COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 815
ADMINISTRATIVE ACTION NO. 02-KBML-0135

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY HAROLD L. REAMS, M.D., LICENSE NO. 14359,
3432 LYON DRIVE, LEXINGTON, KENTUCKY 40513

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"),
acting by and through its Hearing Panel A, and Harold L. Reams, M.D., and, based upon
their mutual desire to fully and finally resolve two reported violations without the
issuance of a new Complaint, 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, Harold L. Reams, M.D., was licensed by the Board to
   practice medicine in the Commonwealth of Kentucky;

2. On April 24, 1997, the parties informally resolved Complaint No. 581, alleging
   unnecessary and excessive tympanoplasties performed on children patients, by
   entering into an Agreed Order of Probation, placing the licensee’s medical license
   on probation for four (4) years. The Agreed Order of Probation specified, "The
   licensee shall not violate any provision of the Kentucky Medical Practice Act,
   KRS 311.530 et seq.

3. On March 1, 2002, the Board issued Complaint No. 815, charging that the
   licensee had violated the Agreed Order of Probation and the Medical Practice Act,
by pleading guilty to the felony charge of Embezzlement. Following an
evidentiary hearing, this Panel finally resolved Complaint No. 815 by issuing an
Order of Revocation, Stayed; Order of Suspension and Probation on September 3,
2002. Under the terms of that Order, the licensee’s medical license was
suspended for a period of 6 months to 5 years, subject to termination by the Panel.
To date, the Panel had continued the suspension following its review of an
Assessment by the Center for Personalized Education for Physicians.

4. Since the filing of the Order of Suspension on September 3, 2002, the licensee has
practiced medicine for two periods of time, in violation of that Order. On each
occasion, the licensee has explained that he mistakenly believed that he was
authorized to practice medicine in the manner he did.

5. The licensee has determined that he would rather retire from the practice of
medicine, rather than engage in further litigation with the Board regarding the two
alleged violations.

**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 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(13). 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 this pending investigation 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 this pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following AGREED ORDER OF SURRENDER:

1. The licensee SHALL SURRENDER his Kentucky medical license, in lieu of revocation, with that surrender to become effective immediately upon the filing of this Agreed Order and continuing indefinitely.

2. During the effective period of this Agreed Order of Surrender, the licensee SHALL NOT engage in any conduct 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, or infirmities by any and all means, methods, devices, or instrumentalities – unless and until approved to do so by the Panel:

3. The licensee may not petition for reinstatement of his Kentucky medical license for a minimum period of two (2) years from the effective date of this Agreed Order of Surrender. Before the Panel will consider such a petition, the licensee must present an educational plan which:

a. is well thought out and designed;
b. is consistent with and fully addresses the Areas of Demonstrated Need and Specific Educational Recommendation set out in CPEP's Assessment Report;
c. provides for full supervision of the licensee's practice by a Board-certified bariatrician approved, in advance, by the Panel; and,
d. is monitored by CPEP;

The Panel or its Chair may request CPEP to review any proposed educational plan to ensure that it is consistent with and fully addresses the Areas of Demonstrated Need and Specific Educational Recommendation set out in CPEP's Assessment Report. The Panel may likewise require a current clinical skills assessment pursuant to KRS 604. The provisions of KRS 311.607 shall apply to any petition for reinstatement. The burden shall be on the licensee to satisfy the Panel that he is presently of good moral character and qualified both physically and mentally to resume the active practice of medicine without undue risk or danger to his patients or the public. The decision whether to grant any petition for reinstatement rests solely within the discretion of the Panel.

4. The licensee expressly agrees that if he should violate any term or condition of the 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 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 of Surrender.

5. 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 without a license.

SO AGREED on this 22nd day of June, 2004.

FOR THE LICENSEE:

[Signature]

HAROLD L. REAMS, M.D.

WILLIAM P. THURMAN, ESQ.
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

[Signature]

DONALD J. WIKERT, M.D.
CHAIR, HEARING PANEL A

C. LLOYD VEST II
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-8046
IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY HAROLD L. REAMS, M.D., LICENSE NO. 14359, 3432 LYON DRIVE, LEXINGTON, KENTUCKY 40513

ORDER CONTINUING SUSPENSION

At its May 15, 2003 meeting, the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Hearing Panel A, reviewed the licensee’s Order of Revocation, Stayed; Order of Suspension and Probation, filed on September 3, 2002; an Assessment Report by the Center for Personalized Education for Physicians (CPEP); and a Compliance Inspection Report prepared by Bonnie L. Reitz, Medical Investigator, dated April 17, 2003. The Panel also heard comments from the licensee.

