

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2028

APR 21 2022

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY GLADYS R. GREGORY, M.D., LICENSE NO. 48713, 884 NORTH WATER AVENUE, GALLATIN, TENNESSEE 37066

ORDER OF INDEFINITE RESTRICTION

At its April 21, 2022, meeting, the Kentucky Board of Medical Licensure (hereinafter “the Board”), acting by and through its Hearing Panel A, took up this case for final action. The members of Panel A considered the Complaint, filed of record December 10, 2021; the Hearing Officer’s Findings of Fact, Conclusions of Law and Recommended Order Upon Default, dated February 18, 2022; the Hearing Officer’s Notice of Prohibited Ex-parte Communication and Order Prohibiting Further Ex-parte Communication, dated February 28, 2022; the Hearing Officer’s Notice of Prohibited Ex-parte Communication, dated March 1, 2022; the licensee’s exceptions, filed of record March 17, 2022; and a March 24, 2022 memorandum from the Board’s counsel.

Having considered all the information available and being sufficiently advised, Hearing Panel A 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) Hearing Panel A FURTHER ACCEPTS AND ADOPTS the hearing officer’s recommended order and in accordance with that recommended order, Hearing Panel A ORDERS:

1. The license to practice medicine held by Gladys R. Gregory, M.D., SHALL BE RESTRICTED FOR AN INDEFINITE PERIOD OF TIME to begin immediately upon the date of filing of this Order of Indefinite Restriction and continuing until further order of the Board;

2. During the effective period of this Order of Indefinite Restriction, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION until further order of the Board:

- 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 - unless and until approved to do so by the Panel;
- b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The Panel SHALL NOT consider a request for modification or termination of this order unless and until:

- a. The Panel has received an assessment report from the licensee's completion of an assessment, at her own expense, through the *Vanderbilt Comprehensive Assessment Program for Professionals* at Vanderbilt Medical Center ("Vanderbilt"), 1601 23rd Avenue South, Nashville, Tennessee 37212, Tel. (615) 322-4567, Fax (615) 322-7526:
 1. Both parties may provide relevant information to Vanderbilt for consideration as part of the assessment. In order to permit the Board to provide such relevant information, the licensee shall immediately notify the Board's Legal Department of the assessment dates once the assessment is scheduled;
 2. Both parties will be provided a copy of any and all assessment reports for their review. To that end, the licensee shall complete any necessary waiver/release necessary to ensure that the Board may receive a copy of any and all assessment reports for review. However, Vanderbilt will issue any and all assessment reports in accordance with its internal policies; and
 3. If Vanderbilt recommends any further evaluation or corrective or therapeutic action, the licensee shall take all necessary steps to comply with those recommendations, at the licensee's expense, so that any reports related to the completion of those recommendations may be presented to the Panel for review;

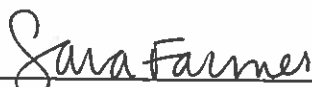
- b. The Panel has received proof of the licensee's payment of five hundred (\$500.00) dollars to the Tennessee Board, as required by Paragraph 6 of the Tennessee Consent Order dated September 22, 2021;
- c. The Panel has received proof of the licensee's successful completion of the Medical Ethics courses, as required by Paragraph 7 of the Tennessee Consent Order dated September 22, 2021; and
- d. The licensee has reimbursed the Board the costs of the proceedings in the amount of \$500.00, pursuant to KRS 311.565(1)(v).

SO ORDERED on this 21st day of April, 2022.


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

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Order of Indefinite 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, first-class postage prepaid, to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205; and copies were mailed via certified mail return-receipt requested to the licensee, Gladys R. Gregory, M.D., License No. 48713, 1207 Churchill Drive, Gallatin, Tennessee 37066, and to her counsel, Thomas D. Bullock and Rachele T. Yohe, 234 North Limestone, Lexington, Kentucky 40507; and via email to tbullock@bullockcoffman.com and ryohe@bullockcoffman.com on this 21st day of April, 2022.


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

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 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.

