

FILED OF RECORD

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2148

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY GEORGE LEROY GALLENGSTEIN, III, M.D., LICENSE NO. 30607, 2003 OLD MAIN STREET, MAYSVILLE, KENTUCKY 41056

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel B, and George Leroy Gallenstein, III, M.D., (“the licensee”), and, based upon their mutual desire to fully and finally resolve the pending investigation, 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, George Leroy Gallenstein, III, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is family medicine.
3. On or about October 27, 2012, in Kenton County, Kentucky, the licensee was pulled over for speeding 51 MPH in a 35 MPH zone. The citation states that the licensee had glassy eyes and smelled of alcohol; he failed a one-leg-stand and walk-and-turn-around tests at the scene. Blood alcohol level tests resulted in 0.115.
4. Between January 1 and March 1, 2013, the licensee did not report the October 2012 arrest and resulting charges on his 2013 Application for Renewal of Kentucky Medical/Osteopathic License.

5. On or about May 16, 2013, the licensee entered a plea of guilty to a charge of operating a motor vehicle while under the influence of alcohol. The licensee's driver's license was suspended for 60 days.
6. Between January 1 and March 1, 2014, the licensee did not report the May 2013 guilty plea on his 2014 Application for Renewal of License to Practice Medicine in the Commonwealth of Kentucky.
7. On or about June 3, 2023, in Mason County, Kentucky, the licensee was involved in an automobile collision that resulted in a fatality. The licensee and the operator of the other vehicle were airlifted to UK Medical Center. In UK medical records, the licensee's blood alcohol level was noted to be 0.194.
8. On or about January 12, 2024, the licensee was indicted on charges of Manslaughter (2nd Degree) and Assault (2nd Degree).
9. The licensee entered a plea of not guilty to the charges and is preparing for trial.
10. The licensee does not intend to practice medicine and hereby voluntarily surrenders his license to practice medicine in the Commonwealth of Kentucky pursuant to this Agreed Order of Surrender.

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 Kentucky medical license is subject to regulation and discipline by the Board.
2. While the licensee denies engaging in any unprofessional or illegal conduct generally, and specifically denies the conduct alleged in *Commonwealth v. Gallenstein*, Case No. 24-CR-

0002 (Mason Circuit Court), he agrees that, based upon the above stipulation of facts, a Panel could find grounds to impose sanctions against his Kentucky medical license pursuant to KRS 311.595(1), (4), (7) and (9), as illustrated by KRS 311.597(4). 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 the 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, the parties hereby ENTER INTO this **AGREED ORDER OF SURRENDER** with the following terms and conditions:


1. The licensee, George Leroy Gallenstein, III, M.D., HEREBY SURRENDERS, in lieu of revocation, his license to practice medicine within the Commonwealth of Kentucky for an indefinite period of time, with that surrender to become effective immediately upon the date of filing of this Agreed Order of Surrender;
2. Following the effective date of this agreed order, the licensee SHALL NOT engage in any act which would constitute 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 approved to do so by the Board;
3. The licensee expressly agrees that he SHALL NOT petition and the Board SHALL NOT consider a petition for reinstatement of his license unless:
 - a. A minimum period of two (2) years from the date of filing of this agreed order has passed;
 - b. The licensee has completed a professional's level residential treatment program at a KPHF-approved facility and a multidisciplinary clinical fitness for duty re-evaluation at Acumen Assessments ("Acumen"); and

- c. The licensee has completed a re-entry clinical skills assessment at either 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;
4. If the licensee should in the future petition for reinstatement, he understands and agrees that the provisions of KRS 311.607 SHALL apply to said petition;
 - a. The licensee understands and agrees that the burden SHALL be upon him to satisfy the Board that he is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine/osteopathy, without undue risk or danger to his patients or the public;
 - b. The licensee understands and agrees that the decision whether to permit him to resume the active practice of medicine/osteopathy lies within the sole discretion of the Board and that the Board shall not be required to reinstate his license;
5. The licensee expressly agrees that if he should violate any term or condition of this agreed order, the licensee's practice shall 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 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
6. The licensee understands and agrees that any violation of the terms of this agreed order may provide a legal basis for additional disciplinary action or criminal prosecution.

SO AGREED on this _____ day of 21/02/2024, 2024.

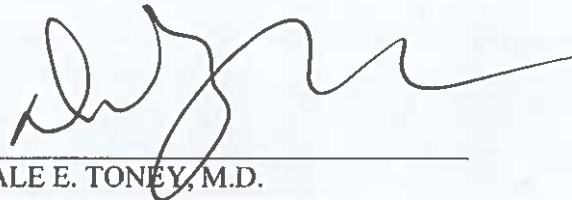
FOR THE LICENSEE:

GEORGE LEROY GALLENSTEIN, III, M.D.



BEN SIFF, D.S., ESQ.
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



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



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