

SEP 21 2023

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2065

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN L. KORBA, M.D., LICENSE NO. 25747, 996 WILKINSON TRACE, #A-5, BOWLING GREEN, KENTUCKY 42103

**AMENDED AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Hearing Panel B, and John L. Korba, M.D., (hereafter “the licensee”), and based upon their mutual desire to resolve the pending action without further litigation and in consideration of the licensee’s intent to retire, hereby ENTER INTO the following **AMENDED AGREED ORDER**:

**STIPULATIONS OF FACT**

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

1. At all relevant times, John L. Korba, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is surgery.
3. On or about January 27, 2022, the licensee performed a colonoscopy at the Medical Center at Franklin (“MC-F”), a Med Center Health facility, after which frontline staff reported concerns, including that the licensee was not his usual “talkative or teachable self,” repeated questions, seemed “a little dazed” and unsure when he was at the cecum; that he required prompting throughout the procedure from his first assistant and nurse, including assistance lassoing protrusions and to recall which foot pedal controlled the cautery; that he failed to photograph abnormalities even

when he assured his assistant that he had; and that he left several visible polyps and growths without biopsy.

4. On or about January 28, 2022, Wade Stone, Executive Vice President of Med Center Health, notified the licensee of the concerns about the January 27 procedure via telephone. In response, the licensee verbally indicated an intent to not renew his medical staff privileges at Med Center Health facilities.
5. On or about February 1, 2022, MC-F summarily suspended the licensee's medical staff privileges because of the concerns related to the January 27 events.
6. On or about February 2, 2022, the licensee's counsel notified MC-F of the licensee's intent to not renew his privileges at MC-F or other Med Center Health facilities upon their expiration on February 8, 2022.
7. On or about February 3, 2022, the Med Center Health asked for the licensee's immediate resignation and relinquishment of privileges.
8. On or about February 4, 2022, the licensee's counsel notified Med Center Health of the licensee's immediate resignation of his privileges at Med Center Health facilities with the "understanding that the action of a summary suspension at [MC-F] is terminated and ceased, and there will be no current or future investigations."
9. On or about February 9, 2022, the licensee performed a hernia repair surgery at Greenview Regional Hospital ("GRH"), during which frontline staff observed him to be confused and disoriented and unable to complete the procedure without the assistance of his first assistant. In addition, the licensee's discussions with staff about pre-surgery antibiotics were inconsistent with standard operating procedure

and his handwritten post-operative notes were redundant, incomplete and noted “no specimen” although there had been tissue removed.

10. On or about February 9, 2022, the licensee also performed a lipoma removal at GRH, during which frontline staff noted that the licensee refused to speak with the patient’s spouse, provided no post-operative orders (except for an erroneous prescription), was confused about whether a follow-up office visit had been scheduled and entered an incomplete post-operative note.
11. On or about February 9, 2022, GRH staff observed that the licensee appeared confused about finding his way around the hospital, a place where he has worked for many years.
12. On or about February 23, 2022, the GRH Medical Staff Leadership Council held a meeting and requested that the licensee undergo examinations to determine his fitness for continued practice.
13. On or about March 1, 2022, because the licensee had not agreed to obtain an evaluation, GRH imposed a precautionary suspension on his privileges.
14. On or about March 9, 2022, in lieu of attending the Medical Executive Committee meeting, the licensee submitted his resignation of privileges to GRH indicating that he would not agree to an evaluation of his fitness to practice.
15. On or about August 18, 2022, the licensee and his counsel appeared before and was heard by the Board’s Inquiry Panel A.
16. On or about August 30, 2022, the Board’s Inquiry Panel A issued a Complaint and an Emergency Order of Suspension.

17. On or about January 19, 2023, and in lieu of proceeding with a hearing on the Complaint, the licensee entered into an Agreed Order pursuant to which the licensee became restricted from performing any act of surgery and was required to submit to a clinical skills assessment, including a neuropsychological evaluation component.

18. In or around June and July 2023, the licensee submitted to a clinical skills assessment at LifeGuard, which included a neuropsychological evaluation. The neuropsychological evaluator concluded, in part,

... From a neurocognitive perspective, the following conclusions are made:

- He was quite pleasant, cooperative, and he worked diligently during the testing.
- He appeared to notice problems during the assessment, but he was not particularly reactive to them.
- He demonstrated axial memory deficits.
- He had difficulty with semantic recall and production tasks.
- He had difficulty with spatial skills.
- He had considerable word finding problems.
- He had difficulty with comprehension and frequently needed repetition or clarification.
- Orientation items were challenging for him.

