

FILED OF RECORD

NOV 17 2022

K.B.M.L

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2041

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY JOHN L. STANTON, M.D., LICENSE NO. 52748, 980  
PROFESSIONAL PARK DR., SUITE C, CLARKSVILLE, TENNESSEE 37040

**AGREED ORDER OF SURRENDER**

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Hearing Panel B, and John L. Stanton, M.D., (“the licensee”), and, based upon their mutual desire to fully and finally resolve the 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, John L. Stanton, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is orthopedic surgery and pain management.
3. On or about July 22, 2021, in the United States District Court, Eastern District of Kentucky, Southern Division, the licensee was indicted on felony charges related to controlled substances, in *U.S.A. v. Stanton, M.D.*, Case No. 6:21-CR-00019- REW-HAI.
4. Specifically, the licensee was indicted of acting, between in or about July 2016 through at least on or about March 2021, to conspire with others to knowingly and intentionally distribute and dispense controlled substances, including oxycodone, oxymorphone, and methadone, Schedule II controlled substances, and certain benzodiazepines, including alprazolam, Schedule IV controlled substances, pursuant to prescriptions that were not

issued for a legitimate medical purpose in the usual course of professional practice, in violation of Title 21 USC § 846.

5. Due to his indictment for an offense involving controlled substances, the licensee's authority to prescribe Schedule II controlled substances became automatically suspended in the State of Tennessee, pursuant to Tennessee law.
6. On or about January 21, 2022, an Emergency Order of Restriction was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
7. In August 2022, a jury unanimously found the licensee guilty of violating 21 USC § 846 as set forth in the July 2021 indictment and returned a separate verdict supporting forfeiture of his Tennessee medical license.
8. Based on the application of Tennessee Code Annotated 63-1-170(b) law, Dr. Stanton's Tennessee Medical License is revoked based upon the conviction. Dr. Stanton's Tennessee Medical License was forfeited as part of the Eastern District of Kentucky criminal conviction.
9. Dr. Stanton has filed a Motion for New Trial and anticipates filing an appeal.

#### STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has been convicted of certain conduct that if true, would violate the provisions of KRS 311.595(4) and (9) - as

illustrated by KRS 311.597(4) – and KRS 311.595(12) and (17). Accordingly, there are legal grounds for the Board to seek this Agreed Order of Surrender.

3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the complaint without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.
4. Dr. Stanton enters this Agreed Order of Surrender in full recognition of his conviction but with the intent to pursue a new trial and acquittal. Dr. Stanton disputes the indictment, entered a plea of not guilty, and does not concede any criminal conduct on his part.

#### **AGREED ORDER OF SURRENDER**

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve the complaint, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

1. The licensee, John L. Stanton, M.D., HEREBY SURRENDERS, in lieu of revocation, his license to practice medicine/osteopathy within the Commonwealth of Kentucky for an indefinite period of time, with that surrender to become effective immediately upon the date of filing of this Agreed Order of Surrender;
2. Following the effective date of surrender of his license, the licensee SHALL NOT engage in any act which would constitute the “practice of medicine or osteopathy” 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 Board;
3. The licensee SHALL NOT petition the Board for a license to again practice medicine/osteopathy in the Commonwealth unless and until:
  - a. At least two (2) years have passed from the date of entry of this Agreed Order of Surrender;
  - b. The licensee has satisfied all terms and conditions of the judgment, including but not limited to any terms of imprisonment, probation and/or

supervised release, entered against him in *USA v. Stanton*, Case No. 6:21-CR-00019-REW-HAI (U.S. District Court, Eastern District of Kentucky);

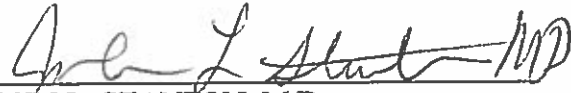
- c. The licensee has had his license to practice medicine in the State of Tennessee reinstated; and
  - d. The licensee has fully reimbursed the Board the costs of these proceedings in the amount of \$218.75.
4. If the licensee should in the future petition for a license to again practice medicine/osteopathy in the Commonwealth, he understands and agrees that the provisions of KRS 311.607 SHALL apply to said petition;
- a. The licensee understands and agrees that the burden SHALL be upon him to satisfy the Board that he is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine/osteopathy, without undue risk or danger to his patients or the public;
  - b. The licensee understands and agrees that the Board SHALL require him to successfully complete a Board-approved clinical skills assessment(s) and/or evaluation(s), at his expense, prior to considering his petition to resume the practice of medicine/osteopathy and to assist the Board in its consideration of the petition;
  - c. The licensee understands and agrees that the decision whether to permit him to resume the active practice of medicine/osteopathy lies within the sole discretion of the Board and that the Board shall not be required to issue a new license; and
  - d. In the event that the Board should allow the licensee to resume the active practice of medicine/osteopathy at any time in the future, the licensee understands and agrees that it shall do so conditioned upon him entering into an agreed order pursuant to which (1) he shall be indefinitely and permanently restricted from the prescribing, dispensing or professional utilization of controlled substances as a condition, consistent with the legislative intent set forth in KRS 218A.205, and (2) he shall otherwise be under probation for a period of no less than two years nor more than five years, such that any subsequent violation during the probation period shall result in automatic revocation of license;
5. 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