Having considered all of that information and being sufficiently advised, Hearing Panel A hereby ORDERS:

1. In accordance with Condition 2 of the September 3, 2002 Order, the licensee’s Kentucky medical license SHALL REMAIN SUSPENDED until further Order of the Panel or its Chair;

2. Before the Panel or its Chair will consider termination of the suspension, the licensee must present an educational plan which:

   a. is well thought out and designed;
   b. is consistent with and fully addresses the Areas of Demonstrated Need and Specific Educational Recommendation set out in CPEP’s Assessment Report;
   c. provides for full supervision of the licensee’s practice by a Board-certified bariatrician approved, in advance, by the Panel; and,
   d. is monitored by CPEP;
3. The Panel or its Chair may request CPEP to review any proposed educational plan to ensure that it is consistent with and fully addresses the Areas of Demonstrated Need and Specific Educational Recommendation set out in CPEP’s Assessment Report;

4. If the Panel or its Chair approves the proposed educational plan, it may terminate the suspension of the licensee’s medical license and reinstate that license by an Amended Order of Suspension and Probation which: continues appropriate terms and conditions in the existing Order of Suspension and Probation; fully incorporates the approved educational plan; approves a preceptor(s) and specifies the level and extent of supervision; and, provides for monitoring of terms and conditions by CPEP and by the Panel.

SO ORDERED on this 4th day of June, 2003.

DONALD KEWICKERT, M.D.
CHAIR, HEARING PANEL A

Certificate of Service

I certify that the original of this Order was delivered to C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222 and a copy was mailed to Harold L. Rears, M.D., 3432 Lyon Drive, Lexington, Kentucky 40513 on this 4th day of June, 2003.

C. LLOYD VEST II
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-8046
COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 815  
ADMINISTRATIVE ACTION NO. 02-KBML-0135  

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY HAROLD L. REAMS, M.D., LICENSE NO. 14359, 3432 LYON DRIVE, LEXINGTON, KENTUCKY 40513  

ORDER OF REVOCATION, STAYED; ORDER OF SUSPENSION AND PROBATION  

At its August 22, 2002 meeting, the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Hearing Panel A, took up this case for final action. The Panel reviewed the Complaint; the Final Order Revoking Emergency Order of Suspension; the hearing officer's recommended Findings of Fact, Conclusions of Law, and Recommended Order; the Board's Exceptions to Hearing Officer's Recommended Order; Dr. Reams' Exceptions to Findings of Fact, Conclusions of Law and Recommended Order; and, an August 5, 2002 memorandum by the Board's General Counsel. The Panel also considered oral remarks by counsel for each party and an oral statement prepared by the licensee.  

Having considered all available information and being sufficiently advised, Hearing Panel A ACCEPTS the recommended Findings of Fact and Conclusions of Law and ADOPTS AND INCORPORATES them by reference into this Final Order.  

(Attachment) Hearing Panel A MODIFIES the Recommended Order IN PART and makes the following additional Finding of Fact and Conclusions of Law in support of and as explanation for its modification of the Recommended Order:
Finding of Fact 11. Uncontroverted evidence was presented by the Board at the
evidentiary hearing that all previous disciplinary actions involving a felony conviction
have resulted in the loss of the licensee's medical license, either through revocation or
agreed surrender. Exhibit 8.

Conclusion of Law 17. Revocation of the medical license is the appropriate sanction
when a licensee pleads guilty to or is convicted of a felony offense, particularly when the
conduct underlying the felony conviction has any relationship to the licensee's medical
practice. However, under the present statute – KRS 311.607 – a licensee whose license
has been revoked may not petition for reinstatement of license for a minimum period of
two years. Under the unique circumstances of this particular case, the Panel considers
such a period of revocation excessive as the initial response. Therefore, the Panel
imposes revocation as the sanction for the violation, but withholds it on the conditions
that the licensee fully comply with the corrective sanctions and conditions designed by
the Panel to rehabilitate this physician.

Based upon the Findings of Fact and Conclusions of Law, and based upon its
consideration of the facts of this case, Hearing Panel A ORDERS:

1. The license to practice medicine in the Commonwealth of Kentucky held by
   Harold L. Reams, M.D., is REVOKED. However, imposition of that sanction is
   WITHHELD on the express condition that the licensee fully comply with all
terms and conditions of this Order. If the Board should establish a violation of
   this Order, through Complaint and evidentiary process or through
   agreement/stipulation, this sanction of REVOCATION will become effective at
   that time.
2. The licensee's Kentucky medical license is SUSPENDED for not less than six months nor more than five (5) years, from the effective date of this Order. If that period of suspension is terminated prior to the conclusion, the licensee's medical license SHALL BE PLACED ON PROBATION for the remainder of that five-year period, with appropriate terms and conditions of probation fixed by the Panel or its Chair at the time the suspension is converted to probation:

3. As a condition of terminating this suspension after the initial six month period and prior to the conclusion of the five-year period, the licensee must successfully complete a clinical skills assessment at the Center for Personalized Education for Physicians (CPEP), Aurora, Colorado, at his expense, to determine his general competency to practice medicine and, in particular, his competence to practice bariatric medicine. The licensee shall take any/all necessary steps to ensure that the Board's staff receives a copy of the resulting assessment report.

