the licensee began five weeks of Intensive Outpatient Treatment at Help for Heroes in Brentwood Springs, Indiana.
7. On or about September 13, 2022, the licensee entered a five-year aftercare and monitoring contract with the Indiana State Medical Association Committee on Physician Assistance (ISMA). The components of that contract include AA meeting attendance, individual therapy, medication management, and drug and alcohol testing to confirm his abstinence from the use of substances.
8. On or about September 20, 2022, Tina Simpson, M.D., the Medical Director of KPHF, met with the licensee via Zoom and advised him that due to the circumstances that led to his referral, he would be required to enter into a piggyback contract with KPHF.

9. On or about September 21, 2022, the licensee signed a contract with KPHF. The KPHF will receive interval reports from its counterpart in Indiana (ISMA) regarding his appropriate compliance with ISMA's directives.
10. The licensee returned to work part time at Ascension St. Vincent in Evansville, Indiana. With ISMA conditions in place, Dr. Simpson reported that she does not believe the licensee's return to clinical practice represents any undue risk to patients or the public.
11. The licensee agreed to enter into 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 osteopathic 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(7). 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 matter 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 the pending investigation, the parties hereby ENTER INTO the following AGREED ORDER:

1. The license to practice osteopathy in the Commonwealth of Kentucky held by CHRISTOPHER D. NELSON, D.O., is hereby PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation to become effective immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's osteopathic license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. The licensee SHALL enter into and maintain a contractual relationship with the Kentucky Physicians Health Foundation and shall fully comply with all requirements of that contractual relationship;
 - i. 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. The licensee SHALL ensure that any such medical treatment and prescribing is reported directly to the Board in writing by his treating physician within ten (10) days after the date of treatment. The licensee SHALL inform the treating physician of this responsibility and ensure timely compliance. The licensee's failure to inform the treating physician of this responsibility SHALL be considered a violation of this Agreed Order;
 - ii. The licensee SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, and under the conditions specified by the Board's testing agent, the purpose being to ensure that the licensee remain drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports SHALL be paid by the licensee, and the licensee SHALL pay those costs under the terms fixed by the Board's agent for testing. The licensee's failure to fully reimburse the Board's agent within that time frame SHALL constitute a violation of this Agreed Order;

- 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 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 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 27 day of January, 2023.

FOR THE LICENSEE:



CHRISTOPHER D. NELSON, D.O.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



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



NICOLE A. KING
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150