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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2028

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY GLADYS R. GREGORY M.D. LICENSE NO. 48713, 884
NORTH WATER AVENUE, GALLATIN, TENNESSEE 37066

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND RECOMMENDED ORDER UPON DEFAULT**

This action is before the hearing officer on the *Motion for Default Ruling* (hereinafter the "Motion") filed by the Kentucky Board of Medical Licensure (hereinafter "the Board"). Dr. Gladys R. Gregory, the licensee, has not filed a response opposing the motion. Proof was submitted by the Board to establish that as of January 28, 2022, Dr. Gregory had received a copy of the Motion. By order of the hearing officer dated February 1, 2022, she was given until 10 days following receipt of the Motion to file a response.

After reviewing the administrative record, the motion and the applicable law, the hearing officer finds that, by operation of law, the material facts in this matter are taken as admitted. Therefore the hearing officer recommends the Board grant the *Motion for Default Ruling*, find Dr. Gregory in violation of KRS 311.595(12) and KRS 311.595 (17) and take any other appropriate action against Dr. Gregory's license for these violations.

In light of this recommendation, the administrative hearing scheduled for May 24, 2022, is hereby **CANCELLED**.

In support of this recommendation the hearing officer submits the following Findings of Fact, Conclusions of Law and Recommended Order:

FINDINGS OF FACT

Procedural Facts

1. On December 10, 2021, The Board issued a Complaint against Dr. Gregory's license to practice medicine in the Commonwealth of Kentucky alleging violations of KRS 311.595(12) and KRS 311.595 (17). *Complaint generally*

2. This Complaint directed Dr. Gregory to respond to the allegations contained in the Complaint within 30 days and put her on notice that her failure to do so may be taken as an admission of the charges. *Complaint ¶ 9*

3. The Board's counsel had been in communications with Dr. Gregory concerning the allegations against her via e-mail and had obtained a valid address for her, 1207 Churchill Drive Gallatin, Tennessee 37066. *Motion ¶ 5-7 Attachments 1 and 2*

4. The Complaint was mailed to this address, certified mail- return receipt requested, on December 10, 2021. *Complaint, Certificate of Service and Motion ¶ 8*

5. The Complaint was received by an individual at 1207 Churchill Drive, Gallatin, Tennessee 37066 at 4:30 p.m. on December 13, 2021. *Motion ¶ 8 Attachments 3 and 4*

6. Upon being advised via e-mail that the package had been "misplaced", counsel for the Board, as a courtesy, sent a copy of the Complaint to Dr. Gregory in PDF format via e-mail. *Motion ¶ 10 Attachment 2.*

7. Based upon the above findings, the hearing officer finds that Counsel for the Board has taken the required steps, and then some, to see to it that Dr. Gregory has notice of the allegations against her licensee.

8. Dr. Gregory did not respond to the allegations made in the Complaint within 30 days of service (December 13, 2021) and in fact has not done so as of the date of the entry of this Findings of Fact, Conclusions of Law and Recommended Order Upon Default. *See Motion ¶ 13 and Administrative Record generally*

Substantive Facts

9. The findings that follow are based upon the allegations contained in the Complaint.

10. At all times relevant to this matter, the licensee, Dr. Gladys R. Gregory, was licensed to practice medicine in the Commonwealth of Kentucky. Her medical specialty is Psychiatry.

Complaint ¶1 and ¶2

11. Dr. Gregory is also licensed by the Tennessee Board of Medical Examiners (Tennessee Board) to practice medicine in the state of Tennessee. *Complaint ¶3*

12. On or about September 22, 2021, the Tennessee Board issued a Final Order regarding Dr. Gregory's Tennessee license. *Complaint ¶4*

13. The Tennessee Board found that the licensee had violated the Tennessee Medical Practice Act by offering discounts to patients in exchange for the recruitment of other patients. *Complaint ¶5*

14. As discipline, the Tennessee Board issued a Letter of Warning, ordered Dr. Gregory to pay a five hundred (\$500.00) fine, and further ordered that she must enroll in and successfully complete the two day medical course entitled "Medical Ethics, Boundaries and Professionalism" offered at Case Western Reserve University, or an equivalent course, approved in advance. The course must be completed within one year of the Tennessee Board's Final Order. *Complaint ¶6*