4. Once the Board's staff receives the CPEP Assessment Report, it will promptly provide a copy of the Assessment Report to the Panel Chair for review. If the Panel Chair determines that the Hearing Panel should review the Assessment Report for possible additional disciplinary action, this case will be placed on the agenda of the next regularly scheduled meeting of Hearing Panel A. If the Panel Chair determines that the Assessment Report does not present any basis for additional disciplinary action, the Chair is authorized by the Panel to terminate the suspension and to issue an Amended Order, placing the licensee's medical license on probation for the remainder of the five-year period. If the licensee's medical license is placed on probation for any period of time pursuant to this Order, it
SHALL be accomplished by an Amended Order, which SHALL include the following terms and conditions:

a. The licensee SHALL FULLY COMPLY with all terms and conditions of his federal probationary order;

b. The licensee SHALL FULLY COMPLY with all educational and training recommendations specified in the CPEP Assessment Report and any Educational Plan developed by CPEP, based upon the Assessment Report. If CPEP determines that a Final Evaluation is necessary following completion of the Educational Plan or completion of the recommended education and training, the licensee SHALL COMPLETE that assessment. The licensee SHALL BE solely responsible for any expenses associated with the CPEP assessments, education plan and/or education and training recommendations;

c. The licensee SHALL NOT VIOLATE any provision of KRS 311.595 and/or 311.597;

d. Any other term(s) or condition(s) determined by the Panel or its Chair to be necessary for the protection of patients and the public, at the time of entry of the Amended Order.

5. The licensee SHALL PAY a fine in the amount of $1362.50 within twelve (12) months of the date of filing of this Order.

6. The licensee SHALL NOT violate any provisions of KRS 311.595 and/or
SO ORDERED this 3rd day of September, 2002.

DONALD O. SWIKERT, M.D.
CHAIR, HEARING PANEL A

Certificate of Service

I certify that the original of the foregoing Order of Revocation, Stayed; Order of Suspension and Probation was delivered to Mr. C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222 and copies were mailed to Susan S. Durant, Esq., Hearing Officer, Division of Administrative Hearings, 1024 Capital Center Drive, Frankfort, Kentucky 40601-8204 and via certified-mail return receipt requested to: William P. Thurman, Esq., Thurman White & Anderson, 333 West Vine Street, Suite 207, Lexington, Kentucky 40507 and Harold L. Reams, M.D., 3432 Lyon Drive, Lexington, Kentucky 40513 this 3rd day of September, 2002.

C. LLOYD VEST, II
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
502/429-8046

EFFECTIVE DATE AND APPEAL RIGHTS

Pursuant to KRS 311.593(1) and 13B.120, the effective date of this Order will be thirty (30) days after this Order of Revocation, Stayed; Order of Suspension and Probation is received by the licensee or the licensee's attorney, whichever shall occur first.
The licensee may appeal from this Order, pursuant to KRS 311.593 and 13B.140-.150, by filing a Petition for Judicial Review in Jefferson Circuit Court within thirty (30) days after this Order is mailed or delivered by personal service. Copies of the petition shall be served by the licensee upon the Board and its General Counsel. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested, along with a copy of this Order.
COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF MEDICAL LICENSURE  
AGENCY CASE NO. 815  
ADMINISTRATIVE ACTION NO. 02-KBML-0130

KENTUCKY BOARD OF MEDICAL LICENSURE  

vs.  

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND RECOMMENDED ORDER  
EXCEPTION AND APPEAL RIGHTS

HAROLD L. REAMS, M.D.  
License No. 14359 (Complaint)

* * * * *

A Hearing was held in this matter on June 13, 2002. William P. Thurman, Thurman, White & Anderson, appeared for the Petitioner. Lloyd Vest, General Counsel, represented the Respondent. At the hearing on the Complaint, the Complainant entered into the record the video tape of the hearing on the Emergency Order of Suspension. At the hearing on the Emergency Order of Suspension, the Board presented its case through certified documents. The copies of the documents accompanied the video tape. The only additional evidence introduced at the Complaint hearing was a compilation of final orders issued by the Board in regard to physicians who had felony convictions. Harold L. Reams, M.D., testified on his own behalf at the hearing on the Emergency Order of Suspension. At the hearing on the Complaint, letters written in support of Reams during his criminal trial were offered into evidence as well as letters written by Reams’ current patients.

FINDINGS OF FACT

1. On March 1, 2002, the Board of Medical Licensure charged that Harold L. Reams, M.D. violated the following statutory provisions:

KRS 311.595. Denial, probation, suspension, or revocation of
licenses and permits.

If the power has not been transferred by statute to some other board, commission, or agency of this state, the board may deny an application or reregistration for a license; place a licensee on probation for a period not to exceed five (5) years; suspend a license for a period not to exceed five (5) years; limit or restrict a license for an indefinite period; or revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky, of committing an act which is, or would be a felony under the laws of the Commonwealth of Kentucky, or of the United States, or of any crime involving moral turpitude which is a misdemeanor, under the laws;

(13) Violated any agreed order, letter of agreement, order of suspension, or the terms or conditions of any order of probation, issued by the board;

2. Specifically, the Kentucky Board of Medical Licensure charged that Reams, while under the terms of an Agreed Order of Probation related to his practice as an Otolaryngologist, pled guilty to one count of embezzlement in the United States District Court for the Eastern District of Kentucky.

