

FILED OF RECORD

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1809

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY JEFFREY A. CAMPBELL, M.D., LICENSE NO.
23424, 1804 EAST 10TH STREET, JEFFERSONVILLE, INDIANA 47130

ORDER OF REVOCATION

Pursuant to KRS 311.591(7) and KRS 13B.120, at its meeting on April 21, 2022, the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Hearing Panel A, took up this matter for final action. Hearing Panel A considered the Complaint and the Hearing Officer’s Findings of Fact, Conclusions of Law and Recommended Order, dated March 2, 2022. The licensee did not file exceptions.

Having considered all the information available and being sufficiently advised, Hearing Panel A ACCEPTS AND ADOPTS the Hearing Officer’s Findings of Fact and Conclusions of Law and INCORPORATES them BY REFERENCE into this Order. (Attachment) Hearing Panel A FURTHER ACCEPTS AND ADOPTS the Hearing Officer’s recommended order.

Having considered all statutorily available sanctions and the nature of the violations in this case, the Hearing Panel has determined that revocation is the appropriate sanction.

Accordingly, Hearing Panel A **ORDERS:**

1. The license to practice medicine held by Jeffrey A. Campbell, M.D., is hereby REVOKED and he shall not perform any act which constitutes the “practice of medicine,” 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 – in the Commonwealth of Kentucky;
2. The provisions of KRS 311.607 SHALL apply to any petition for reinstatement filed by the licensee and prior to filing any petition for reinstatement of his license to practice medicine, the licensee SHALL:

- a. Satisfy and be released from all terms and conditions of judgment entered against him, in *USA v. Campbell, et al.*, U.S. District Court (Western District of Kentucky), Case No. 3:17-CR-00087;
 - b. Complete a board-approved clinical skills assessment at either the Center for Personalized Education for Professionals (“CPEP”) (720 South Colorado Boulevard, Suite 1100-N, Denver Colorado 80246, Tel. (303) 577-3232) or LifeGuard (400 Winding Creek Boulevard, Mechanicsburg, Pennsylvania, 17050, Tel. (717) 909-2590); and
 - c. Pursuant to KRS 311.565(1)(v), the licensee SHALL REIMBURSE the costs of the proceedings in the amount of \$1,843.50;
3. If the licensee’s license to practice medicine in the Commonwealth of Kentucky should ever become reinstated, that reinstatement SHALL be contingent upon the licensee entering into an Agreed Order of Indefinite Restriction pursuant to which the licensee SHALL be indefinitely and permanently banned from prescribing or dispensing controlled substances in accordance with the legislative intent set forth in KRS 218A.205(3)(f) and 201 KAR 9:081 and any other terms and conditions deemed appropriate by the Panel at that time.

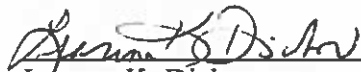
SO ORDERED on this 22nd day of April, 2022.



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

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Order of Revocation 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, first-class postage prepaid, to the hearing officer, Keith Hardison, Esq., 2616 Bardstown Road, Louisville, Kentucky 40205, and via certified mail, return-receipt requested to the licensee, Jeffrey A. Campbell, M.D., License No. 23424, 1902 Arnold Palmer Blvd., Louisville, KY 40245 on this 22nd day of April, 2022.



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

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 is received by the licensee.

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 or Assistant 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
BOARD OF MEDICAL LICENSURE
CASE NO. 1809

MAR - 2 2022

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JEFFERY A. CAMPBELL, M.D., LICENSE NO.23424, 1804 EAST 10th STREET, JEFFERSONVILLE, INDIANA 47130

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND RECOMMENDED ORDER**

This action is before the hearing officer on the Motion for Summary Disposition (hereinafter the "Motion") filed by the Kentucky Board of Medical Licensure (hereinafter the "Board") on January 28, 2022. Dr. Campbell, the licensee, has not filed a response despite an order setting a deadline to file such a pleading. After reviewing the Motion, including its attachments, the other pleadings of record, and the applicable law, the hearing officer finds there are no genuine issues of material fact in dispute and that judgment as a matter of law is appropriate pursuant to KRS 13B.090(2). Therefore the hearing officer recommends the Board grant the Motion for Summary Disposition, find Dr. Campbell in violation of KRS 311.595 (9), as illustrated by KRS 311.597(4) and KRS 311.595 (12), and impose any appropriate sanction for those violations.