At this point, I believe Dr. Korba needs a full dementia work-up, including comprehensive laboratory studies to rule out reversible causes, neuroimaging, EEG, and neurological assessment. Unless a reversible cause can be found, I do believe that there is an emerging dementia here, mixed, likely vascular and SDAT. If there is nothing that can be remediated or treated, then I would recommend he consider retirement options at this time.

19. Overall, LifeGuard concluded

Because of cognitive deficits noticed by all of the LifeGuard evaluators, Dr. Korba should have a full dementia work-up completed, including comprehensive laboratory studies to rule out reversible causes, neuroimaging, EEG, and neurological assessment.

- Pending the results of the dementia work-up to rule out any reversible causes of the cognitive deficits, it cannot be recommended that Dr. Korba have his surgical privileges reinstated

- Unless a reversible cause can be found, there is a probable emerging dementia, mixed, likely vascular and Senile Dementia of Alzheimer's Type (SDAT)
- If there is nothing that can be remediated or treated as a result of the dementia work-up, then it is recommended that Dr. Korba consider retirement options

20. In consideration of the licensee's intent to retire from the practice of medicine, he hereby enters into this Amended Agreed Order.

#### STIPULATED CONCLUSIONS OF LAW

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

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 is in violation of the provisions of KRS 311.595(8) and (21). Accordingly, there are legal grounds for the parties to enter into this Amended Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the pending action without an evidentiary hearing by entering into an informal resolution such as this Amended Agreed Order.

#### AMENDED AGREED ORDER


Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to resolve the pending action without further litigation and in consideration of the licensee's intent to retire, the parties hereby ENTER INTO the following **AMENDED AGREED ORDER**:

1. The license to practice medicine within the Commonwealth of Kentucky held by John L. Korba, M.D., is **RETIRED**, effective immediately upon the date of filing of this Amended Agreed Order and continuing for an indefinite period;

2. Beginning immediately and continuing throughout the indefinite period of this Amended Agreed Order, 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 Amended Agreed Order, 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 Amended Agreed Order or special request for consideration for relief filed by the licensee, unless and until the licensee completes a full dementia work-up (including comprehensive laboratory studies to rule out reversable causes, neuroimaging, EEG, and neurological assessment) and then completes a clinical skills re-assessment at LifeGuard;
4. The licensee expressly agrees that if he should violate any term or condition of this Amended Agreed Order, the licensee’s practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Amended Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board’s General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Amended Agreed Order would render the licensee’s practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Amended Agreed Order; and
5. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

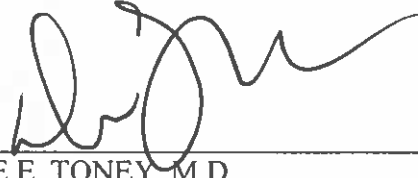
FOR THE LICENSEE:

  
\_\_\_\_\_  
JOHN L. KORBA, M.D.



DAVID F. BRODERICK, ESQ.  
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



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



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

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2065

JAN 19 2023

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY JOHN L. KORBA, M.D., LICENSE NO. 25747, 996  
WILKINSON TRACE, #A-5, BOWLING GREEN, KENTUCKY 42103

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Hearing Panel B, and John L. Korba, M.D., (hereafter “the licensee”), and based upon their mutual desire to resolve the pending action without further litigation, hereby ENTER INTO the following **AGREED ORDER**:

**STIPULATIONS OF FACT**

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

1. At all relevant times, John L. Korba, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is surgery.
3. On or about January 27, 2022, the licensee performed a colonoscopy at the Medical Center at Franklin (“MC-F”), a Med Center Health facility, after which frontline staff reported concerns, including that the licensee was not his usual “talkative or teachable self,” repeated questions, seemed “a little dazed” and unsure when he was at the cecum; that he required prompting throughout the procedure from his first assistant and nurse, including assistance lassoing protrusions and to recall which foot pedal controlled the cautery; that he failed to photograph abnormalities even



when he assured his assistant that he had; and that he left several visible polyps and growths without biopsy.

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7. On or about February 3, 2022, the Med Center Health asked for the licensee's immediate resignation and relinquishment of privileges.
8. On or about February 4, 2022, the licensee's counsel notified Med Center Health of the licensee's immediate resignation of his privileges at Med Center Health facilities with the "understanding that the action of a summary suspension at [MC-F] is terminated and ceased, and there will be no current or future investigations."
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and his handwritten post-operative notes were redundant, incomplete and noted “no specimen” although there had been tissue removed.

