FILED OF RECORD

SEP 24 2025

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2034

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MICHAEL E. FLETCHER, M.D., LICENSE NO. 31154, 210 THOMAS MORE PARKWAY, CRESTVIEW HILLS, KENTUCKY 41017

ORDER OF INDEFINITE RESTRICTION

Pursuant to KRS 311.591(7) and KRS 13B.120, at its September 18, 2025, meeting, the Kentucky Board of Medical Licensure (hereinafter "the Board"), acting by and through its Hearing Panel B, took up this case for final action. The members of Panel B reviewed the Amended Complaint, filed of record October 10, 2024; the Emergency Order of Restriction, filed of record November 23, 2021; the Final Order Affirming the Emergency Order of Restriction, filed of record January 18, 2022; memoranda from the Board's Assistant General Counsel, dated August 6, 2025; and the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, filed of record July 7, 2025.

Having considered all the information available and being sufficiently advised, Hearing Panel B ACCEPTS the hearing officer's Findings of Fact and Conclusions of Law and ADOPTS those Findings of Fact and Conclusions of Law and INCORPORATES them BY REFERENCE into this Order. (Attachment)

In exercising its discretion in this matter, the Panel weighs heavily that it was proven in a federal court, beyond a reasonable doubt, that Dr. Fletcher knowingly and intentionally prescribed controlled substances that were not for a legitimate medical purpose in the usual course of his professional practice; that the conduct for which he was convicted is directly related to and reflects upon his ability to practice medicine safely in the Commonwealth of Kentucky; that his conduct is unethical, unprofessional and erodes patient and public trust and confidence in the profession; and the inherent dangers posed to patients and the public by

prescribing controlled substances in the manner for which he was convicted. Thus, the Panel finds that it is appropriate to give weight to the legislative intent set forth in KRS 218A.205.

Having considered all statutorily available sanctions and the nature of the violations in this case, Hearing Panel B ACCEPTS AND ADOPTS the hearing officer's recommended order and in accordance with that recommended order, Hearing Panel B ORDERS that the license to practice medicine held by Michael E. Fletcher, M.D., is hereby RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, subject to the following terms and conditions:

a. The licensee 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 – in the Commonwealth of Kentucky, unless and until approved to do so by the Board.

b. The Board SHALL NOT consider any request by the licensee to resume the practice of medicine in the Commonwealth of Kentucky unless and until:

    i. The licensee has completed and/or been released from the terms of the judgment, including any terms of probation, entered against him in May 2025 in the case of *USA v. Fletcher*, Case No. 2:21-CR-063-SS-DLB-02 (U.S. District Court, Eastern District of Kentucky);

    ii. The licensee has completed a Board-approved clinical skills assessment, at his expense, from either Center for Personalized Education for Professionals ("CPEP"), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232, *or* LifeGuard, 777 East Park Drive, Harrisburg, Pennsylvania, 17111, Tel. (717) 909-2590; and

    iii. Pursuant to KRS 311.565(1)(v), the licensee has fully reimbursed the Board the costs of the proceedings in the amount of $3,781.75; and

c. If the Board should allow the licensee to resume the practice of medicine in the Commonwealth of Kentucky, it shall be contingent upon the licensee entering into an agreed order 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, and any other terms deemed appropriate by the Board at that time.

SO ORDERED on this 24th day of September, 2025.

WILLIAM C. THORNBURY, JR., M.D.
ACTING CHAIR, HEARING PANEL B

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Order of Indefinite Restriction was delivered to Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and copies were mailed, first-class postage prepaid, to Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601 and via email thellmann@mac.com; and a copy was mailed via certified mail return-receipt requested to the licensee, Michael E. Fletcher, M.D., License No. 31154, PO Box 35157, Tulsa, Oklahoma 74135 and via email to dr.michaelfletcher@gmail.com, on this on this 24th day of September, 2025.

Nicole A. King
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
Tel. (502) 429-7150
nicole.bushking@ky.gov

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 Indefinite Restriction 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 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.

