

MAY 15 2014

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1462

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY JEFFREY DARDINGER, M.D., LICENSE NO. 38539,  
523 CENTRE VIEW BOULEVARD, CRESTVIEW HILLS, KENTUCKY 41017

**AGREED ORDER OF SURRENDER**

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Hearing Panel B, and Jeffrey Dardinger, M.D. ("the licensee"), and, based upon their mutual desire to fully and finally resolve this pending Complaint without an evidentiary hearing, 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, Jeffrey Dardinger, M.D., was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Radiology.
3. On February 5, 2013, the Board was contacted by a Cincinnati news organization and provided stories regarding the licensee's potential criminal conduct. The December 19, 2012 story included the following information,

The licensee was vice-chairman of Radiology at St. Elizabeth's in Northern Kentucky. He lived in Amberly Village. Amberly Village Police took a report in January 2011 claiming that the licensee repeatedly and secretly videotaped a child in his home using a hidden camera. However, court records indicated that the licensee had images of a different minor in the nude.

When contacted on December 19, the licensee's employer, Radiology Associates of Northern Kentucky did not know the licensee's whereabouts and had not been made

aware of the charge. The news organization had left messages at the licensee's office but had not heard back from him.

The licensee apparently waived indictment and was released without bond. He was scheduled to appear in court on January 4, 2013.

On the afternoon of December 19, 2013, Radiology Associates released a statement announcing that they had suspended the licensee from employment immediately, pending a decision by the courts.

4. A February 5, 2013 news story reported that the licensee pleaded guilty in January 2013 to charges that he secretly videotaped a young girl in October 2010 at his home in Amberly Village. The licensee states that the young girl involved was a nearly adult child related to him.

5. On February 5, 2013, the Board obtained a Waiver of Indictment, Information and Plea of Guilty to Information in Hamilton County, Ohio Court of Common Pleas Case No. B1205948. The Information, dated December 18, 2012, charged,

...on or about the 24<sup>th</sup> day of October, 2010, in Hamilton County, State of Ohio, recklessly possessed or viewed material or a performance that showed a minor who is not the person's child or ward in a state of nudity and such material or performance constituted a lewd exhibition and/or showed a graphic focus on the genitals, in violation of Section 2907.323(A)(3) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

On January 4, 2013, the licensee pled guilty to one Count of Illegal Use of Minor in Nudity Oriented Material or Performance, in violation of 2907.323(A)(3), a felony in the fifth degree pursuant to Ohio law but a misdemeanor pursuant to Kentucky law.

6. On February 11, 2013, the Hamilton Court of Common Pleas entered its Judgment in Case No. B 1205948, imposing the following sentence:

- Community Control: 3 years
- 200 hours of community service which may be done at 501-C charity of choice
- \$2,500 fine
- 15-year reporting requirement as Tier I Sex Offender or Child-Victim Offender

7. Following sentencing, the Court determined that the licensee violated the terms of his probation order by leaving his residence and traveling to Florida without prior permission of his parole officer. The Court sentenced him to confinement in jail. The licensee remained in jail until February 2014.
8. On July 8, 2013, the Board timely received a report from the licensee's counsel that another state licensing board had taken action against his license in that state. Counsel provided a Statement of Charges and Settlement Agreement entered by the Iowa Board of Medicine on June 28, 2013. Under the terms of the Settlement Agreement, the licensee surrendered his Iowa medical license. He was also cited and warned.
9. On July 18, 2013, the Illinois Division of Professional Regulation issued a Permanent Revocation Order, permanently revoking the licensee's Illinois medical license.
10. The Board alleged in a Complaint, filed October 18, 2013, that the licensee did not report the Illinois licensing action to the Board within ten (10) days pursuant to 201 KAR 9:081. The licensee asserted that he did not report the Illinois action because he never received notice of the action from Illinois.
11. While preparing for a hearing on the Complaint, the Board learned that the Illinois revocation order was mailed, via certified mail, to the licensee's address on record with the Illinois Department of Financial and Professional Regulation on July 24, 2013; but was returned to the Illinois Department of Financial and Professional Regulation, marked "Unclaimed," on September 18, 2013.
12. By letter dated January 25, 2013, St. Elizabeth Healthcare notified the licensee that his privileges had been terminated, based upon his Ohio felony charges.

13. On September 12, 2013, the State Medical Board of Ohio issued an Order, following a hearing, in which that Board permanently revoked the licensee's Ohio medical license.