3. On May 16, 1996, the Kentucky Board of Medical Licensure filed a Complaint against Reams charging that he had performed unnecessary surgical procedures. The Complaint also noted that Reams' practice at the Medical Heights Surgery Center had been restricted so that a concurring second opinion was required before he could perform certain procedures which the Center had concluded that he had over utilized.

4. On May 16, 1996, the Board also filed an Order of Temporary Restriction that placed limitations on Reams similar to those imposed by the Surgery Center. The physician was required to have a concurring second opinion before he could perform any tympanoplasty
5. The May 16, 1996, Complaint and Order of Temporary Restriction were resolved on April 24, 1997, when the Board approved an Agreed Order of Probation. Reams' license was placed on probation for 4 years. Reams also agreed to pay a $5,000.00 fine. The precautionary restriction of a concurring second opinion prior to the performance of surgical procedures was continued. Full record keeping procedures were also mandated. The final two provisions of the Agreed Order of Probation stated:

7. The licensee shall not violate any provision of the Kentucky Medical Practice Act, KRS 311.530 et seq.
8. Any violation of the terms of this Agreed Order of Probation shall be grounds for immediate suspension and may be grounds for revocation of the licensee's Kentucky medical license.

6. Because of the limitations placed on his surgical practice beginning in 1996 by the Medical Heights Surgery Center and by the Board of Medical Licensure, Reams reported a precipitous drop in taxable income in 1996 and 1997. Reams' income fell to approximately $16,000.00 in 1996 and to $22,000.00 in 1997. In order to satisfy his creditors, Reams, as trustee for an employee pension and profit-sharing plan, sold a one-half interest in a condominium in Florida owned by the plan and he used the funds for his personal benefit. The federal indictment charged that the funds were embezzled on December 17, 1997, which was approximately 8 months after the Agreed Order of Probation. The $28,909.34 received from the sale of the condominium should have been deposited for the benefit of the plan. Two employees had vested funds in the plan—one in the amount of $1,683.00 and the other in the amount of $27,324.51.

7. In May, 1999, Reams terminated his Otolaryngology practice and became a full-time
employee of two weight-loss clinics.

8. On August 3, 2000, Reams was indicted on two counts in the United States District Court for the Eastern District of Kentucky. Count I was the employee trust fund embezzlement charge. Count II was subsequently dismissed by the United States Attorney for the Eastern District of Kentucky as part of a plea agreement.

9. On October 12, 2000, Reams pled guilty to Count I. On April 30, 2001, at Reams' sentencing, Judge Henry R. Wilhoit, Jr., placed Reams on unsupervised probation for one year with 5 months to be served on home detention. Reams was required to pay restitution of $29,007.51 in periodic payments and to pay a federally required special assessment of $100.00. In delivering the sentence Judge Wilhoit stated that in determining the amount of time to be served, he inferred from the fact that Count II was to be dismissed that “the Government could not prove the facts to support the charge.” Exhibit 5 at p. 11. The judge also regretted the fact that six months home detention was required and insisted that the monitoring not be intrusive.

10. Reams did not challenge the facts alleged in the Complaint.

CONCLUSIONS OF LAW

11. It is concluded that Reams violated KRS 311.595(4) by pleading guilty to one count of embezzlement and this felony conviction was also a violation of KRS 311.595 (13) because a felony conviction is a violation of the terms of Reams' Agreed Order of Probation. The primary attention of both parties was the penalty to be imposed as a result of the violations.

12. The Board argued that Reams was subject to the 1997 probationary order because of his greed and dishonesty which led him to perform unnecessary surgical procedures and that this same greed and dishonesty led Reams to embezzle funds that he held in trust. Reams' professional integrity was involved in the probationary order while his trustworthiness as an
employer was the subject of the criminal action. According to the Board, in both instances Reams prayed upon those who trusted in him and relied on him.

13. The Complainant also argued that the Board has consistently deprived physicians who are convicted of a felony of the privilege of practicing medicine in the Commonwealth at least for a period of time. Of the six felony conviction cases submitted by the Board, one case resulted in the complete revocation of the doctor's license and the other five cases terminated in agreed order of surrenders. In general the surrendered licenses were not to be reinstated for a minimum of two years with a further period of probation typically accompanied by additional education.

14. The two felony cases with offenses most similar to those of Reams involved income tax evasion. One doctor was sentenced to 36 months incarceration with 3 years of supervised release while the other doctor served 6 months with 3 years of supervised release. Reams served 12 months of unsupervised probation.

15. The Respondent countered that his medical license may be suspended or surrendered as result of a felony conviction but that it is not mandatory. Further, the Respondent argued that the doctor's embezzlement resulted from his unusual, dire financial situation and was not part of a pattern of conduct. At the sentencing Judge Henry R. Wilhoit viewed Reams' action as a single act of misappropriating funds and not the beginning of a criminal career.

16. Reams' Agreed Order of Probation of April 24, 1997, was not still in effect at the time of the Complaint in this action. Yet Reams' criminal conduct followed hard upon the heels of his agreed probation. Reams violated the terms of the Agreed Order shortly after he reached his agreement with the Board. Reams was careless with the trust of his patients and then he betrayed the trust of his employees. Reams' felony conviction resulted in as light a sentence as
possible but Reams had not learned the value of ethical decisions. The medical profession places a high value on the responsibility, honesty, and trustworthiness of its members.