FILED OF RECORD

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2034

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MICHAEL E. FLETCHER, M.D., LICENSE NO. 31154, 210 THOMAS MORE PARKWAY, CRESTVIEW HILLS, KENTUCKY 41017

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER

The Kentucky Board of Medical Licensure (hereinafter, "the Board") brought this action against the license of Michael E. Fletcher, M.D., charging him with several violations of the statutes governing the practice of medicine in Kentucky. Hon. Nicole A. King represented the Board, and Dr. Fletcher represented himself. The case is before the hearing officer on the *Motion for Summary Disposition* filed by the Board to which Dr. Fletcher filed a response opposing the motion. Finding substantial merit to the Board's position, the hearing officer grants the motion and recommends the Board find Dr. Fletcher in violation of the Board's statutes governing the practice of medicine as set forth in the *Complaint* and take any appropriate action against his license for those violations. In support of that recommendation the hearing officer submits the following findings of fact, conclusions of law, and recommended order.

FINDINGS OF FACT

1. On December 17, 2021, the Board issued the *Complaint* charging Dr. Fletcher with violating two statutes governing the practice of medicine based upon a federal indictment charging him with three counts of inappropriately prescribing the controlled substance oxycodone. *Complaint*, page 1-2.

2. Based upon that alleged conduct the Board asserted Dr. Fletcher's conduct violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). *Complaint*, page 2.

3. In the federal indictment that served as the basis for the *Complaint* Dr. Fletcher was charged with three counts of "knowingly and intentionally distribut[ing] and dispens[ing] controlled substances [Oxycodone Hydrochloride] pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice." Exhibit 1 to Emergency Hearing, Tab C, Attachment 1, unmarked page 2.

4. For that same alleged misconduct the Board had earlier restricted Dr. Fletcher's license to practice medicine during the pendency of the *Complaint* action by prohibiting him from prescribing, dispensing, or otherwise professionally utilizing controlled substances. *Emergency Order of Restriction* page 4.

5. By order dated January 18, 2022, the undersigned hearing officer upheld the emergency order of restriction. *Final Order Affirming the Emergency Order of Restriction*.

6. Thereafter, the parties agreed to hold the *Complaint* action in abeyance pending the outcome of the criminal case. *Order Holding Case in Abeyance and Scheduling Status Conference*.

7. On October 10, 2024, the Board issued the *Amended Complaint* alleging a superseding indictment had been issued on August 4, 2022, which added a charge of conspiracy against Dr. Fletcher.

8. The *Amended Complaint* also alleged that on July 19, 2024, Dr. Fletcher

had been found guilty on the three counts of knowingly and intentionally distributing and dispensing controlled substance. *Amended Complaint*, page 2.

9. The *Amended Complaint* added a violation of KRS 311.595(4) as a result of Dr. Fletcher's conviction on the criminal charges.

10. On May 9, 2025, the United States District Court, Eastern District of Kentucky, Northern Division, entered a *Judgment in a Criminal Case*, that found Dr. Fletcher guilty of three counts of Distribution of a Controlled Substance in violation of 21 U.S.C. §841(a)(1), but the court found him not guilty on the conspiracy charge. For the criminal convictions, he was sentenced to home detention for ten months and fined $300. *Amended Complaint*, Attachment 1.

11. Thereafter, the Board filed its *Motion for Summary Disposition*, asserting there was no need to conduct an evidentiary hearing since there are no material facts in dispute and judgment against Dr. Fletcher is appropriate as a matter of law under KRS 13B.090(2).

12. In response to the *Motion for Summary Disposition*, Dr. Fletcher submitted two emails to the hearing officer.

13. In his first email submitted on June 26, 2025, Dr. Fletcher states his criminal conviction is on appeal and asserts that "I am not guilty of drug trafficking and this conviction will be overturned." In support of that assertion he alleges "that the attorneys representing me [in the criminal trial] are now being investigated by both the OH and KY Supreme Courts for unethical and criminal activity." Exhibit 1 to this Recommended Order.

14. In the second email submitted later the same day, Dr. Fletcher provided an addendum to his original email, stating "I request that the KBML's motion [for summary disposition] be denied and or held in abeyance until the appeal [of his criminal conviction] has been completed. As I am not practicing in Kentucky and have no plans to do so, there is no public interest that will be served by premature resolution of my case." Exhibit 2 to this Recommended Order.

15. Dr. Fletcher provided no other information regarding the criminal case, his appeal, or the factual basis and legal authority to support his assertion that his criminal conviction will be overturned. Furthermore, there has been no suggestion that the Board will dismiss this action and will authorize him to return to the full, unrestricted practice medicine should he be successful on appeal.

16. Contrary to Dr. Fletcher's assertion, there is a public interest in having allegations of misconduct against a physician resolved within a reasonable time frame as shown by the Board's statement in the *Complaint* that "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."