**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 medical license is subject to regulation and discipline by the Board.
2. While the licensee denies a violation of KRS 311.595(4), (9) and (12) [per 201 KAR 9:081, Section 9], he acknowledges and agrees that, based upon the Stipulations of Fact, he has engaged in conduct which violates the provisions of KRS 311.595(17) 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 this pending Complaint 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 this pending Complaint without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER:**

1. The licensee, Jeffrey Dardinger, M.D., SHALL SURRENDER his Kentucky medical license, in lieu of revocation, with that surrender to become effective

immediately upon the filing of this Agreed Order of Surrender, and continuing until further Order of the Board.

2. During the effective period of this Agreed Order of Surrender, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION for an

indefinite term, or until further order of the Board:

- a. The licensee SHALL NOT engage in any act which would constitute the "practice of medicine" in the Commonwealth of Kentucky 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 Panel;
- b. Pursuant to KRS 311.565(1)(v), the licensee SHALL REIMBURSE the costs of the Board's proceedings in the amount of \$1,400.00 to the Board, within two (2) years of the date of filing of this Agreed Order of Surrender; and
- c. The licensee SHALL NOT violate any provisions of KRS 311.595 and/or 311.597.

3. The Panel SHALL NOT consider a petition for a license to again practice medicine in the Commonwealth of Kentucky from the licensee for a minimum period of two (2) years from the date of filing of this Agreed Order of Surrender.

- a. The provisions of KRS 311.607, as it exists at the time of filing of any petition, SHALL apply to any petition for a license to again practice medicine in the Commonwealth of Kentucky filed by the licensee. The burden shall be upon the licensee to satisfy the Panel that he is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine, without undue risk or danger to his patients or the public;
- b. The licensee understands and agrees that the Panel shall not be required to issue a new license and may require the licensee to undergo evaluations and/or assessments, at the licensee's expense, to assist the Panel in considering any petition for a license to again practice medicine in the Commonwealth of Kentucky filed by the licensee; and

- c. If the Panel should grant the petition for a license to again practice medicine in the Commonwealth of Kentucky, it SHALL only do so by entry of an Agreed Order of Probation or Indefinite Restriction, for a period of time to be determined by the Panel with terms and conditions fixed by the Panel, based upon the information available to the Panel at that time. As a condition of granting a petition for a license to again practice medicine in the Commonwealth of Kentucky, the Panel may require the licensee to enter into such an agreed order, with appropriate terms and conditions.
4. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order of Surrender, 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 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.
5. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender would provide a legal basis for additional disciplinary action,

including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine in the Commonwealth of Kentucky without an active Kentucky medical license.


SO AGREED on this 15<sup>th</sup> day of May, 2014.


FOR THE LICENSEE:

  
\_\_\_\_\_  
JEFFERY DARDINGER, M.D.

  
\_\_\_\_\_  
JOSEPH N. TUCKER  
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

  
\_\_\_\_\_  
RANDEL C. GIBSON, D.O.  
CHAIR, HEARING PANEL B

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

**WAIVER OF RIGHTS**

I, Jeffrey Dardinger, M.D., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 1462. 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 of Surrender 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 of Surrender, 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 15<sup>th</sup> day of May, 2014.



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JEFFREY DARDINGER, M.D.  
Respondent



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JOSEPH N. TUCKER  
COUNSEL FOR DR. DARDINGER

OCT 18 2013

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1462

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JEFFREY DARDINGER, M.D., LICENSE NO. 38539, 523 CENTRE VIEW BOULEVARD, CRESTVIEW HILLS, KENTUCKY 41017

**AMENDED COMPLAINT**

Comes now the Complainant C. William Briscoe, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on October 17, 2013, states for its Amended Complaint against the licensee, Jeffrey Dardinger, M.D., as follows:

1. At all relevant times, Jeffrey Dardinger, M.D., was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Radiology.
3. On February 5, 2013, the Board was contacted by a Cincinnati news organization and provided stories regarding the licensee's potential criminal conduct. The December 19, 2012 story included the following information,

The licensee was vice-chairman of Radiology at St. Elizabeth's in Northern Kentucky. He lived in Amberly Village. Amberly Village Police took a report in January 2011 claiming that the licensee repeatedly and secretly videotaped a child in his home using a hidden camera. However, court records indicated that the licensee had images of a different minor in the nude.