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13. On or about March 1, 2022, because the licensee had not agreed to obtain an evaluation, GRH imposed a precautionary suspension on his privileges.
14. On or about March 9, 2022, in lieu of attending the Medical Executive Committee meeting, the licensee submitted his resignation of privileges to GRH indicating that he would not agree to an evaluation of his fitness to practice.
15. On or about August 18, 2022, the licensee and his counsel appeared before and was heard by the Board’s Inquiry Panel A.
16. On or about August 30, 2022, the Board’s Inquiry Panel A issued a Complaint and an Emergency Order of Suspension.
17. A hearing was set to begin January 23, 2023.

## STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee is in violation of the provisions of KRS 311.595(21). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the pending action without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

### AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to resolve the pending action without further litigation, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice medicine within the Commonwealth of Kentucky held by John L. Korba, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
  - a. The licensee SHALL NEITHER perform NOR participate in any act which would constitute the "practice of surgery" – defined by the American Board of Surgery as "the diagnostic and/or therapeutic treatment of conditions or disease processes by use of any instruments, including but not limited to those causing localized alteration or transportation of live human tissue (which includes but is not limited to lasers, ultrasound, ionizing, radiation,

scalpels, probes and needles), and/or the injection of diagnostic or therapeutic substances into body cavities, internal organs, joints, sensory organs, and/or the central nervous system” - within the Commonwealth of Kentucky, unless and until approved to do so by the Board;


- b. Within twenty (20) days from the date of entry of this Agreed Order, the licensee SHALL contact 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 17040, Tel. (717) 909-2590, and schedule a clinical skills assessment in the specialty of surgery, and to include a neuropsychological evaluation component, for the earliest date available, at his expense;
- c. Both parties may provide relevant information to CPEP/LifeGuard for consideration as part of the clinical skills assessment. In order to permit the Board to provide such relevant information, the licensee SHALL immediately notify the Board’s Legal Department of the assessment dates once the clinical skills assessment is scheduled;
- d. The licensee SHALL travel to CPEP/LifeGuard and complete the assessment as scheduled, at his expense;
- e. If the CPEP/LifeGuard Assessment Report recommends development of an Education/Remediation Plan, the licensee SHALL take all necessary steps to arrange for the immediate development of such a plan, at the licensee’s expense;
- f. The licensee SHALL complete any necessary waiver/release so that the Board may receive copies of both the CPEP/LifeGuard Assessment Report and the Education/Remediation Plan (if recommended) for review;
- g. If the CPEP/LifeGuard Assessment Report recommends that the licensee retrain in a residency or residency-like setting or is not competent to practice medicine due to results of the neuropsychological evaluation, the licensee shall immediately cease and SHALL NOT perform any act 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, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – unless and until approved to do so by the Board;
- h. The licensee SHALL NEITHER request or petition for modification or termination of this Agreed Order NOR request or petition for reinstatement of his ability to engage in the “practice of surgery” unless and until he has

completed the CPEP/LifeGuard clinical skills assessment and has obtained a CPEP/LifeGuard Education/Remediation Plan (if recommended);

- i. Pursuant to KRS 311.565(1)(v), the licensee SHALL REIMBURSE the Board's costs of \$93.75 within six (6) months from the date of entry of this Agreed Order; and
  - j. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order; and
4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.


SO AGREED on this 28 day of Nov., 2022.


FOR THE LICENSEE:

  
\_\_\_\_\_  
JOHN L. KORBA, M.D.

\_\_\_\_\_  
DAVID F. BRODERICK, ESQ.  
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

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

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

### WAIVER OF RIGHTS

I, John L. Korba, M.D., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 2065. I understand that, under 201 KAR 9:082, I must waive certain rights if I wish to resolve this matter by informal dispensation. Accordingly, I WAIVE my right to raise any constitutional, statutory or common law objection(s) I may have to the Hearing Panel rejecting the proposed informal dispensation or to the curtailment of such a settlement by the Board's General Counsel or Assistant General Counsel.

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

Executed this 28 day of Nov., 2022.

