

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1258

FILED OF RECORD

MAR 12 2013

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY MOLLY B. HASTY, M.D., LICENSE NO. 40445, 571
SOUTH FLOYD STREET, SUITE 300, LOUISVILLE, KENTUCKY 40202

AGREED ORDER OF RETIREMENT

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"),
acting by and through its Inquiry Panel A, and Molly B. Hasty, M.D. ("the licensee"),
and, based upon the licensee's decision to retire from the practice of medicine subject to
certain conditions, hereby ENTER INTO the following **AGREED ORDER OF
RETIREMENT:**

STIPULATIONS OF FACT

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

1. At all relevant times, Molly B. Hasty, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Pediatric Emergency Medicine.
3. During the licensee's application process, she was required by the Alabama Board of Medical Examiners to obtain treatment for opioid dependence. As a condition of obtaining her Kentucky medical license, the licensee was required to enter into a confidential Letter of Agreement on September 22, 2006. As a condition of that Letter of Agreement, the licensee agreed to completely abstain from mood altering substances except as duly prescribed by a treating physician and reported within 10 days of the date of treatment.

4. On July 29, 2008, James T. Jennings, M.D., Medical Director, Kentucky Physicians Health Foundation (hereafter "the Foundation"), reported that the licensee had a low positive urine screen confirmed by hair test. She later reported that she had taken Percocet for severe migraine pain and had obtained it from a colleague. She had not reported this in a timely manner as required by the Letter of Agreement. Dr. Jennings did not believe that instance represented relapse behavior, but it should not have happened given the licensee's level of recovery. The Foundation stepped up monitoring and had the licensee sign an addendum to her contract. The licensee agreed to submit a monthly headache log to the Foundation along with a copy of her schedule. She agreed not to work when she had a migraine.
5. On September 7, 2008, the licensee notified the Board's investigator that she had entered a 90-day treatment program at Bradford Health Services, Warrior, AL, beginning on September 8, 2008. The Foundation confirmed this information and reported that she had another low positive urine screen on August 25, 2008. She also failed to report that she had received controlled substances for her migraine headaches from a treating physician.
6. On September 24, 2008, the licensee entered into an Interim Agreed Order (Treatment), at the Board's request. Under the terms of that Interim Agreed Order, the licensee was prohibited from practicing medicine until approved by the Board, following completion of the residential treatment program. The Interim Agreed Order also required a favorable recommendation by the Foundation's

Medical Director before the Board would consider permitting her to resume practice.

7. The licensee was successfully discharged from Bradford on November 26, 2008. Her Axis I diagnosis was opiate dependence. Bradford concluded that her prognosis was good.
8. On December 5, 2008, Dr. Jennings met with the licensee so that she could enter into her contract with the Foundation. He supplemented the terms of that contract on December 10, 2008.
9. As a condition of resuming practice, the licensee was required to enter into an Agreed Order on March 6, 2009, as part of Board Case 1199. The Agreed Order was effective on that date and was to continue for a period of five (5) years.

Condition 2c of the Agreed Order provided,

The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order.

10. A review of prescriptions for the period September 29, 2009 through February 27, 2010 revealed some issues with controlled substances prescriptions written to the licensee, particularly early refills.
11. Dr. Jennings met with the licensee to discuss the issues raised by the prescription review. The licensee reported that pharmacies had auto-refilled her prescriptions and they had been unknowingly picked up by the licensee or her husband when they were getting other prescriptions at the pharmacy. The licensee had insisted

that she had not asked for the refills and was not aware of the refills until opening the bag of medications once they got home. On the day she was scheduled to bring all of her medications into the Foundation to discuss the matter, she reported that her house had been broken into and the Provigil had been stolen.

12. A Rite Aid pharmacy representative advised that controlled substances were not eligible for auto-refill.

13. Charles Francke, M.D., provided the following information,

...In his quarterly report dated March 8, 2010, he noted that the KASPER report revealed multiple prescriptions beyond what was prescribed from two different physicians and this represented a relapse.

Prior to March 4, 2010, Dr. Francke's prescribing decisions were based on the assumption that the licensee was telling the truth, although he admittedly was becoming increasingly suspicious. After learning about the KASPER information and the numerous prescriptions obtained by the licensee from two prescribers at numerous pharmacies, Dr. Francke recommended that the licensee be taken off all stimulants and he stated that he believed she was in profound denial of her illness. The licensee never told Dr. Francke that Dr. Creque was prescribing her Provigil; she misled Dr. Creque when she informed him that Dr. Francke had approved her increased dose of Provigil 200mg to four times a day. The licensee did not take ownership of misleading her treating physicians and admitted filling only one prescription early.