When contacted on December 19, the licensee's employer, Radiology Associates of Northern Kentucky did not know the licensee's whereabouts and had not been made aware of the charge. The news organization had left messages at the licensee's office but had not heard back from him.

The licensee apparently waived indictment and was released without bond. He was scheduled to appear in court on January 4, 2013.

On the afternoon of December 19, 2013, Radiology Associates released a statement announcing that they had suspended the licensee from employment immediately, pending a decision by the courts.

4. A February 5, 2013 news story reported that the licensee pleaded guilty in January 2013 to charges that he secretly videotaped a young girl in October 2010 at his home in Amberly Village.
5. On February 5, 2013, the Board obtained the Waiver of Indictment, Information and Plea of Guilty to Information in Hamilton County, Ohio Court of Common Pleas Case No. B1205948. The Information, dated December 18, 2012, charged,  
  
...on or about the 24<sup>th</sup> day of October, 2010, in Hamilton County, State of Ohio, recklessly possessed or viewed material or a performance that showed a minor who is not the person's child or ward in a state of nudity and such material or performance constituted a lewd exhibition and/or showed a graphic focus on the genitals, in violation of Section 2907.323(A)(3) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.  
  
On January 4, 2013, the licensee pled guilty to one Count of Illegal Use of Minor in Nudity Oriented Material or Performance, in violation of 2907.323(A)(3), a felony in the fifth degree.
6. On February 11, 2013, the Hamilton Court of Common Pleas entered its Judgment in Case No. B 1205948, imposing the following sentence:  
  
Community Control: 3 years  
200 hours of community service which may be done at 501-C charity of choice  
\$2,500 fine  
15 year reporting requirement as Tier I Sex Offender or Child-Victim Offender
7. Following sentencing, the Court determined that the licensee violated the terms of his Order and sentenced him to confinement in jail. He is expected to remain in jail until January 22, 2014.
8. On July 8, 2013, the Board timely received a report from the licensee's counsel that another state licensing board had taken action against his license in that state.  
  
Counsel provided a Statement of Charges and Settlement Agreement entered by the

Iowa Board of Medicine on June 28, 2013. Under the terms of the Settlement Agreement, the licensee surrendered his Iowa medical license. He was also cited and warned.

9. On July 18, 2013, the Illinois Division of Professional Regulation issued a Permanent Revocation Order, permanently revoking the licensee's Illinois medical license.

10. The licensee failed to report the Illinois licensing action as required by regulation.

11. 201 KAR 9:081, Section 9, states, in part,

(1)...(e) Every person licensed to practice medicine or osteopathy within the Commonwealth of Kentucky shall report to the board within ten (10) days of receipt, notice of any disciplinary action taken or sanction imposed upon the person's license in any state, including surrendering a license or placing a license into inactive or retired status to resolve a pending licensing investigation. As part of this reporting requirement, the licensee shall provide a copy of the order issued by or entered into with the other licensing board.

(g)1. Failure to report a criminal conviction or plea, or action taken by another licensing board as required of a licensee by paragraph (d) and (e) of this subsection, shall constitute a violation of KRS 311.595(9) and (12).

2. Upon a finding by the board that the licensee committed a violation, the appropriate panel:

a. Shall impose a fine of \$5,000 and the appropriate sanction mandated by subsection (2), (3) or (4) of this section; and

b. May impose any additional sanction authorized by KS 311.595 based upon all of the information available to the panel at the time of action.

....  
(3)(c) If a licensee has had disciplinary action taken against or sanction imposed upon the licensee's license to practice medicine or osteopathy in any state, the appropriate panel:

1.a. Shall, at a minimum, impose the same substantive sanctions as a disciplinary sanction against the licensee's Kentucky license; and

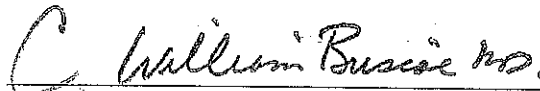
b. May take any appropriate additional disciplinary action against the licensee...

12. By letter dated January 25, 2013, St. Elizabeth Healthcare notified the licensee that his privileges had been terminated, based upon his felony charges.

13. On September 12, 2013, the State Medical Board of Ohio issued an Order, following a hearing, in which that Board permanently revoked the licensee's Ohio medical license.
14. By his conduct, the licensee has violated KRS 311.595(4), (9), (21) and (12)[201 KAR 9:081, Section 9]. Accordingly, legal grounds exist for disciplinary action against his Kentucky medical license.
15. The licensee is directed to respond to the allegations delineated in paragraphs 7-14 of this 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 those charges;
  - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
16. NOTICE IS HEREBY GIVEN that a hearing on this Amended Complaint is scheduled for December 17, 2013 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.