In support of this recommendation the hearing officer submits the following Findings of Fact, Conclusions of Law and Recommended Order:

FINDINGS OF FACT

1. At all times relevant to this matter, Dr. Campbell was licensed by the Board to practice medicine in the Commonwealth of Kentucky. *Complaint ¶ 1, Answer ¶ 1*
2. Dr. Campbell's medical specialty is family medicine. *Complaint ¶ 1 Answer ¶ 2*
3. On July 20, 2017, the Board, through its Inquiry Panel B, issued a Complaint against

the license to practice medicine in the Commonwealth of Kentucky held by Dr. Campbell, alleging certain facts and charging that Dr. Campbell was in violation of KRS 311.595 (9), as illustrated by KRS 311.597(4) and KRS 311.595 (12) See *Complaint generally and ¶ 8*

4. The factual basis for the Complaint was that Dr. Campbell had been indicted in the United States District Court for the following:

- one (1) count of knowingly and intentionally distributing and unlawfully dispensing Schedule II, III and IV controlled substances in violation of 21 U. S. C. §§ 841 (a)(1), 842 (b)(1)(E)(i), 841(b)(2) and 846
- four (4) counts of knowingly and intentionally distributing and unlawfully dispensing Schedule II controlled substances in violation of 21 U.S.C. §§ 841 (a)(1), 841(b)(1)(C) and 18 U.S.C. § 2
- one (1) count of knowingly and willfully executing a scheme and artifice to defraud a health care benefit program and to obtain by means of materially false and fraudulent pretenses, representations and promises, money and property owned by and under the custody and control of said health care benefit program in violation of 18 U.S.C. § 1349
- thirteen (13) counts of knowingly and willfully executing a scheme and artifice to defraud a health care benefit program and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of said health care benefit program in violation of 18 U.S.C. § 1347 and 2

Complaint ¶ ¶ 3-6

5. On September 1, 2017, Dr. Campbell filed an answer admitting that he had been indicted as alleged but denying that he was in violation of the statutory provisions cited by the Board as grounds for disciplinary action against his license. See *Answer generally*

6. By Order dated September 8, 2017, this matter was held in abeyance and periodic status conferences were conducted to monitor the progress of the underlying criminal case. See *Administrative Record generally*

7. On June 11, 2021, after a six week trial in the United States District Court for the Western District of Kentucky, the jury returned a verdict of guilty against Dr. Campbell on one count of conspiracy to unlawfully distribute and dispense a Schedule II controlled substance; one count of conspiracy to commit health care fraud; one count of conspiracy to commit money laundering, and ten counts of health care fraud. *Motion, Attachment 1*

8. On September 10, 2021 the Court denied Dr. Campbell's post trial motion for a judgment of acquittal or in the alternative for a new trial. The Court's Memorandum Opinion and Order contains a detailed discussion of the evidence produced against Dr. Campbell and which supported the jury's verdicts. *Motion, Attachment 2*

9. Based upon the jury's findings in the criminal case, which were based upon proof of guilt beyond a reasonable doubt, it is found by the hearing officer that Dr. Campbell has committed acts and engaged in certain behaviors that are relevant to this matter, as set forth below:

10. Dr. Campbell, along with other working in concert with him and under his supervision and control, prescribed high volumes and dangerous combinations of opiate and other controlled substances, including "the holy trinity" (i.e. opioids, benzodiazepines and muscle relaxers) *Motion, Attachment 2 pp. 3 - 4*

11. Dr. Campbell issued prescriptions without a legitimate medical purpose and outside the usual course of professional practice and worked in concert with other to skirt the Boards prescribing practices. *Motion, Attachment 2 pp. 4 - 7*

12. Dr. Campbell issued prescriptions without reviewing charts or examining patients. *Motion, Attachment 2 pp. 8 - 10*

13. Dr. Campbell allowed nurse practitioners to access and use his pre-signed prescription pads. *Motion, Attachment 2 pp. 8 - 10*

14. Dr. Campbell ignored "red flags" such as aberrant drug screens and recommendations from drug counselors. *Motion, Attachment 2 pp. 10 - 11*

15. Dr. Campbell falsely and fraudulently billed various health care benefit programs by coding physical therapy counseling and exercise survives using evaluation and management codes in order to obtain reimbursement higher than allowed. *Motion, Attachment 2 pp. 12 - 26*