15. The Board received notice of this Final Order from the Citizens Commission on Human Rights of Nashville and from the Federation of State Medical Boards. Dr. Gregory did not report this disciplinary action to the Board within ten (10) days of the Tennessee Board's Final Order. She did not provide the Board with a copy of the Tennessee Board Final order within 10 ten days of its entry. *Complaint ¶7*

CONCLUSIONS OF LAW

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

2. This proceeding is governed by and was conducted in accordance with KRS 311.530 *et. seq.*, KRS Chapter 13B. and the related regulations promulgated under KRS Chapter 311.

3. KRS 311.591(4) provides:

The inquiry panel shall cause a complaint to be served on the charged physician by personal delivery or by certified mail to the physician's last address of which the Board has record. The physician shall submit a response within thirty (30) days after service. Failure to submit a timely response or willful avoidance of service may be taken by the Board as an admission of the charges.

4. Under KRS 13B.090 (7) the Board has the burden to prove by a preponderance of the evidence the allegations against the licensee.

5. Dr. Gregory, the licensee, having failed to file a timely response to the Complaint issued by the Board's Inquiry Panel B in this matter on December 10, 2021, and served on her by certified mail on December 13, 2021, the allegations contained in that Complaint are deemed to be admitted. KRS 311.591(4)

6. Based upon the above findings of fact, the preponderance of the evidence supports the conclusion that Dr. Gregory has had her license to practice medicine in another state subjected to disciplinary action by the licensing authority thereof. Accordingly Dr. Gregory is in violation of KRS 311.595 (17)

7. 201 KAR 9:081 Section 9(2) (a) (2) require that every licensee report to the Board "... any disciplinary action taken or sanction imposed upon the person's license in any state...within 10 days". This regulation furthers requires that 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."

8. Based upon the above findings of fact, the preponderance of the evidence supports the

conclusion that Dr. Gregory has failed to conform to the requirements of this regulation in that she failed to report her disciplinary sanction handed down by the Tennessee Board with ten (10 days) and failed to provide the Board with a copy of the Final Order of the Tennessee Board.

9. Dr. Gregory is therefore in violation of KRS 311.595 (12) by virtue of her violation of the above cited regulation of the Board.

10. Upon finding that a licensee has violated any of the provisions of KRS 311.595 the Board has the power to:

...place a licensee on probation for a period not to exceed five (5) years; suspend a license for a period not to exceed five (5) years; limit or restrict a license for an indefinite period; or revoke any license heretofore issued by the Board

RECOMMENDED ORDER

Based upon the foregoing findings of fact and conclusions of law, the hearing officer recommends the Board find Dr. Gladys R. Gregory guilty of violating KRS 311.595(12) and KRS 311.595 (17) and impose any appropriate sanction for these violations.

NOTICE OF RIGHT TO FILE EXCEPTIONS AND TO APPEAL

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. Transmittal of a recommended order may be sent by regular mail to the last known address of the party. Failure to file exceptions will result in preclusion of judicial review of those issues not

specifically excepted to. On appeal the circuit court will consider only the issues a party raised in written exceptions.

A party also has the right to appeal the Final Order of the agency pursuant to KRS 13B.140 (1 - 2) which states:

- (1) Except as provided in KRS 452.005, 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 date of 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.
- (2) A party may file a petition for judicial review only after the party has exhausted all administrative remedies available within the agency whose action is being challenged, and within any other agency authorized to exercise administrative review.

Pursuant to KRS 23A.010 (4), "Such review (by 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 ORDERED this 18th day of February 2022.


KEITH HARDISON
HEARING OFFICER
2616 BARDSTOWN RD.
LOUISVILLE KY 40205
(502) 432-2332
keithdiver@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that the original of this **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER UPON DEFAULT** was mailed this 18th day of February 2022, 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 first-class mail, postage prepaid, to:

HON. SARA FARMER
ASSISTANT GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
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