

FILED OF RECORD

FEB 11 2022

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2035

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY WILLIAM W. O'NAN, M.D., LICENSE NO. 17430, 319 8TH STREET, HENDERSON, KENTUCKY 42420

AGREED ORDER OF RETIREMENT

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Inquiry Panel B, and William W. O'Nan, M.D. ("the licensee"), and, based upon their mutual desire to resolve the investigation without an evidentiary hearing, hereby enter into the following **AGREED ORDER OF RETIREMENT**:

STIPULATIONS OF FACT

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

1. At all relevant times, William W. O'Nan, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is obstetrics/gynecology.
3. On or about July 28, 2020, the licensee's clinical privileges at Deaconess Henderson Hospital were summarily suspended by the chief administrative officer and chief of staff due to reports from staff regarding concern of imminent danger to the health of patients due to the licensee mistakenly prescribing medication for patients, and demonstrating excessive fatigue during surgery and while making rounds, resulting in spending six hours seeing two patients and falling asleep while working in the OB/GYN unit. It was further reported that one of the licensee's patients was MRSA positive and that he failed to don gloves, wash his hands or

take any other safety precautions prior to making contact with objects in the patient's room and subsequently on hospital surfaces and appliances.

4. On or about August 17, 2020, the summary suspension was temporarily lifted upon recommendation of the medical executive committee ("MEC") that the licensee be permitted to remain on staff with reduced clinical privileges and pursuant to certain terms and conditions.
5. On or about August 21, 2020, the licensee's clinical privileges were again summarily suspended by the chief administrative officer and chief of staff due to the licensee's failure to comply with the terms and conditions imposed by the MEC.
6. The licensee waived his right to a hearing and appeal of the suspension of his clinical privileges at Deaconess Henderson Hospital.
7. On or about April 5, 2021, the Board of Directors of Deaconess Henderson Hospital accepted the recommendation of the MEC and revoked the licensee's membership on the medical staff of Deaconess Henderson Hospital and terminated his clinical privileges at Deaconess Henderson Hospital.
8. On or about January 20, 2022, the licensee appeared before and was heard by this Board and subsequently agreed to enter into this Agreed Order of Retirement in lieu of the issuance of a complaint and emergency order of suspension.

STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.

2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(21). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Retirement.
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 of Retirement.

AGREED ORDER OF RETIREMENT

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve the investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER OF RETIREMENT**:

1. The license to practice medicine within the Commonwealth of Kentucky held by William W. O'Nan, M.D., is **RETIRED**, effective immediately upon the date of filing of this Agreed Order of Retirement and continuing for an indefinite period;
2. Beginning immediately and continuing throughout the indefinite period of this Agreed Order of Retirement, the licensee **SHALL NOT** perform any act, within the Commonwealth of Kentucky, which constitutes the "practice of medicine or osteopathy" as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction or any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities;
3. The licensee expressly agrees and understands that as an express condition for the entry of this Agreed Order of Retirement, neither the Board nor a Panel of the Board will consider any petition for reinstatement of license, to allow him to resume the practice of medicine, any motion or request for modification or change of the terms of this Agreed Order of Retirement or special request for consideration for relief filed by the licensee, unless and until the licensee:
 - a. Submits a report of a physical examination by a Board-approved evaluator, obtained and dated within thirty (30) days of his request/petition;
 - b. Submits a report of a neuropsychological evaluation by a Board-approved evaluator, obtained and dated within thirty (30) days of his request/petition;and

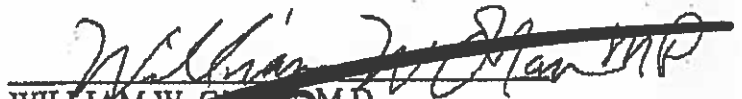
- c. Submits a report of a clinical skills assessment from a Board-Approved assessor, obtained and dated within ninety (90) days of his request/petition.


The licensee understands and agrees that he shall contact the Board's legal department for contact information for Board-approved evaluator or Board-approved assessor prior to submitting to or obtaining the above-listed evaluations and that no reports will be accepted from any source other than those referred by the Board's legal department.


4. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order of Retirement, 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 Retirement, 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 Retirement 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 Retirement; and
5. The licensee understands and agrees that any violation of the terms of this Agreed Order of Retirement would provide a legal basis for additional disciplinary action, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this 11th day of February, 2022.

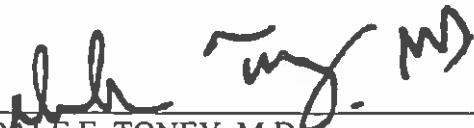
FOR THE LICENSEE:


WILLIAM W. BROWN, M.D.



Tricia A. Shackelford, Esq.
COUNSEL FOR LICENSEE
(IF APPLICABLE)


Mark R. Brengelman, Attorney at Law
Co-Counsel
February 8, 2022

FOR THE BOARD:



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



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