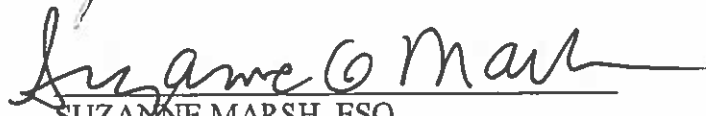
Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order of Surrender 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; and

6. 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 without a license.

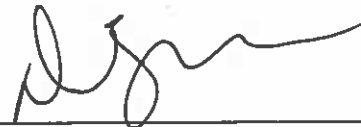
SO AGREED on this 12<sup>TH</sup> day of OCTOBER, 2022.


FOR THE LICENSEE:

  
\_\_\_\_\_  
JOHN L. STANTON, M.D.

  
\_\_\_\_\_  
SUZANNE MARSH, ESQ.  
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

  
\_\_\_\_\_  
DALE E. TONEY, M.D.  
CHAIR, HEARING PANEL B

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

**WAIVER OF RIGHTS**


I, John L. Stanton, M.D., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 2041. 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 12<sup>TH</sup> day of OCTOBER, 2022.

  
\_\_\_\_\_  
JOHN L. STANTON, M.D.  
RESPONDENT

  
\_\_\_\_\_  
SUZANNE MARSH, ESQ.  
COUNSEL FOR THE RESPONDENT

OCT - 7 2022

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2041

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN L. STANTON, M.D., LICENSE NO. 52748, 980 PROFESSIONAL PARK DR., SUITE C, CLARKSVILLE, TENNESSEE 37040

**EMERGENCY ORDER OF SUSPENSION**

On October 6, 2022, the Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel A, considered a jury verdict entered August 31, 2022 and a judgment of forfeiture entered September 2, 2022, in *U.S.A. v. Stanton, M.D.*, Case No. 6:21-CR-00019- REW-HAI; and the previously filed Emergency Order of Restriction, KBML Case No. 2041, filed of record January 21, 2022. Having considered 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 him, the Chair of Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Suspension:

1. At all relevant times, John L. Stanton, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is pain management.
3. On or about July 22, 2021, in the United States District Court, Eastern District of Kentucky, Southern Division, the licensee was indicted on felony charges related to controlled substances, in *U.S.A. v. Stanton, M.D.*, Case No. 6:21-CR-00019- REW-HAI.

4. Specifically, the licensee was indicted of acting, between in or about July 2016 through at least on or about March 2021, to conspire with others to knowingly and intentionally distribute and dispense controlled substances, including oxycodone, oxymorphone, and methadone, Schedule II controlled substances, and certain benzodiazepines, including alprazolam, Schedule IV controlled substances, pursuant to prescriptions that were not issued for a legitimate medical purpose in the usual course of professional practice, in violation of Title 21 USC § 846.
5. Due to his indictment for an offense involving controlled substances, the licensee's authority to prescribe Schedule II controlled substances became automatically suspended in the State of Tennessee, pursuant to Tennessee law.
6. On or about January 21, 2022, an Emergency Order of Restriction was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
7. In August 2022, a jury unanimously found the licensee guilty of violating 21 USC § 846 as set forth in the July 2021 indictment and returned a separate verdict supporting forfeiture of his Tennessee medical license.

#### 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) - as illustrated by KRS 311.597(4) – and KRS 311.595(12) and (17).
  4. 201 KAR 9:240 §1 provides,
    - (1) An inquiry panel or the panel's chair, acting on behalf of the inquiry panel, may issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky in accordance with KRS 311.592 and 13B.125.
    - (2) ...
    - (3) (a) An inquiry panel's chair may act on behalf of the inquiry panel and issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky if the panel chair determines that a basis for an emergency order as established in subsection (1) of this section exists and the circumstances of the specific case warrant emergency action prior to the next regularly scheduled meeting of the inquiry panel.
  5. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
  6. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable

cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's medical practice.

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 John L. Stanton, M.D., is SUSPENDED and Dr. Stanton 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.