  
\_\_\_\_\_  
JOHN L. KORBA, M.D.  
RESPONDENT



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DAVID F. BRODERICK, ESQ.  
COUNSEL FOR THE RESPONDENT

AUG 30 2022

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2065

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN L. KORBA, M.D., LICENSE NO. 25747, 996 WILKINSON TRACE, #A-5, BOWLING GREEN, KENTUCKY 42103

**EMERGENCY ORDER OF SUSPENSION**

The Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, considered this matter on August 18, 2022. At that meeting, Inquiry Panel A considered a memorandum from Stephen Manley, Medical Investigator, dated July 27, 2022; National Practitioner Data Bank Reports, process dated March 1, 4, 7 and 31, 2022; correspondence (with enclosures including privileged materials) from Jonathan B. Blick, JD, Vice President Legal Affairs of Med Center Health, to Stephen Manley, dated April 26, 2022; correspondence from Carole D. Christian, Esq., to Stephen Manley, dated May 26, 2022; Voluntary Relinquishment of Membership and Clinical Privileges, TriStar Greenview Regional Hospital, signed by John L. Korba, M.D., dated March 7, 2022; witness statements; patient records; TriStar Greenview Regional Hospital Practitioner Health Policy; correspondence from David F. Broderick, Esq., to Stephen Manley, dated June 23, 2022; and correspondence from John L. Korba, M.D., to the National Practitioner Data Bank, dated March 24, 2022. The licensee, John L. Korba, M.D., was given notice of the meeting, and he did appear, with counsel, and was heard by the Panel on August 18, 2022.

Having considered this information and being sufficiently advised, Inquiry Panel A 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 this Emergency Order of Suspension:

1. At all relevant times, John L. Korba, M.D., (“the licensee”) was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is surgery.
3. On or about January 27, 2022, the licensee performed a colonoscopy at the Medical Center at Franklin (“MC-F”), a Med Center Health facility, after which frontline staff reported concerns, including that the licensee was not his usual “talkative or teachable self,” repeated questions, seemed “a little dazed” and unsure when he was at the cecum; that he required prompting throughout the procedure from his first assistant and nurse, including assistance lassoing protrusions and to recall which foot pedal controlled the cautery; that he failed to photograph abnormalities even when he assured his assistant that he had; and that he left several visible polyps and growths without biopsy.
4. On or about January 28, 2022, Wade Stone, Executive Vice President of Med Center Health, notified the licensee of the concerns about the January 27 procedure via telephone. In response, the licensee indicated an intent to not renew his medical staff privileges at Med Center Health facilities.
5. On or about February 1, 2022, MC-F summarily suspended the licensee’s medical staff privileges because of the concerns related to the January 27 events.

6. On or about February 2, 2022, the licensee notified MC-F, through counsel, of his intent to not renew his privileges at MC-F or other Med Center Health facilities upon their expiration on February 8, 2022.
7. On or about February 3, 2022, the Med Center Health asked for the licensee's immediate resignation and relinquishment of privileges.
8. On or about February 4, 2022, the licensee, through counsel, notified Med Center Health of his immediate resignation of privileges at Med Center Health facilities.
9. On or about February 9, 2022, the licensee performed a hernia repair surgery at Greenview Regional Hospital ("GRH"), during which frontline staff observed him to be confused and disoriented and unable to complete the procedure without the assistance of his first assistant. In addition, the licensee's discussions with staff about pre-surgery antibiotics were inconsistent with standard operating procedure and his handwritten post-operative notes were redundant, incomplete and noted "no specimen" although there had been tissue removed.
10. On or about February 9, 2022, the licensee also performed a lipoma removal at GRH, during which frontline staff noted that the licensee refused to speak with the patient's spouse, provided no post-operative orders (except for an erroneous prescription), was confused about whether a follow-up office visit had been scheduled and entered an incomplete post-operative note.
11. On or about February 9, 2022, GRH staff observed that the licensee appeared confused about finding his way around the hospital, a place where he has worked for many years.

12. On or about February 23, 2022, the GRH Medical Staff Leadership Council held a meeting and requested that the licensee undergo examinations to determine his fitness for continued practice.
13. On or about March 1, 2022, the licensee had not agreed to obtain an evaluation and GRH imposed a precautionary suspension on his privileges.
14. On or about March 7, 2022, the licensee submitted his resignation of privileges to GRH.

#### CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to it, Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of 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(21).
4. The Inquiry Panel concludes there is probable cause to believe that the licensee's practice constitutes a danger to the health, welfare and safety of patients or the general public.

5. 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 medical 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, 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, Inquiry Panel A hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by John L. Korba, M.D., is SUSPENDED and Dr. Korba 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 or until such further Order of the Board.


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

SO ORDERED this 30<sup>th</sup> day of August, 2022.