17. The hearing officer finds there is not good cause to hold this case in abeyance during the pendency of the appeal in light of Dr. Fletcher's conviction and his failure to show a likelihood of success on appeal.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this action pursuant to KRS 311.591 and KRS 311.595.

2. The administrative hearing was conducted in accordance with the provisions of KRS Chapter 13B and KRS 311.565(1)(g) and KRS 311.591.

3. Pursuant to KRS 13B.090(2), the hearing officer may submit a recommended order without conducting an evidentiary hearing "if the hearing officer determines there are no genuine issues of material fact in dispute and judgment is appropriate as a matter of law."

4. There are no genuine issues of material fact in dispute in this action, and judgement is appropriate as a matter of law.

5. The Board has met its burden under KRS 13B.090(7) to prove by a preponderance of the evidence the allegations against Dr. Fletcher.

6. Under 21 U.S.C. §841(a)(1), "except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally" distribute or dispense a controlled substance. In interpreting that section of the United States Code, 21 CFR §1306.04 provides, "A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice." In order to convict a physician under 21 U.S.C. §841(a)(1), in light of the "except as authorized" clause, "the Government must prove beyond a reasonable doubt that the defendant knowingly or intentionally acted in an unauthorized manner." *Ruan v. United States*, 597 U.S. 450, page 468 (2022).

7. With his conviction on three counts of violating 21 U.S.C. §841(a)(1), the government proved beyond a reasonable doubt that Dr. Fletcher knowingly and intentionally prescribed controlled substances that were not for a legitimate medical purpose in the usual course of his professional practice, which conduct directly impacts

and reflects upon his ability to practice medicine safely in the Commonwealth of Kentucky and within the standards established by the Board in 201 KAR 9:260 for prescribing of controlled substances.

8. Therefore, he is subject to discipline by the Board under KRS 311.595(4), due to his "conviction of a crime" that is a felony or misdemeanor under the definition of that term in KRS 335B.010(4).

9. Based upon the misconduct that is the basis for the criminal conviction, Dr. Fletcher is also subject to discipline by the Board for violating KRS 311.595(9), as illustrated by KRS 311.597(4).

10. Pursuant to those statutes, a licensee may be disciplined if he "engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof" if the conduct "is calculated or has the effect of bringing the medical profession in to disrepute, including but not limited to any departure from, or failure to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky . . . ."

11. It was dishonorable, unethical, and unprofessional for Dr. Fletcher to knowingly or intentionally prescribed controlled substances that were not for a legitimate medical purpose in the usual course of his professional practice in violation of 21 U.S.C. §841(a)(1). That conduct harms the public, brings the medical profession into disrepute, and fails to conform to the standards of acceptable and prevailing medical practice in this state.

12. Pursuant to KRS 311.595(12), a licensee is subject to discipline if he "violates any valid regulation of the board." By his conviction of offenses under 21 U.S.C.

§841(a)(1), Dr. Fletcher has violated the KRS 311.595(12) due to his failure to comply with the Board's regulations on the prescribing of controlled substances, such as 201 KAR 9:260, Section 1, which requires a physician to comply with the standards of acceptable and prevailing medical practice when prescribing, dispensing, or administering controlled substances.

13. Dr. Fletcher has been duly convicted for criminal offenses and has been sentenced for those crimes. Although his case is presently on appeal, there is nothing in the record to support an assertion that he will prevail on appeal, and have his conviction reversed, or that he will be reinstated to the practice of medicine. Hence, there is no factual or legal basis for the Board to hold this case in abeyance pending the outcome of the appeal, especially in light of the seriousness of the criminal conduct at issue in this action related to a physician's legitimate practice of medicine.

RECOMMENDED ORDER

Based upon the foregoing findings of fact and conclusions of law, the hearing officer recommends the Board find Dr. Michael E. Fletcher in violation of KRS 311.595(4), KRS 311.595(9), as illustrated by KRS 311.599(4), and KRS 311.595(12) and take any appropriate action against his license for those violations.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

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.

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

> 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 RECOMMENDED this 7th day of July, 2025.

