

JUN 27 2024

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2164

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JAMES J. BLAKE, M.D., LICENSE NO. 32744, 1492 CHAMPION WAY, RICHMOND, KENTUCKY 40475

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Inquiry Panel A, and James J. Blake, M.D., ("the licensee"), and, based upon their mutual desire to fully and finally resolve the pending investigation without an evidentiary hearing and the licensee's intent to retire from the practice of medicine, 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, James J. Blake, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is emergency medicine.
3. On or about November 5, 2020, the Board received a grievance from Patient A in which she alleged that the licensee touched her inappropriately during her admission to the emergency department at St. Joseph Hospital in Berea ("SJB"). When interviewed, Patient A stated substantially as follows: On or about August 7, 2020, the patient was admitted to the emergency department and placed in a bed, separated from other beds by a curtain; after morphine was administered to Patient A, the licensee examined Patient A's legs and feet and then placed his hand on her breast and placed her hand on his groin; the licensee

was fully aroused; Patient A tried to remove her hand from the licensee's groin, but he held it there; the licensee told her this was just between her and him and that it felt good and that when he left he said he was about to "explode"; after a second dose of morphine was administered to the patient, the licensee returned to Patient A's bedside three (3) more times, closed the curtains around the bed and touched her and told her that this was just between her and him; and that the licensee positioned himself in a manner that an entering nurse could not observe his hand on her breast.

4. On or about August 12, 2020, Patient A reported the sexual assault to Kentucky State Police ("KSP"). KSP alerted SJB, entered the facility and conducted interviews.
5. In response to Patient A's grievance, the licensee denied the allegations and stated, "I believe that [Patient A] became unsatisfied because she was not receiving Dilaudid for pain control instead of morphine, did not receive a pain shot before she was discharged, and that she was not given a prescription for narcotics upon discharge."
6. On or about October 1, 2020, SJB determined that the "grievance is outside the scope of Saint Joseph Berea's Complaint and Grievance Committee's ability to investigate."
7. On or about December 11, 2020, the Commonwealth declined prosecution.
8. On February 18, 2021, the Board closed the investigation regarding Patient A's grievance with no action.
9. On or about May 1, 2023, Patient B complained to SJB that while she was a patient in the SJB emergency room on April 30, 2023, the licensee came to her bedside, held her hand and caused her to touch his genital area until he became erect.
10. SJB opened an investigation but was unable to substantiate the allegations; SJB reported the matter to Adult Protective Services ("APS").

11. On or about August 14, 2023, Patient C complained to SJB that while she was a patient in the SJB emergency room on July 23-24, 2023, the licensee came to her bedside, “massaged her hand and then made her feel and rub up and down his penis.”
12. SJB opened an investigation, during which staff reported that the licensee routinely enters exam rooms without accompaniment and that he had been in Patient C’s room alone with the door closed. SJB removed the licensee from the schedule, suspended his privileges, implemented a Performance Improvement Plan (PIP), and reported the matter to Adult Protective Services (“APS”).
13. On or about September 1, 2023, the licensee’s employer, Lexington Clinic, terminated the licensee’s employment.
14. On or about September 13, 2023, Patient D complained to SJB that while she was a patient in the SJB emergency room on September 29, 2022, the licensee came to her bedside, “took her hand and put it on his penis and rubbed it up and down.”
15. SJB opened an investigation and reported the matter to Adult Protective Services (“APS”).
16. On or about September 15, 2023, SJB revoked the licensee’s privileges.
17. On or about October 30, 2023, the Board became aware of Patient B, C and D’s allegations through the report of the revocation of the licensee’s SJB privileges and opened the present Board investigation.
18. During its investigation, on or about March 6, 2024, the Board interviewed Patient B, who stated substantially as follows: Sometime late at night, the lights were out and the licensee came into the room by himself. He then began to rub her arm and hold her hand. He then

rubbed her hand against his penis until it became erect. He then left the room and came back a short time later and did it again.

19. During its investigation, on or about March 7, 2024, the Board interviewed Patient C, who stated substantially as follows: The licensee stood over her bed and began to rub her left arm. He then took her left hand and placed it on his penis and began rubbing it up and down. He then stated “I am just trying to make you feel better.” She told him to stop and he would not.
20. During its investigation, on or about March 7, 2024, the Board interviewed Patient D, who stated substantially as follows: The licensee took her right hand and placed it on his erect penis and began an up and down motion. She then told him to stop and he continued for a couple of minutes.
21. During its investigation, on or about November 5, 2023, the licensee provided a response to the Board investigation, in which he denied Patient C’s allegations and stated, “I believe this patient became unsatisfied when I discussed with her that she was not going to receive any further pain medication or benzodiazepines.” The licensee did not address Patients B or D.
22. On or about June 20, 2024, the licensee appeared before the Board’s Inquiry Panel and characterized the patients as drug seekers and stated that although he “retired” from the practice of medicine on September 1, 2023, he desired to maintain an active medical license in order to provide volunteer medical services.
23. On or about June 20, 2024, the Board offered the licensee an opportunity to retire his license pursuant to this Agreed Order of Surrender, in lieu of issuance of a Complaint and Emergency Order of Suspension.

STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. The licensee has engaged in conduct which violates the provisions of KRS 311.595(9) and (21). 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, and, based upon their mutual desire to fully and finally resolve the pending investigation and the licensee's intent to retire from the practice of medicine, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

1. The licensee, James J. Blake, M.D., hereby SURRENDERS his Kentucky medical license indefinitely and permanently, effective immediately upon the filing of this Agreed Order of Surrender;
 - a. From the date of filing of this Agreed Order of Surrender forward, the licensee SHALL never 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 – within the Commonwealth of Kentucky;

- b. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender may provide a legal basis for additional disciplinary action and a legal basis for criminal prosecution for practicing medicine without a license. If the Board should receive information that, after the date of filing of this Agreed Order of Surrender, the licensee has performed an act which would constitute the "practice of medicine" within the Commonwealth of Kentucky, it will aggressively pursue the criminal prosecution of the licensee for such acts, to the full extent of the law; and
 - c. As an express condition for the entry of this Agreed Order of Surrender, each party understands and agrees that neither Panel of the Board will ever consider any petition for reinstatement of license, any motion or request for modification or change of the terms of this agreed order or special request for consideration for relief filed by the licensee. This Agreed Order of Surrender is expressly designed to serve as the complete and final termination of the legal relationship between this Board and this licensee. It is further understood and agreed by the licensee that any communication by the licensee and/or his agents to the Board attempting to revive that legal relationship will be returned to him or his agent without being provided or forwarded to any Board member.
- 2. The licensee expressly agrees that a violation of any term or condition of this Agreed Order of Surrender by him 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 of Surrender, 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 of Surrender.

3. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender may provide a legal basis for additional disciplinary action or criminal prosecution.

SO AGREED on this 24th day of June, 2024.

FOR THE LICENSEE:

James J. Blake M.D.
JAMES J. BLAKE, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:

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

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