RECOMMENDED ORDER

Having been sufficiently advised, IT IS RECOMMENDED that the license of Harold L. Reams, M.D., to practice medicine in the Commonwealth is SUSPENDED for a period of two years from the date of the Final Order in this matter. During the period of suspension, the licensee shall not perform any act which would constitute "the practice of medicine" as that term is defined by KRS 311.550(10). Prior to the reinstatement of his license, Reams shall have completed a current assessment of his clinical skills by the Colorado Personalized Education Program or an equivalent program previously approved by the Panel.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110 (4) you have the right to file exceptions to this recommended decision:

(4) A copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

You have a right to appeal the Final Order of the agency pursuant to KRS 13B.140 which reads in part:

(1) All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must
be served upon filing an appeal in Circuit Court.

SO ORDERED this 18th day of July, 2002.

SUSAN S. DURANT
HEARING OFFICER
DIV. OF ADMINISTRATIVE HEARINGS
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KY 40601-8204
(502) 696-5442
(502) 573-8315 - FAX
CERTIFICATE OF SERVICE

I hereby certify that the original of this RECOMMENDED ORDER was mailed this day of July, 2002, by first class mail, to:

JILL LUN
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK  STE 1B
310 WHITTINGTON PKY
LOUISVILLE KY  40222

for filing; and a true copy was mailed first class, postage prepaid, to:

WILLIAM P THURMAN
THURMAN WHITE & ANDERSON
333 W VINE ST  STE 207
LEXINGTON KY  40507

C LLOYD VEST II
GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK  STE 1B
310 WHITTINGTON PKY
LOUISVILLE KY  40222

[Signature]
DOCKET COORDINATOR
0201356
COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF MEDICAL LICENSURE
AGENCY CASE NO. 815
ADMINISTRATIVE ACTION NO. 02-KBML-0135

HAROLD L. REAMS, M.D.
License No. 14359 (Emergency Suspension) PETITIONER

v.

FINAL ORDER
REVOKING EMERGENCY ORDER
OF SUSPENSION AND NOTICE OF APPEAL RIGHTS

KENTUCKY BOARD OF MEDICAL LICENSURE RESPONDENT

* * * * *

The above styled-case concerns an Emergency Order of Suspension issued to Harold L. Reams, M.D., which temporarily suspends Reams’ license to practice medicine in the Commonwealth of Kentucky. The Order was issued by the Kentucky Board of Medical Licensure under the authority of KRS 311.592 which states in relevant part: “At any time when an inquiry panel has probable cause to believe that a physician has violated the terms of an order placing him on probation, or a physician’s practice constitutes a danger to the health, welfare, and safety of his patients or the general public, the inquiry panel may issue an emergency order, in accordance with KRS 13B.125, suspending, limiting, or restricting the physician’s license.”

A Hearing was held March 14, 2002. William P. Thurman, Thurman White & Anderson, appeared for the Petitioner. Lloyd Vest, General Counsel, represented the Respondent. Mr. Vest did not call any witnesses at the hearing but offered documentary evidence into the record. Dr. Reams testified on his own behalf.

FINDINGS OF FACT

1. The Emergency Order of Suspension issued on February 25, 2002, charged that
Reams had violated the following statutory provisions:

KRS 311.595 Denial, probation, suspension, or revocation of licenses and permits

If the power has not been transferred by statute to some other board, commission, or agency of this state, the board may deny an application or reregistration for a license; place a licensee on probation for a period not to exceed five (5) years; suspend a license for a period not to exceed five (5) years; limit or restrict a license for an indefinite period; or revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky, of committing an act which is, or would be a felony under the laws of the Commonwealth of Kentucky, or of the United States, or of any crime involving moral turpitude which is a misdemeanor, under the laws;

(13) Violated any agreed order, letter of agreement, order of suspension, or the terms or conditions of any order of probation, issued by the board;

2. On May 16, 1996, the Kentucky Board of Medical Licensure filed a complaint against Harold L. Reams, M.D. The gravamen of the complaint was that Reams, an Otolaryngologist, had performed unnecessary surgical procedures. The complaint also noted that Reams’ practice at the Medical Heights Surgery Center had been restricted so that a concurring second opinion was required before he could perform certain procedures which it concluded that he had over utilized.

3. On May 16, 1996, the Board also filed an Order of Temporary Restriction that placed limitations on Reams similar to those imposed by the Surgery Center. The physician was required to have a concurring second opinion before he could perform any tympanoplasty surgical procedures. Also an audiogram must be performed outside of the doctor’s office.
4. On April 24, 1997, the Board approved an Agreed Order of Probation which placed Reams' license on probation for 4 years. Reams agreed to pay a $5,000.00 fine. The precautionary restriction of a concurring second opinion prior to the performance of surgical procedures was continued. Full record keeping procedures were also mandated. The final two provisions of the Agreed Order of Probation stated:

7. The licensee shall not violate any provision of the Kentucky Medical Practice Act, KRS 311.530 et seq.
8. Any violation of the terms of this Agreed Order of Probation shall be grounds for immediate suspension and may be grounds for revocation of the licensee's Kentucky medical license.