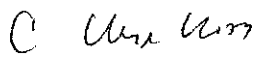
WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine held by Jeffrey Dardinger, M.D.

This 18<sup>th</sup> day of October, 2013.

  
C. WILLIAM BRISCOE, 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; and a copy was mailed to Thomas J. Hellmann, Esq., 415 West Main Street, P.O. Box 676, Frankfort, Kentucky 40602-0676 and mailed via certified mail return-receipt requested to Jeffrey Dardinger, M.D., License No. 38539, 889 Golfview Drive, Chillicothe, Ohio 45601 and Joseph N. Tucker, Esq., Dinsmore & Shohl, 101 South Fifth Street, Suite 2500, Louisville, Kentucky 40202 on this 18<sup>th</sup> day of October, 2013.

  
C. LLOYD VEST II  
General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150

MAR 12 2013

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1462

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JEFFREY DARDINGER, M.D., LICENSE NO. 38539, 523 CENTRE VIEW BOULEVARD, CRESTVIEW HILLS, KENTUCKY 41017

**COMPLAINT**

Comes now the Complainant C. William Briscoe, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 21, 2013, states for its Complaint against the licensee, Jeffrey Dardinger, M.D., as follows:

1. At all relevant times, Jeffrey Dardinger, M.D., was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Radiology.
3. On February 5, 2013, the Board was contacted by a Cincinnati news organization and provided stories regarding the licensee's potential criminal conduct. The December 19, 2012 story included the following information,

The licensee was vice-chairman of Radiology at St. Elizabeth's in Northern Kentucky. He lived in Amberly Village. Amberly Village Police took a report in January 2011 claiming that the licensee repeatedly and secretly videotaped a child in his home using a hidden camera. However, court records indicated that the licensee had images of a different minor in the nude.

When contacted on December 19, the licensee's employer, Radiology Associates of Northern Kentucky did not know the licensee's whereabouts and had not been made aware of the charge. The news organization had left messages at the licensee's office but had not heard back from him.

The licensee apparently waived indictment and was released without bond. He was scheduled to appear in court on January 4, 2013.

On the afternoon of December 19, 2013, Radiology Associates released a statement announcing that they had suspended the licensee from employment immediately, pending a decision by the courts.

4. A February 5, 2013 news story reported that the licensee pleaded guilty in January 2013 to charges that he secretly videotaped a young girl in October 2010 at his home in Amberly Village.

5. On February 5, 2013, the Board obtained the Waiver of Indictment, Information and Plea of Guilty to Information in Hamilton County, Ohio Court of Common Pleas

Case No. B1205948. The Information, dated December 18, 2012, charged,

...on or about the 24<sup>th</sup> day of October, 2010, in Hamilton County, State of Ohio, recklessly possessed or viewed material or a performance that showed a minor who is not the person's child or ward in a state of nudity and such material or performance constituted a lewd exhibition and/or showed a graphic focus on the genitals, in violation of Section 2907.323(A)(3) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

On January 4, 2013, the licensee pled guilty to one Count of Illegal Use of Minor in Nudity Oriented Material or Performance, in violation of 2907.323(A)(3), a felony in the fifth degree.

6. The Board has learned that the licensee was scheduled to appear in Hamilton County Court of Common Pleas on February 5, 2013, for formal sentencing.

7. By his conduct, the licensee has violated KRS 311.595(4) and (9). Accordingly, legal grounds exist for disciplinary action against his Kentucky medical license.

8. 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.

9. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for May 21, 2013 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 Jeffrey Dardinger, M.D.

This 12<sup>th</sup> day of March, 2013.



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C. WILLIAM BRISCOE, 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; and a copy was mailed to Thomas J. Hellmann, Esq., 415 West Main Street, P.O. Box 676, Frankfort, Kentucky 40602-0676 and mailed via certified mail return-receipt requested to Jeffrey Dardinger, M.D., License No. 38539, 523 Centre View Boulevard, Crestview Hills, Kentucky 41017 on this 12<sup>th</sup> day of March, 2013.