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this action pursuant to KRS 311.591 and KRS 311.595.
2. The administrative proceeding was conducted in accordance with the provisions of KRS Chapter 13B and KRS 311.591.
3. Under KRS 13B.090 (7) the Board has the burden to prove the allegations against Dr. Campbell by a preponderance of the evidence, a standard requiring less proof than “beyond a reasonable doubt”, the standard applied in the federal criminal case brought against him.
4. Pursuant to KRS 13B.090 (2), “the hearing officer may make a recommended order in an administrative hearing submitted in written form if the hearing officer determines there are no genuine issues of material fact in dispute”.
5. Summary proceeding, such as those contemplated by KRS 13B.090 (2) are generally appropriate when, construing all evidence in favor of the party against whom the motion is made, there are no disputed issues of fact upon which reasonable minds could differ. *Bierman v. Klapheke*, 967 S.W. 2d. 16, 18 – 19 (Ky.1998)
6. In order to overcome a properly supported summary judgment motion the opposing party must present at least some affirmative evidence showing that there is a genuine issue of material fact for trial. *Steelvest, Inc. v. Scansteel Services Center, Inc*, 807 S.W. 2d 476 (1991)
7. Pursuant to 201 KAR 9:081 Section (2)(e) (3) (a) the licensee may not re-litigate a new criminal conviction in a Board disciplinary proceeding.
8. Even in the absence of this regulation, based on the doctrines of collateral estoppel and issue preclusion, a licensee would be prohibited from re-litigating a criminal conviction in an administrative disciplinary proceeding or civil matter where the factual basis for the disciplinary proceeding or the civil matter is identical to that adjudicated in the criminal case. *Kentucky Bar Association v. Horn* 4 S.W. 3d 135 (1999); *Kentucky Bar Association v. Rice* 229 S.W. 3d 903 (2007) See also *Yeoman M.D. v. Commonwealth* 983 S.W. 2d 459, 465 (1998); *Gossage v. Roberts*, 904 S.W.2d 246 (Ky. Ct. App. 1995)

9. In this action, the hearing officer concludes that the issues in the criminal case are identical to the claims in this disciplinary action. Furthermore, there is a complete absence of any affirmative evidence demonstrating that there is any genuine issue of material fact for a hearing.

10. Based upon the pleadings and the record, there are no genuine issues of material fact upon which reasonable minds could differ. Accordingly judgment is appropriate as a matter of law under the provisions of 13B.090 (2).

11. Based upon the above findings of fact, the preponderance of the evidence supports the conclusion that Dr. Campbell has violated KRS 311.595 (9) as illustrated by KRS 311.597 (4), and is subject to sanction by the Board, by engaging in "dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof". Dr. Campbell's conduct in illegally distributing controlled substances not for legitimate purposes in the usual course of professional practice beyond the bounds of medical practice, and his engaging in a conspiracy with others to do the same, is, by its very nature, a departure from acceptable and prevailing medical practice and brings the medical profession into disrepute. It further is of a character likely to cause harm to the public.

12. Based upon the above findings of fact, the preponderance of the evidence supports the conclusion that Dr. Campbell has engaged in conduct likely to brings the medical profession into disrepute and cause harm to the public, by falsely and fraudulently billing various health insurance benefit programs in order to obtain higher than allowed reimbursements. Therefore this conduct also establishes a violation of KRS 311.595 (9) as illustrated by KRS 311.597 (4).

13. Based upon the above findings of fact, the preponderance of the evidence supports the conclusion that Dr. Campbell has also violated KRS 311.595 (12). Dr. Campbell's conduct in illegally distributing controlled substances, not for legitimate purposes in the usual course of professional practice and beyond the bounds of medical practice, and his engaging in a conspiracy with others to do the same, by its very nature is a violation of the provisions of 201 KAR 9:260, which contains the Board's regulations regarding the utilizations of controlled substances.

14. Upon finding that a licensee has violated any of the provisions of KRS 311.595 the

Board has the power to:

...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 issued by the Board

RECOMMENDED ORDER

Based upon the foregoing findings of fact and conclusions of law, the hearing officer recommends the Board find Dr. Jeffery A. Campbell guilty of violating KRS 311.595(9), as illustrated by KRS 311.597 (4), and KRS 311.595 (12), and impose any appropriate sanction for these violations.

NOTICE OF RIGHT TO FILE EXCEPTIONS AND TO APPEAL

Pursuant to KRS 13B.110 (4), a party has the right to file exceptions to this recommended decision.

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. Transmittal of a recommended order may be sent by regular mail to the last known address of the party. Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal the circuit court will consider only the issues a party raised in written exceptions.

A party also has the right to appeal the Final Order of the agency pursuant to KRS 13B.140 (1 - 2) which states:


- (1) Except as provided in KRS 452.005, 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 date of 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.

- (2) A party may file a petition for judicial review only after the party has exhausted all administrative remedies available within the agency whose action is being challenged, and within any other agency authorized to exercise administrative review.