5. Because of the limitation of his surgical practice in 1996 by the Medical Heights Surgery Center and by the Board of Medical Licensure, Reams reported a precipitous drop in taxable income to approximately $16,000.00 in 1996 and $22,000.00 in 1997. In order to satisfy his creditors, he, as trustee for an employee pension and profit-sharing plan, sold a one-half interest in a condominium in Florida owned by the plan and he used the funds for his personal benefit. The $28,909.34 received from the sale should have been deposited to the benefit of the plan. Reams testified that he was the only contributor to the plan and that two employees had vested funds in the plan—one in the amount of $1,683.00 and the other in the amount of $27,324.51.


7. On August 3, 2000, Reams was indicted on two counts in the United States District Court for the Eastern District of Kentucky. Count I charged that, on December 17, 1997, Reams embezzled and stole $28,909.34 from an employee pension and profit sharing plan. Count II was
subsequently dismissed by the United States Attorney for the Eastern District of Kentucky as part of the plea agreement.

8. On October 12, 2000, Reams pled guilty to Count I. On April 30, 2001, at the sentencing, Judge Henry R. Wilhoit, Jr., placed Reams on unsupervised probation for one year with 6 months to be served on home detention. Reams was required to pay restitution of $29,007.51 in periodic payments and to pay a federally required special assessment of $100.00. In delivering the sentence Judge Wilhoit stated that in determining the amount of time to be served, he inferred from the fact that Count II was to be dismissed that "the Government could not prove the facts to support the charge." Exhibit 5 at p. 11. The judge also regretted the fact that six months home detention was required and insisted that the monitoring not be intrusive.

CONCLUSIONS OF LAW

9. The standard used in rendering a decision concerning emergency action by an agency is that "The emergency order shall be affirmed if there is substantial evidence of a violation of law which constitutes an immediate danger to the public health, safety, or welfare." KRS 13B.135(3). The emergency hearing is to determine whether there is an immediate danger to the public at the time of the hearing. This language does not say the determination is based on whether there is substantial evidence of a violation of law which constituted an immediate danger to the public health, safety or welfare.

10. In Kentucky State Racing Commission v. Fuller, Ky., 481 S.W.2d 298, 302 (1972), the Court defined "substantial evidence" as "being evidence of substance and relevant consequence, having the fitness to induce conviction in the minds of reasonable men." The Court elaborated, that substantial evidence "is something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent an
administrative agency's finding from being supported by substantial evidence."

11. There is substantial evidence in the record that Reams violated KRS 311.595(4) by pleading guilty to one count of embezzlement and that this felony conviction thus was a violation of KRS 311.595(13) because a felony conviction is a violation of the terms of Reams' Agreed Order of Probation.

12. Thus the core issue is whether Reams' felony conviction constitutes a "an immediate danger to the public health, safety, or welfare"—most specifically public welfare. Conversion of plan funds for private use did not threaten the public's health or safety.

13. The Respondent argued that Reams was subject to a probationary order because of his greed and dishonesty which led him to perform unnecessary surgical procedures and that this same greed and dishonesty led Reams to embezzle funds that he held in trust. Thus Reams had demonstrated that he has substantial character flaws that imperil the public's trust and confidence in his professional integrity. The Respondent cited to the reasoning and citations in the Final Order Affirming Emergency Order of Suspension, Administrative Action No. 00-KBML-0554, as supportive of its position.

14. The Petitioner responded that an emergency suspension may result from a felony conviction but that it was not mandatory. Further, the Petitioner argued that Reams' embezzlement resulted from his unusual, dire financial situation and was not part of a pattern of conduct. The Petitioner supported his position with the finding of Judge Henry R. Wilhoit at the sentencing that Reams' action was a single act of pocketing proceeds belonging to the plan.

15. It is concluded that, contrary to the situation in the Coleman Final Order, Reams' conduct is not closely enough related to his medical practice to pose an immediate threat to the welfare of the public. The employee pension and profit-sharing plan was basically a financial
mechanism that was only tangentially related to Reams' Otolaryngology practice. It did not have that essential nexus that is found in the connection between providing medical services and billing for those services. The embezzlement threatened the financial well-being of the two employees who were beneficiaries of the plan but it would not have impacted the public's cost of securing medical services nor did it betray a trust between Reams and his patients. Also Reams is no longer an employer and thus is no longer in a position to repeat such a misappropriation.

16. In its initial disciplinary proceeding the Board did not consider the performance of many unnecessary invasive surgical procedures a serious enough danger to prevent Reams from practicing medicine. In the current situation in which two individuals were potentially harmed only in their pocketbooks, the immediate termination of Reams' ability to practice medicine seems unduly severe in proportion to the harm threatened.

17. In a full due process hearing the Board may argue that Reams' past actions, even if they are incapable of repetition, merit revocation of his license. But the standard in the instant case requires an immediacy of a threat to the public that was not proven. Or the Board may prove that Reams' greed, dishonesty, and current lack of oversight is such that it still threatens the public, but it did not make that proof at the emergency hearing.