THOMAS J. HELLMANN
HEARING OFFICER
810 HICKMAN HILL RD
FRANKFORT KY 40601
(502) 330-7338
thellmann@mac.com

CERTIFICATE OF SERVICE

7th I hereby certify that the original of this RECOMMENDATION was mailed this _____ day of July, 2025, 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 email and first-class mail, postage prepaid, to:

NICOLE A KING
ASST GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222
nicole.bushking@ky.gov

MICHAEL E. FLETCHER M.D.
PO BOX 35157
TULSA OK 74135
dr.michaelfletcher@gmail.com

THOMAS J. HELLMANN

2034FC

Monday, June 30, 2025 at 10:49:41 AM Eastern Daylight Time

Subject: Fletcher response
Date: Thursday, June 26, 2025 at 11:34:15 AM Eastern Daylight Time
From: Michael Fletcher
To: Thomas Hellman, Esq, Bush King, Nicole A (KBML)

Dear Mr. Hellmann,

Please accept this as a response to the KBML's Motion for Summary Disposition.

My newly appointed legal defense counsel, Mr. Eric Eckes, is currently representing me in the Sixth Circuit US Court of Appeals. Ineffective Legal Counsel during the original trial is the basis for the motion to be heard. This will happen within the next few months. It is of course a complex matter having details of which you know nothing. Among many other factors involved in this case is the fact that the attorneys representing me previously are now being investigated by both the OH and KY Supreme Courts for unethical and criminal activity.

I am not guilty of drug trafficking and this conviction will be overturned. Please take all of this into account as you move ahead.

I'll be glad to answer further questions at your request if necessary.

Sincerely,

Michael Fletcher, MD

EXHIBIT
1

Lun, Jill (KBML)

From: Bush King, Nicole A (KBML)
Sent: Thursday, June 26, 2025 2:53 PM
To: Lun, Jill (KBML)
Subject: FW: Fletcher response addendum, 26 June 2025

From: Michael Fletcher <dr.michaelfletcher@gmail.com>
Sent: Thursday, June 26, 2025 2:51 PM
To: Thomas Hellmann <thellmann@mac.com>; Bush King, Nicole A (KBML) <nicole.bushking@ky.gov>
Subject: Fletcher response - addendum, 26 June 2025

This Message Originated from Outside the Organization
You have not previously corresponded with this sender.
Report Suspicious

Mr. Hellman,

I'd like to place an addendum on the letter that I submitted earlier today. It is as follows:

"I request that the KBML's motion be denied and or held in abeyance until the appeal has been completed. As I am not practicing in Kentucky and have no plans to do so, there is no public interest that will be served by premature resolution of my case."

Thank you very much.

Michael Fletcher, MD

EXHIBIT
2

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OCT 10 2024

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2034

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MICHAEL E. FLETCHER, M.D., LICENSE NO. 31154, 210 THOMAS MORE PARKWAY, CRESTVIEW HILLS, KENTUCKY 41017

AMENDED 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 Inquiry Panel A, states for its Amended Complaint against the licensee, Michael E. Fletcher, M.D., as follows:

1. At all relevant times, Michael E. Fletcher, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is interventional pain management.
3. On or about November 18, 2021, in the United States District Court, Eastern District of Kentucky, Northern Division, the licensee was indicted on felony charges related to controlled substances.
4. Specifically, the licensee was indicted on three (3) counts of knowingly and intentionally distributing and dispensing controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice, in violation of Title 21, United States Code, Section 841(a)(1), as set forth below:

Count	Approximate Date Prescription Written	Substances Distributed To	Substance Name	Quantity
1	June 6, 2016	CH	Oxycodone Hydrochloride	20
2	June 30, 2016	CH	Oxycodone Hydrochloride	20

3	August 8, 2016	SK	Oxycodone Hydrochloride	84

5. On or about November 23, 2021, the Chair of the Board's Inquiry Panel A determined that the licensee's practice placed his patients and the public at risk and in danger. As a result, the licensee was restricted from utilizing controlled substances in the practice of medicine in the Commonwealth of Kentucky pending resolution of the Complaint.
6. On or about August 4, 2022, a superseding indictment was issued against the licensee, adding an additional count for conspiracy to distribute controlled substances to patients in violation of Title 21, United States Code, Section 846.
7. On or about July 19, 2024, after a bench trial for the licensee's federal criminal charges related to prescribing controlled substances, he was acquitted of conspiracy but found guilty on three counts of knowingly and intentionally distributing and dispensing controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.
8. By his conduct, the licensee has violated the provisions of KRS 311.595(4), 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 Kentucky medical license.
9. The licensee is directed to respond to the allegations delineated in paragraphs 6 and 7 of the Amended 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 Amended Complaint is scheduled for **February 6, 2025 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 held by MICHAEL E. FLETCHER, M.D.

This 10th day of October, 2024.