14. On March 26, 2010, after reviewing the details of the prescribing, Dr. Jennings recommended that the licensee complete a residential evaluation at Metro Atlanta Recovery Residences (MARR). The licensee began the MARR evaluation on March 29, 2010. In the middle of a neuropsychological evaluation, the licensee reported that she did not feel well. She then left MARR against medical advice.

15. The licensee resigned her privileges at Kosair Children's Hospital on April 1, 2010.

16. The licensee determined that she would like to voluntarily stop practicing medicine temporarily for evaluation and treatment purposes. To accomplish that,

the parties entered into an Agreed Order on June 8, 2010, under which the licensee agreed not to practice medicine in the Commonwealth until approved to do so by the Panel.

17. The licensee completed a four-day assessment at Metro Atlanta Recovery Residences (MARR) from June 28 through July 1, 2010. The Axis I diagnoses included Nuvigil abuse – diagnosed by history; Major Depressive Disorder, Recurrent, in Full Remission; and, Opioid Dependence, in Sustained Full Remission. As part of their treatment recommendations, MARR recommended that the licensee enter into a new 5-year contract with the Foundation and that her treating physician find an alternative to Nuvigil or Provigil, along with other recommendations for treatment and monitoring.
18. In a letter dated July 15, 2010, James T. Jennings, M.D., Medical Director, Kentucky Physicians Health Foundation, stated, “It is with the full support of the Kentucky Physicians Health Foundation that we advocate for Dr. Hasty’s return to the active practice of medicine.”
19. The Panel permitted the licensee to resume active practice pursuant to an Amended Agreed Order filed on September 7, 2010. The Amended Agreed Order included standard aftercare conditions, including the requirements for random biological testing.
20. The licensee’s Kentucky medical license became inactive on April 2, 2012.
21. In a letter dated December 8, 2012, the licensee notified the Board that she had developed medical conditions which rendered her unable to practice medicine.

Accordingly, she asked that the Amended Agreed Order be terminated or that she be permitted to enter into an Agreed Order of Retirement.

STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(6), (8), (13) and (21). Accordingly, there were legal grounds for the parties to enter into the initial Agreed Order and continue for this Agreed Order of Retirement.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this noncompliance investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Retirement.

AGREED ORDER OF RETIREMENT

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon the licensee's decision to retire from the practice of medicine subject to certain conditions, the parties hereby ENTER INTO the following **AGREED ORDER OF RETIREMENT:**

1. The license to practice medicine within the Commonwealth of Kentucky held by Molly B. Hasty, M.D., SHALL BE SUBJECT to the terms of this Agreed Order of Retirement for an indefinite period of time, with that period to commence immediately upon the date of filing of the Agreed Order of Retirement.

2. During the effective period of this Agreed Order of Retirement, the licensee SHALL NOT perform any act which constitutes the “practice of medicine,” as that term is defined in KRS 311.550(10) – “the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities” – unless approved in writing by the Panel to do so.
3. The Panel will not consider a request by the licensee for approval to resume the active practice of medicine unless it is accompanied by a favorable written recommendation from the Medical Director, Kentucky Physicians Health Foundation, which must include appropriate information to support the recommendation, including current assessment or evaluations of her ability to practice medicine safely and effectively. The burden shall be upon the licensee to satisfy the Panel that she is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine, under appropriate restrictions, without undue risk or danger to his patients or the public. The licensee understands and agrees that the Panel may require her to complete additional assessment(s) and/or evaluation(s), at his expense, to assist the Panel in its determination whether to permit the licensee to resume practice within the Commonwealth.
4. If the Panel should grant the petition for reinstatement, its shall do so by issuing an Order or Agreed Order, 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 the petition for reinstatement,

the Panel may require the licensee to enter into an Agreed Order, with appropriate terms and conditions.

5. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
6. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order of Retirement, 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 she has violated any term or condition of this Agreed Order of Retirement, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order of Retirement 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 Retirement.
7. The licensee understands and agrees that any violation of the terms of this Agreed Order of Retirement would provide a legal basis for additional disciplinary action, including revocation.