FINAL ORDER

Having been sufficiently advised, IT IS HEREIN ORDERED that the Emergency Order of Suspension is REVOKED.

NOTICE OF APPEAL RIGHTS

Pursuant to KRS 13B.135(4), this Order is a final order of the Kentucky Board of Medical Licensure and any party aggrieved by the decision may appeal to the Circuit Court in the same manner as provided in KRS 13B.140. KRS 13B.140 reads in part:
(1) All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in Circuit Court.

SO ORDERED this 19th day of March, 2002.

[Signature]

SUSAN S. DURANT
HEARING OFFICER
DIV. OF ADMINISTRATIVE HEARINGS
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KY 40601-8204
(502) 696-5442
(502) 573-8315 - FAX
CERTIFICATE OF SERVICE

I hereby certify that the original of this FINAL ORDER was mailed this 20th day of March, 2002, by certified mail, return receipt requested, to:

JILL LUN
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK  STE 1B
310 WHITTINGTON PKY
LOUISVILLE KY  40222

for filing; and a true copy was mailed, postage prepaid, to:

WILLIAM P THURMAN
THURMAN WHITE & ANDERSON
333 W VINE ST STE 207
LEXINGTON KY  40507

C LLOYD VEST II
GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK  STE 1B
310 WHITTINGTON PKY
LOUISVILLE KY  40222

[Signature]

DOCKET COORDINATOR
020135/S
COMMONWEALTH OF KENTUCKY
STATE BOARD OF MEDICAL LICENSURE
CASE NO. 815

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY HAROLD L. REAMS, M.D., LICENSE NO. 14359, 3432 LYON DRIVE, LEXINGTON, KENTUCKY 40513

EMERGENCY ORDER OF SUSPENSION

The Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, considered this matter at its January 17, 2002 meeting. At that meeting, Inquiry Panel B considered a December 5, 2001 memorandum by Eric Tout, Medical Investigator; Indictment No. 00-112 dated August 3, 2000, against Harold L. Reams, M.D. in the United States District Court, Eastern District of Kentucky at Lexington; United States District Court, Eastern District of Kentucky – Criminal Minutes – Arraignment and Plea dated October 12, 2000 regarding USA v. Harold L. Reams, M.D.; United States District Court, Eastern District of Kentucky at Lexington – Plea Agreement dated October 12, 2000 regarding USA v. Harold L. Reams, M.D.; United States District Court, Eastern District of Kentucky at Lexington – Judgment in a Criminal Case dated April 30, 2001 regarding USA v. Harold L. Reams, M.D.; July 11, 2001 response from William P. Thurman, Esq., on behalf of Dr. Reams and the Agreed Order of Probation filed of record April 24, 1997 in Case No. 581. Having considered all of this information and being sufficiently advised, Inquiry Panel B ENTERS the following EMERGENCY ORDER OF SUSPENSION, 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 it, Inquiry Panel B concludes there is probable cause to make the following Findings of Fact, which support its Emergency Order of Suspension:

1. At all relevant times, Harold L. Reams, M.D., was licensed by the Board to practice medicine in the Commonwealth of Kentucky.

2. The licensee's medical specialty is Otolaryngology.

3. On April 24, 1997, the Board and the licensee informally resolved Board Complaint No. 581 by entering into an Agreed Order of Probation. Under the terms of the Agreed Order of Probation, the licensee's Kentucky medical license was placed on probation for four years and subject to various terms and conditions.

4. Condition 7 of the Agreed Order of Probation specified, "The licensee shall not violate any provision of the Kentucky Medical Practice Act, KRS 311.530 et seq."

5. On August 3, 2000, the licensee was indicted by the federal grand jury for the Eastern District of Kentucky, under Indictment No. 00-112.

6. Count 1 of Indictment No. 00-112 charged that, on or about December 17, 1997, the licensee embezzled assets in the amount of $28,909.34 from the Harold L. Reams PSC Profit Sharing Plan, by selling a condominium which was an asset of the plan and converting the proceeds from that sale to the licensee's own use. Using the date cited, this conduct by the licensee occurred less than six (6) months after he entered into the Agreed Order of Probation with the Board.

7. Count 2 of Indictment No. 00-112 charged that, on or about October 15, 1998, the licensee made false statements on a required IRS statement regarding the Employee Benefit Plan, by a) answering "no" to a question whether there had been any loan to
the employer or others, when the licensee knew that he had borrowed money from the plan; and, b) stating that the plan had a balance of $106,000 at year's end, when the licensee knew that the plan had a zero balance at the end of the year. Using the date cited, the licensee's conduct occurred less than eighteen (18) months after he entered into the Agreed Order of Probation with the Board.

8. On October 12, 2000, the licensee pled guilty to one count of Embezzlement pursuant to Indictment No. 00-112. His plea was accepted and, on April 30, 2001, the licensee was placed on probation for one year, with six months of home detention, and was ordered to pay $29,007.51 in restitution.