Pursuant to KRS 23A.010 (4), "Such review (by 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 24th day of February 2022



KEITH HARDISON
HEARING OFFICER
2616 BARDSTOWN RD.
LOUISVILLE KY 40205
(502) 432-2332
keithdiver@bellsouth.net

CERTIFICATE OF SERVICE


I hereby certify that the original of this **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER** was mailed this 24th day of February 2022, by first-class mail, postage prepaid, to:

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

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

HON. LEANNE K. DIAKOV
GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

JEFFREY CAMPBELL MD
1902 ARNOLD PALMER BLVD
LOUISVILLE KY 40245



KEITH HARDISON
HEARING OFFICER

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1809

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JUL 20 2017

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IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY JEFFREY A. CAMPBELL, M.D., LICENSE NO.
23424, 1804 EAST 10TH STREET, JEFFERSONVILLE, INDIANA 47130

COMPLAINT

Comes now the Complainant Russell L. Travis, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on July 20, 2017, states for its Complaint against the licensee, Jeffrey A. Campbell, M.D., as follows:

1. At all relevant times, Jeffrey A. Campbell, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is family medicine.
3. On or about June 27, 2017, the licensee was indicted on one (1) count of knowingly and intentionally distributing and unlawfully dispensing Schedule II, III and IV controlled substances in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 841(b)(1)(E)(i), 841(b)(2) and 846.
4. On or about June 27, 2017, the licensee was indicted on four (4) counts of knowingly and intentionally distributing and unlawfully dispensing Schedule II controlled substances in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 18 U.S.C. § 2.
5. On or about June 27, 2017, the licensee was indicted on one (1) count of knowingly and willfully executing a scheme and artifice to defraud a health care benefit program and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of said health care benefit program in violation of 18 U.S.C. § 1349.

6. On or about June 27, 2017, the licensee was indicted on thirteen (13) counts of knowingly and willfully executing a scheme and artifice to defraud a health care benefit program and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of said health care benefit program in violation of 18 U.S.C. §§ 1347 and 2.
7. On or about July 13, 2017, an Emergency Order of Suspension was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
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 medicine in the Commonwealth of Kentucky.
9. 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.
10. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for October 2, 2017, 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 medicine in the Commonwealth of Kentucky held by JEFFREY A. CAMPBELL, M.D.

This 20th day of July, 2017.



RUSSELL L. TRAVIS, M.D.
CHAIR, INQUIRY PANEL B

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 Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601; and copies were mailed via certified mail return-receipt requested to the licensee, Jeffrey A. Campbell, M.D., License No. 23424, at 1804 East 10th Street, Jeffersonville, Indiana 47130 and 1902 Arnold Palmer Boulevard, Louisville, Kentucky 40245 on this 20th day of July, 2017.



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

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IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
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23424, 1804 EAST 10TH STREET, JEFFERSONVILLE, INDIANA 47130

EMERGENCY ORDER OF SUSPENSION

The Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel B, considered an Indictment, filed June 27, 2017, in the United States District Court, Western District of Kentucky, Case No. 3:17-CR-87-CRS, and having considered this information and being sufficiently advised, the Chair of 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 him, the Chair of Inquiry Panel B concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Suspension:

1. At all relevant times, Jeffrey A. Campbell, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is family medicine.
3. On or about June 27, 2017, the licensee was indicted on one (1) count of knowingly and intentionally distributing and unlawfully dispensing Schedule II, III and IV controlled substances in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 841(b)(1)(E)(i), 841(b)(2) and 846.

4. On or about June 27, 2017, the licensee was indicted on four (4) counts of knowingly and intentionally distributing and unlawfully dispensing Schedule II controlled substances in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 18 U.S.C. § 2.
5. On or about June 27, 2017, the licensee was indicted on one (1) count of knowingly and willfully executed a scheme and artifice to defraud a health care benefit program and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of said health care benefit program in violation of 18 U.S.C. § 1349.
6. On or about June 27, 2017, the licensee was indicted on thirteen (13) counts of knowingly and willfully executed a scheme and artifice to defraud a health care benefit program and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of said health care benefit program in violation of 18 U.S.C. §§ 1347 and 2.

CONCLUSIONS OF LAW

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

EMERGENCY ORDER OF SUSPENSION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel B hereby ORDERS that the license to practice medicine in the

Commonwealth of Kentucky held by Jeffrey A. Campbell, M.D., is SUSPENDED and Dr. Campbell is prohibited from performing any act which constitutes 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 the Board's hearing panel has finally resolved the Complaint after receipt of the court documents resolving the criminal charges in the indictment discussed in this pleading or until such further Order of the Board.

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

SO ORDERED this 13th day of July, 2017.



RUSSELL L. TRAVIS, M.D.
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Suspension 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 to the licensee, Jeffrey A. Campbell, M.D., License No. 23424, at 1804 East 10th Street, Jeffersonville, Indiana 47130 and 1902 Arnold Palmer Boulevard, Louisville, Kentucky 40245 on this 13th day of July, 2017.



Leanne K. Diakov
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