SO AGREED on this 12th day of March, 2013.


FOR THE LICENSEE:


MOLLY B. HASTY, MD.

COUNSEL FOR THE LICENSEE
(IF APPROPRIATE)

FOR THE BOARD:


C. WILLIAM BRISCOE, M.D.
CHAIR, INQUIRY PANEL A


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

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AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and Molly B. Hasty, M.D. ("the licensee"), and, based upon the Panel's decision to permit the licensee to resume the practice of medicine subject to certain conditions, hereby ENTER INTO the following **AMENDED AGREED ORDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, Molly B. Hasty, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Pediatric Emergency Medicine.
3. During the licensee's application process, she was required by the Alabama Board of Medical Examiners to obtain treatment for opioid dependence. As a condition of obtaining her Kentucky medical license, the licensee was required to enter into a confidential Letter of Agreement on September 22, 2006. As a condition of that Letter of Agreement, the licensee agreed to completely abstain from mood altering substances except as duly prescribed by a treating physician and reported within 10 days of the date of treatment.

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6. On September 24, 2008, the licensee entered into an Interim Agreed Order (Treatment), at the Board’s request. Under the terms of that Interim Agreed Order, the licensee was prohibited from practicing medicine until approved by the Board, following completion of the residential treatment program. The Interim Agreed Order also required a favorable recommendation by the Foundation’s

Medical Director before the Board would consider permitting her to resume practice.

7. The licensee was successfully discharged from Bradford on November 26, 2008. Her Axis I diagnosis was opiate dependence. Bradford concluded that her prognosis was good.
8. On December 5, 2008, Dr. Jennings met with the licensee so that she could enter into her contract with the Foundation. He supplemented the terms of that contract on December 10, 2008.
9. As a condition of resuming practice, the licensee was required to enter into an Agreed Order on March 6, 2009, as part of Board Case 1199. The Agreed Order was effective on that date and was to continue for a period of five (5) years.

Condition 2c of the Agreed Order provided,

The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order.

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that she had not asked for the refills and was not aware of the refills until opening the bag of medications once they got home. On the day she was scheduled to bring all of her medications into the Foundation to discuss the matter, she reported that her house had been broken into and the Provigil had been stolen.

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STIPULATED CONCLUSIONS OF LAW

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

1. The licensee’s medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(6), (8), (13) and (21). Accordingly, there

were legal grounds for the parties to enter into the initial Agreed Order and continue for this Amended Agreed Order.

3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this noncompliance investigation without an evidentiary hearing by entering into an informal resolution such as this Amended Agreed Order.

AMENDED AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon the Panel's decision to permit the licensee to resume the active practice of medicine subject to certain conditions, the parties hereby ENTER INTO the following **AMENDED AGREED ORDER:**

1. The license to practice medicine within the Commonwealth of Kentucky held by Molly B. Hasty, M.D., SHALL BE SUBJECT to the terms of this Amended Agreed Order for a period of FIVE (5) YEARS, with that period to commence immediately upon the date of filing of the Amended Agreed Order.
2. During the effective period of this Amended Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. The licensee may resume the active practice of medicine immediately upon the date of filing of this Amended Agreed Order, subject to the remaining terms of the Amended Agreed Order, which are set out below.
 - b. If not already done, the licensee SHALL enter into a new 5-year contract with the Kentucky Physicians Health Foundation within twenty (20) days

of the date of filing of this Amended Agreed Order and SHALL FULLY COMPLY with all terms of that contractual relationship.

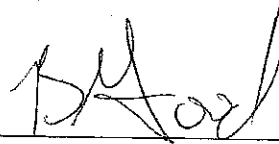
- c. The licensee SHALL completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Amended Agreed Order.
- d. The licensee SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports shall be paid by the licensee; the costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Amended Agreed Order.
- e. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if she should violate any term or condition of this Amended Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Amended Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Amended Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Amended Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order would provide a legal basis for additional disciplinary action, including revocation.

SO AGREED on this 7th day of September, 2010.

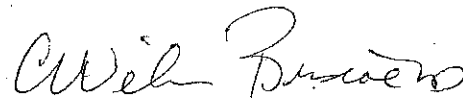
FOR THE LICENSEE:


MOLLY B. HASTY, MD.