CONCLUSIONS OF LAW

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

1. The licensee's Kentucky medical 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(4) and 311.595(13).
4. There is probable cause to conclude that the licensee's Kentucky medical practice constitutes an immediate danger to the health, welfare and safety of his patients and/or the general public.

5. The Board may draw logical and reasonable inferences about a physician's practice by considering certain facts about a physician's practice. If there is proof that a physician has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the physician 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 physician's practice presents representative proof of the nature of that physician's practice in general.

   Accordingly, probable cause to believe that the physician has committed certain violations in the recent past presents probable cause to believe that the physician will commit similar violations in the near future, during the course of the physician's practice.

6. 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, 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 SUSPENSION

Based upon the foregoing Findings of Fact and Conclusions of Law, Inquiry Panel B hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by HAROLD L. REAMS, M.D., is SUSPENDED and Dr. Reams is prohibited from practicing medicine in the Commonwealth of Kentucky until the resolution of the Complaint setting forth the allegations discussed in this pleading or until such further Order of the Board.

Inquiry Panel B further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee or his agent.

SO ORDERED this 25th day of February, 2002.

[Signature]
RANDEL C. GIBSON, D.O.
ACTING CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Suspension was delivered to Mr. C. William Schmidt, 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 to: William P. Thuman, Esq., 333 West Vine Street, Suite 207, Lexington, Kentucky 40507 and Harold L. Reams, M.D., 3432 Lyon Drive, Lexington, Kentucky 40513 on this 25th day of February, 2002.

[Signature]
C. LLOYD VEST II
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
502/429-8046
COMMONWEALTH OF KENTUCKY
STATE BOARD OF MEDICAL LICENSURE
CASE NO. 815

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY HAROLD L. REAMS, M.D., LICENSE NO. 14359, 3432 LYON DRIVE, LEXINGTON, KENTUCKY 40513

COMPLAINT

Comes now the Complainant Randel C. Gibson, D.O., Acting Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on January 17, 2002, states for its Complaint against Licensee, Harold L. Reams, M.D., as follows:

1. At all relevant times, Harold L. Reams, M.D., was licensed by the Board to practice medicine in the Commonwealth of Kentucky.

2. The licensee's medical specialty is Otolaryngology.

3. On April 24, 1997, the Board and the licensee informally resolved Board Complaint No. 581 by entering into an Agreed Order of Probation. Under the terms of the Agreed Order of Probation, the licensee's Kentucky medical license was placed on probation for four years and subject to various terms and conditions.

4. Condition 7 of the Agreed Order of Probation specified, "The licensee shall not violate any provision of the Kentucky Medical Practice Act, KRS 311.530 et seq."

5. On August 3, 2000, the licensee was indicted by the federal grand jury for the Eastern District of Kentucky, under Indictment No. 00-112.

6. Count 1 of Indictment No. 00-112 charged that, on or about December 17, 1997, the licensee embezzled assets in the amount of $28,909.34 from the Harold L. Reams
PSC Profit Sharing Plan, by selling a condominium which was an asset of the plan and converting the proceeds from that sale to the licensee’s own use. Using the date cited, this conduct by the licensee occurred less than six (6) months after he entered into the Agreed Order of Probation with the Board.

7. Count 2 of Indictment No. 00-112 charged that, on or about October 15, 1998, the licensee made false statements on a required IRS statement regarding the Employee Benefit Plan, by a) answering “no” to a question whether there had been any loan to the employer or others, when the licensee knew that he had borrowed money from the plan; and, b) stating that the plan had a balance of $106,000 at year’s end, when the licensee knew that the plan had a zero balance at the end of the year. Using the date cited, the licensee’s conduct occurred less than eighteen (18) months after he entered into the Agreed Order of Probation with the Board.

8. On October 12, 2000, the licensee pled guilty to one count of Embezzlement pursuant to Indictment No. 00-112. His plea was accepted and, on April 30, 2001, the licensee was placed on probation for one year, with six months of home detention, and was ordered to pay $29,007.51 in restitution.

9. By his conduct, as discussed herein, the licensee has violated KRS 311.595(4) and 311.595(13). Accordingly, legal grounds exist for disciplinary action against his Kentucky medical license.

10. The Panel considered all of this information at its January 17, 2002 meeting. Upon the vote of the Panel, an Agreed Order of Surrender was provided to Dr. Reams for his review and signature. Dr. Reams has declined to sign the Agreed Order of Surrender.
11. 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.

12. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for July 2 & 3, 2002, 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. 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 medicine held by Harold L. Reams, M.D.

This 25th day of February, 2002.

RANDEL C. GIBSON, DO.
ACTING CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and a copy was mailed to Division of Administrative Hearings, 1024 Capital Center Drive, Frankfort, Kentucky 40601-8204.
and copies were mailed via certified mail return-receipt requested to: William P. Thurman, Esq., 333 West Vine Street, Suite 207, Lexington, Kentucky 40507 and Harold L. Reams, M.D., 3432 Lyon Drive, Lexington, Kentucky 40513 on this 28th day of February, 2002.

C. Lloyd Vest II  
General Counsel  
Kentucky Board of Medical Licensure  
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Louisville, Kentucky 40222  
502/429-8046