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C. LLOYD VEST II  
General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1462

FILED OF RECORD

FEB 06 2013

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JEFFREY DARDINGER, M.D., LICENSE NO. 38539, 523 CENTRE VIEW BOULEVARD, CRESTVIEW HILLS, KENTUCKY 41017

**EMERGENCY ORDER OF SUSPENSION**

The Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through the Chair of its Inquiry Panel A, considered this matter. The Chair considered the Information, the Waiver of Indictment, and Plea of Guilty to Information filed in Case No. B1205948 in Hamilton County, Ohio Court of Common Pleas; and two newspaper articles relating to his case.

Having considered all of this information and being sufficiently advised, the Chair of 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, the Chair of Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support its Emergency Order of Suspension:

1. At all relevant times, Jeffrey Dardinger, M.D., was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Radiology.
3. On February 5, 2013, the Board was contacted by a Cincinnati news organization and provided stories regarding the licensee's potential criminal conduct. The December 19, 2012 story included the following information,

The licensee was vice-chairman of Radiology at St. Elizabeth's in Northern Kentucky. He lived in Amberly Village. Amberly Village Police took a report in January 2011 claiming that the licensee repeatedly and secretly videotaped a child in his home using a hidden camera. However, court records indicated that the licensee had images of a different minor in the nude.

When contacted on December 19, the licensee's employer, Radiology Associates of Northern Kentucky did not know the licensee's whereabouts and had not been made aware of the charge. The news organization had left messages at the licensee's office but had not heard back from him.

The licensee apparently waived indictment and was released without bond. He was scheduled to appear in court on January 4, 2013.

On the afternoon of December 19, 2013, Radiology Associates released a statement announcing that they had suspended the licensee from employment immediately, pending a decision by the courts.

4. A February 5, 2013 news story reported that the licensee pleaded guilty in January 2013 to charges that he secretly videotaped a young girl in October 2010 at his home in Amberly Village.

5. On February 5, 2013, the Board obtained the Waiver of Indictment, Information and Plea of Guilty to Information in Hamilton County, Ohio Court of Common Pleas Case No. B1205948. The Information, dated December 18, 2012, charged,

...on or about the 24<sup>th</sup> day of October, 2010, in Hamilton County, State of Ohio, recklessly possessed or viewed material or a performance that showed a minor who is not the person's child or ward in a state of nudity and such material or performance constituted a lewd exhibition and/or showed a graphic focus on the genitals, in violation of Section 2907.323(A)(3) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

On January 4, 2013, the licensee pled guilty to one Count of Illegal Use of Minor in Nudity Oriented Material or Performance, in violation of 2907.323(A)(3), a felony in the fifth degree.

6. The Board has learned that the licensee was scheduled to appear in Hamilton County Court of Common Pleas on February 5, 2013, for formal sentencing.

## 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 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(4) and (9).
4. The Panel concludes there is probable cause to believe this physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
5. The Board may draw logical and reasonable inferences about a physician's practice by considering certain facts about a physician's practice. If there is proof that a physician has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the physician 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

physician's practice presents representative proof of the nature of that physician's practice in general. Accordingly, probable cause to believe that the physician has committed certain violations in the recent past presents probable cause to believe that the physician will commit similar violations in the near future, during the course of the physician's medical practice.

6. 201 KAR 9:240, Section 1(3) provides,
  - (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.
  - (b) If an emergency hearing is scheduled prior to the next regularly scheduled meeting of the inquiry panel, the panel chair may act on behalf of the inquiry panel and issue the complaint required to support the continuation of the emergency order.
  - (c) If the panel chair acts on behalf of the inquiry panel pursuant to paragraph (a) or (b) of this subsection, the panel chair shall report any action to the inquiry panel at its next regularly scheduled meeting.

7. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing

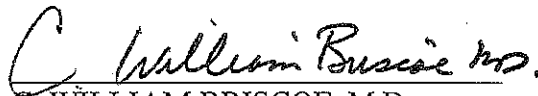
by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

**EMERGENCY ORDER OF SUSPENSION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel A hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by Jeffrey Dardinger, M.D., is SUSPENDED and Dr. Dardinger is prohibited from performing any act which constitutes the "practice of medicine," as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities - until the resolution of the Complaint setting forth the allegations 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 6<sup>th</sup> day of February, 2013.

  
C. WILLIAM BRISCOE, 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; a copy was mailed via certified mail return-receipt requested to Jeffrey Dardinger, M.D., License No. 38539, 523 Centre View Boulevard, Crestview Hills, Kentucky 41017 on this 6<sup>th</sup> day of February, 2013.



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