W. Saleem.

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

CERTIFICATE OF SERVICE

I certify that the original of this Amended 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 a copy was mailed via certified mail return-receipt requested to the licensee, Michael E. Fletcher, M.D., License No. 31154, PO Box 35157, Tulsa, Oklahoma 74135, on this on this 10th day of October, 2024.

Nicole A. King

Nicole A. King
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
Tel. (502) 429-7150

FILED OF RECORD

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2034

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MICHAEL E. FLETCHER, M.D., LICENSE NO. 31154, 210 THOMAS MORE PARKWAY, CRESTVIEW HILLS, KENTUCKY 41017

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 Panel which met on December 16, 2021, states for its Complaint against the licensee, MICHAEL E. FLETCHER, M.D., as follows:

1. At all relevant times, Michael E. Fletcher, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is interventional pain management.
3. On or about November 18, 2021, in the United States District Court, Eastern District of Kentucky, Northern Division, the licensee was indicted on felony charges related to controlled substances.
4. Specifically, the licensee was indicted on three (3) counts of knowingly and intentionally distributing and dispensing controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice, in violation of Title 21, United States Code, Section 841(a)(1), as set forth below:

Count	Approximate Date Prescription Written	Substances Distributed To	Substance Name	Quantity
1	June 6, 2016	CH	Oxycodone Hydrochloride	20

2	June 30, 2016	CH	Oxycodone Hydrochloride	20
3	August 8, 2016	SK	Oxycodone Hydrochloride	84

5. On or about November 23, 2021, the Chair of the Board's Inquiry Panel A determined that the licensee's practice placed his patients and the public at risk and in danger. As a result, the licensee was restricted from utilizing controlled substances in the practice of medicine in the Commonwealth of Kentucky pending resolution of the Complaint.

6. By his conduct, the licensee has violated the provisions of 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 Kentucky medical license.

7. 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.

8. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for June 7, 2021 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 held by MICHAEL E. FLETCHER, M.D.

This 17th day of December, 2021.

W. Saleem.

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 Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601; and a copy was mailed via certified mail return-receipt requested to the licensee, Michael E. Fletcher, M.D., License No. 31154, 210 Thomas More Parkway, Crestview Hills, Kentucky 41017, and sent to his counsel, Jessica Burke, Esq., via email at jblawoffices.net on this on this 17th day of December, 2021.

Sara Farmer

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

FILED OF RECORD

NOV 23 2021

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2034

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MICHAEL E. FLETCHER, M.D., LICENSE NO. 31154, 210 THOMAS MORE PARKWAY, CRESTVIEW HILLS, KENTUCKY 41017

EMERGENCY ORDER OF RESTRICTION

The Kentucky Board of Medical Licensure ("the Board"), acting by and through the Chair of its Inquiry Panel A, considered an Indictment, filed November 18, 2021, in the United States District Court, Eastern District of Kentucky, Northern Division. Having considered this information and being sufficiently advised, the Chair of Inquiry Panel A enters the following EMERGENCY ORDER OF RESTRICTION, 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 A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Restriction:

1. At all relevant times, Michael E. Fletcher, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is interventional pain management.
3. On or about November 18, 2021, in the United States District Court, Eastern District of Kentucky, Northern Division, the licensee was indicted on felony charges related to controlled substances.
4. Specifically, the licensee was indicted on three (3) counts of knowingly and intentionally distributing and dispensing controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual

practitioner acting in the usual course of his professional practice, in violation of Title 21, United States Code, Section 841(a)(1), as set forth below:

Count	Approximate Date Prescription Written	Substances Distributed To	Substance Name	Quantity
1	June 6, 2016	CH	Oxycodone Hydrochloride	20
2	June 30, 2016	CH	Oxycodone Hydrochloride	20
3	August 8, 2016	SK	Oxycodone Hydrochloride	84

CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of 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 Restriction:

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 RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel A hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by Michael E. Fletcher, M.D., is RESTRICTED and Dr. Fletcher is prohibited from prescribing, dispensing, or otherwise professionally utilizing controlled substances 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 A further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

SO ORDERED this 23rd day of November, 2021.

W. Saleem

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

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Restriction 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 via certified mail return-receipt requested to the licensee, Michael E. Fletcher, M.D., License No. 31154, 210 Thomas More Parkway, Crestview Hills, Kentucky 41017, and emailed to his counsel, Jessica Burke, at jblawoffice.net on this 23rd day of November, 2021.

Sara Farmer

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