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

**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 a copy was mailed via certified mail return-receipt requested to John L. Korba, M.D., License No. 25747, 996 Wilkinson Trace, #A-5, Bowling Green, Kentucky 42103, and his counsel, David F. Broderick, Esq., Broderick & Davenport PLLC, 921 College Street, Bowling Green, Kentucky 42101, and via email, to [jccmpjkkorba@hotmail.com](mailto:jccmpjkkorba@hotmail.com) and [dbroderick@broderickfirm.com](mailto:dbroderick@broderickfirm.com) on this 30<sup>th</sup> day of August, 2022.

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

FILED OF RECORD

AUG 30 2022

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2065

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN L. KORBA, M.D., LICENSE NO. 25747, 996 WILKINSON TRACE, #A-5, BOWLING GREEN, KENTUCKY 42103

**COMPLAINT**

Comes now the Complainant, Waqar A. Saleem, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Inquiry Panel which met on August 18, 2022, states for its Complaint against the licensee, John L. Korba, M.D., as follows:

1. At all relevant times, John L. Korba, M.D., ("the licensee") was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is surgery.
3. On or about January 27, 2022, the licensee performed a colonoscopy at the Medical Center at Franklin ("MC-F"), a Med Center Health facility, after which frontline staff reported concerns, including that the licensee was not his usual "talkative or teachable self," repeated questions, seemed "a little dazed" and unsure when he was at the cecum; that he required prompting throughout the procedure from his first assistant and nurse, including assistance lassoing protrusions and to recall which foot pedal controlled the cautery; that he failed to photograph abnormalities even when he assured his assistant that he had; and that he left several visible polyps and growths without biopsy.
4. On or about January 28, 2022, Wade Stone, Executive Vice President of Med Center Health, notified the licensee of the concerns about the January 27 procedure

via telephone. The licensee indicated an intent to not renew his medical staff privileges at Med Center Health facilities.

5. On or about February 1, 2022, MC-F summarily suspended the licensee's medical staff privileges because of the concerns related to the January 27 events.
6. On or about February 2, 2022, the licensee notified MC-F, through counsel, of his intent to not renew his privileges at MC-F or other Med Center Health facilities upon their expiration on February 8, 2022.
7. On or about February 3, 2022, the Med Center Health asked for the licensee's immediate resignation and relinquishment of privileges.
8. On or about February 4, 2022, the licensee, through counsel, notified Med Center Health of his immediate resignation of privileges at Med Center Health facilities.
9. On or about February 9, 2022, the licensee performed a hernia repair surgery at Greenview Regional Hospital ("GRH"), following which frontline staff reported that they observed the licensee to be confused and disoriented and unable to complete the procedure without the assistance of his first assistant. In addition, staff reported that the licensee's discussions about pre-surgery antibiotics were inconsistent with standard operating procedure and his handwritten post-operative notes were redundant, incomplete and noted "no specimen" although there had been tissue removed.
10. On or about February 9, 2022, the licensee also performed a lipoma removal at GRH, following which frontline staff reported that the licensee refused to speak with the patient's spouse, provided no post-operative orders (except for an

erroneous prescription), was confused about whether a follow-up office visit had been scheduled and entered an incomplete post-operative note.

11. On or about February 9, 2022, GRH staff reported that the licensee appeared confused about finding his way around the hospital, a place where he has worked for many years.
12. On or about February 23, 2022, the GRH Medical Staff Leadership Council held a meeting and requested that the licensee undergo examinations to determine his fitness for continued practice.
13. On or about March 1, 2022, the licensee had not agreed to obtain an evaluation and GRH imposed a precautionary suspension on his privileges.
14. On or about March 7, 2022, the licensee submitted his resignation of privileges to GRH.
15. The licensee has violated KRS 311.595(21). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
16. The licensee is directed to respond to the allegations in this 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.
17. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for **January 9 & 10, 2023**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules



and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine in the Commonwealth of Kentucky held by John L. Korba, M.D.

This 30<sup>th</sup> day of August, 2022.



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

#### CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205 and copies were mailed via certified mail return-receipt requested to John L. Korba, M.D., License No. 25747, 996 Wilkinson Trace, #A-5, Bowling Green, Kentucky 42103, and his counsel, David F. Broderick, Esq., Broderick & Davenport PLLC, 921 College Street, Bowling Green, Kentucky 42101, and via email to [jccmpjkkorba@hotmail.com](mailto:jccmpjkkorba@hotmail.com) and [dbroderick@broderickfirm.com](mailto:dbroderick@broderickfirm.com) on this 30<sup>th</sup> day of August, 2022.



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