BRIAN R. GOOD
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



C. WILLIAM BRISCOE, M.D.
CHAIR, INQUIRY PANEL A



C. LLOYD VEST II
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AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and Molly B. Hasty, M.D. ("the licensee"), and, based upon their mutual desire to fully and finally resolve this pending noncompliance investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, Molly B. Hasty, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Pediatric Emergency Medicine.
3. During the licensee's application process, she was required by the Alabama Board of Medical Examiners to obtain treatment for opioid dependence. As a condition of obtaining her Kentucky medical license, the licensee was required to enter into a confidential Letter of Agreement on September 22, 2006. As a condition of that Letter of Agreement, the licensee agreed to completely abstain from mood altering substances except as duly prescribed by a treating physician and reported within 10 days of the date of treatment.

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The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order.

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Prior to March 4, 2010, Dr. Francke's prescribing decisions were based on the assumption that the licensee was telling the truth, although he admittedly was becoming increasingly suspicious. After learning about the KASPER information and the numerous prescriptions obtained by the licensee from two prescribers at numerous pharmacies, Dr. Francke recommended that the licensee be taken off all stimulants and he stated that he believed she was in profound denial of her illness. The licensee never told Dr. Francke that Dr. Creque was prescribing her Provigil; she misled Dr. Creque when she informed him that Dr. Francke had approved her increased dose of Provigil 200mg to four times a day. The licensee did not take ownership of misleading her treating physicians and admitted filling only one prescription early.

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15. The licensee resigned her privileges at Kosair Children's Hospital on April 1, 2010.

16. The licensee has determined that she would like to voluntarily stop practicing medicine temporarily for evaluation and treatment purposes.

STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(6), (8), (13) and (21). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this noncompliance investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending noncompliance investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice medicine within the Commonwealth of Kentucky held by M.D., SHALL BE SUBJECT to the terms of this Agreed Order for an indefinite period of time, with that period to commence immediately upon the date of filing of the Agreed Order.
2. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- a. The licensee SHALL NOT perform any act within the Commonwealth of Kentucky 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 – unless and until approved to do so by the Panel.
- b. The Panel will not consider a request by the licensee to resume the active practice of medicine until the following conditions have been met:
 - i. The licensee has successfully completed the residential evaluation by Metro Atlanta Recovery Residencies (MARR) and any treatment recommended by MARR;
 - ii. The Board has received a written recommendation by the Medical Director, Kentucky Physicians Health Foundation supporting the licensee’s request to resume the active practice of medicine, including an assessment that her return to active practice would not constitute an undue risk of danger to patients or the public; and,
 - iii. The Board has received copies of all evaluation reports and the discharge summary from any treatment completed by the licensee, including recommendations for aftercare, and a copy of the licensee’s contract with the Foundation.
- c. The licensee understands and agrees that the Panel may require her to successfully complete an assessment(s) and/or an evaluation(s), at her

cost, to assist the Panel in considering any request to resume the active practice of medicine.


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

revocation, pursuant to KRS 311.595(13) and may provide a legal basis for
criminal prosecution for practicing medicine without a license.


SO AGREED on this 1st day of June, 2010.

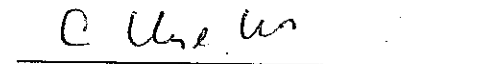
FOR THE LICENSEE:


MOLLY B. HASTY, MD.


BRIAN R. GOOD
COUNSEL FOR THE LICENSEE

FOR THE BOARD:


C. WILLIAM BRISCOE, M.D.
CHAIR, INQUIRY PANEL A


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. 1199

FILED OF RECORD
MAR 06 2009
K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY MOLLY B. HASTY, M.D., LICENSE NO. 40445, 571
SOUTH FLOYD STREET, SUITE 300, LOUISVILLE, KENTUCKY 40202

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and Molly B. Hasty, M.D. ("the licensee"), and, based upon their mutual desire to fully and finally resolve this pending grievance without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, Molly B. Hasty, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is pediatric emergency medicine.
3. On September 22, 2006, the licensee signed a confidential Letter of Agreement in light of her treatment for chemical dependency and as an express condition of the Board granting her request for a regular license to practice medicine. The licensee agreed to completely abstain from mood altering substances except as duly prescribed by a treating physician and to report within ten days after the date of treatment.

4. On July 29, 2008, James T. Jennings, M.D., Medical Director, Kentucky Physicians Health Foundation ("the Foundation"), reported that the licensee had a low positive urine screen confirmed by hair test which she subsequently reported as from Percocet taken for severe migraine pain and received from a colleague. This had not been previously reported in a timely fashion to the Board or the Foundation. Dr. Jennings reported that he did not believe that this particular instance represented relapse behavior, but it should not have happened given her level of recovery. The Foundation stepped up monitoring and had the licensee sign an addendum to her contract. The licensee agreed to submit a monthly headache log to the Foundation along with a copy of her schedule. She agreed not to work when she had a migraine.
5. On September 7, 2008, the licensee notified the Board investigator that she had returned to a 90-day treatment at Bradford starting on September 8, 2008. The Foundation confirmed this information and also reported that the licensee had another low positive urine screen on August 25, 2008. She also failed to report that she had received controlled substances for her migraine headaches from a treating physician.
6. On September 8, 2008, the licensee entered residential treatment at Bradford Health Services in Warrior, Alabama.
7. On September 24, 2008, the licensee entered into an Interim Agreed Order (Treatment) with the Board. Pursuant to the Treatment Order, the licensee was prohibited from the practice of medicine, required to successfully complete residential treatment, and would be permitted to petition the Board to resume the

active practice of medicine only upon a favorable recommendation by the Foundation's Medical Director.

8. The licensee was successfully discharged on November 26, 2008. Bradford's Axis I diagnosis of the licensee was "opiate dependence." Bradford concluded that the licensee's "prognosis is good." Bradford's recommendations were for the licensee "to complete inpatient treatment, continue individual therapy, 90/90, sponsorship, and attend intensive outpatient therapy."
9. On December 5, 2008, Dr. Jennings, Foundation Medical Director, met with the licensee at the Foundation office and she entered into a contract with the Foundation. On December 10, 2008, he notified the licensee of the components of her aftercare program at the Foundation, all of which would become as binding as her Foundation contract.
10. The licensee requested to resume the active practice of medicine, effective March 10, 2009, with her request being reviewed by the Panel at its February 19, 2009, meeting. Dr. Jennings, Foundation Medical Director, submitted a favorable recommendation. Dr. Jennings stated that the licensee "has been extremely compliant with the requirements of the Foundation." Dr. Jennings went on to indicate that the licensee has also remained in compliance with all her aftercare recommendations from Bradford, and that all her random drug screens had been negative. Dr. Jennings also indicated that the Foundation supported the licensee's return to the active practice of medicine and employment on March 10, 2009. Upon reviewing the case and hearing testimony from Dr. Jennings, the Panel

voted to grant the licensee's request and permit her to return to employment and the active practice of medicine on March 10, 2009.

STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(6) and (13). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending grievance without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending Complaint without an evidentiary hearing, the parties hereby ENTER INTO the following

AGREED ORDER:

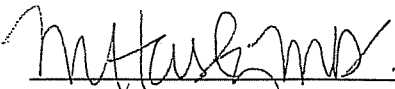
1. The license to practice medicine within the Commonwealth of Kentucky held by Molly B. Hasty, M.D., SHALL BE SUBJECT to this Agreed Order for a period of five (5) years from the date of filing of the Agreed Order.
2. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- a. On March 10, 2009, the licensee SHALL be permitted to resume the active practice of medicine.
- b. The licensee shall maintain her contractual relationship with the Kentucky Physicians Health Foundation – Impaired Physicians Program (IPP) and shall fully comply with all requirements of that contractual relationship;
- c. The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order;
- d. Licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the licensee remains drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be borne by licensee, which costs shall be paid under the terms fixed by the Board's agent for testing. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Agreed Order;

- e. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly agrees that if she should violate any term or condition of the Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she 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 Restfictiön immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine without a license.

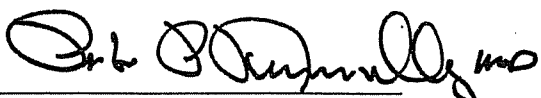
SO AGREED on this 2 day of March, 2009.

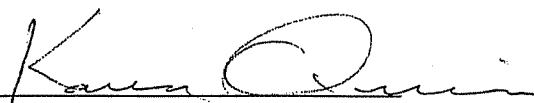
FOR THE LICENSEE:


MOLLY B. HASTY, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


PRESTON P. NUNNELLEY, M.D.
ACTING CHAIR, INQUIRY PANEL A


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