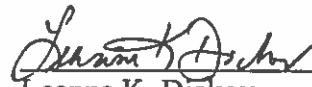
The Chair of Inquiry Panel A further declares that this is an EMERGENCY ORDER,  
effective upon receipt by the licensee.

SO ORDERED this 7<sup>th</sup> day of October, 2022.

  
\_\_\_\_\_  
WAQAR A. SALEEM, 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 the licensee, John L. Stanton, M.D., License No. 52748, 980 Professional Park Dr., Suite C, Clarksville, Tennessee 37040 and via email to [stantonmd@gmail.com](mailto:stantonmd@gmail.com), and to his counsel, Suzanne G. Marsh, 121 South Third Street, Clarksville, Tennessee 37040, [sgmarsh@batsonnolan.com](mailto:sgmarsh@batsonnolan.com), on this 7<sup>th</sup> day of October, 2022.

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

OCT - 7 2022

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2041

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY JOHN L. STANTON, M.D., LICENSE NO. 52748, 980  
PROFESSIONAL PARK DR., SUITE C, CLARKSVILLE, TENNESSEE 37040

AMENDED COMPLAINT

Comes now the Complainant Waqar A. Saleem, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 17, 2022, states for its Amended Complaint against the licensee, John L. Stanton, M.D., as follows:

1. At all relevant times, John L. Stanton, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is pain management.
3. On or about July 22, 2021, in the United States District Court, Eastern District of Kentucky, Southern Division, the licensee was indicted on felony charges related to controlled substances, in *U.S.A. v. Stanton, M.D.*, Case No. 6:21-CR-00019- REW-HAI.
4. Specifically, the licensee was indicted of acting, between in or about July 2016 through at least on or about March 2021, to conspire with others to knowingly and intentionally distribute and dispense controlled substances, including oxycodone, oxymorphone, and methadone, Schedule II controlled substances, and certain benzodiazepines, including alprazolam, Schedule IV controlled substances, pursuant to prescriptions that were not issued for a legitimate medical purpose in the usual course of professional practice, in violation of Title 21 USC § 846.
5. Due to his indictment for an offense involving controlled substances, the licensee's authority to prescribe Schedule II controlled substances became automatically suspended in the State of Tennessee, pursuant to Tennessee law.

6. On or about January 21, 2022, an Emergency Order of Restriction was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
  7. In August 2022, a jury unanimously found the licensee guilty of violating 21 USC § 846 as set forth in the July 2021 indictment and returned a separate verdict supporting forfeiture of his Tennessee medical license.
  8. Simultaneous to this Amended Complaint, the previously issued Emergency Order of Restriction was amended to an Emergency Order of Suspension.
  9. By his conduct, the licensee has violated KRS 311.595(4) and (9) - as illustrated by KRS 311.597(4) – and KRS 311.595(12) and (17). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
  10. The licensee is directed to respond to the allegations delineated in new paragraphs 7 – 9 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 the charges;
    - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
  11. NOTICE IS HEREBY GIVEN that a hearing on this Amended Complaint is scheduled for March 2, 2023, 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 in the Commonwealth of Kentucky held by JOHN L. STANTON, M.D.

This 7<sup>th</sup> day of October, 2022.



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

### CERTIFICATE OF SERVICE

I certify that the original of this Amended Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601 and copies were mailed via certified mail return-receipt requested to the licensee, John L. Stanton, M.D., License No. 52748, 980 Professional Park Dr., Suite C, Clarksville, Tennessee 37040 and via email to [stantonmd@gmail.com](mailto:stantonmd@gmail.com), and to his counsel, Suzanne G. Marsh, 121 South Third Street, Clarksville, Tennessee 37040, [sgmarsh@batsonnolan.com](mailto:sgmarsh@batsonnolan.com), on this 7<sup>th</sup> day of October, 2022.



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

FEB 18 2022

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2041

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN L. STANTON, M.D., LICENSE NO. 52748, 980 PROFESSIONAL PARK DR., SUITE C, CLARKSVILLE, TENNESSEE 37040

**COMPLAINT**

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 17, 2022, states for its Complaint against the licensee, John L. Stanton, M.D., as follows:

1. At all relevant times, John L. Stanton, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is pain management.
3. On or about July 22, 2021, in the United States District Court, Eastern District of Kentucky, Southern Division, the licensee was indicted on felony charges related to controlled substances.
4. Specifically, the licensee was indicted of acting, between in or about July 2016 through at least on or about March 2021, to conspire with others to knowingly and intentionally distribute and dispense controlled substances, including oxycodone, oxymorphone, and methadone, Schedule II controlled substances, and certain benzodiazepines, including alprazolam, Schedule IV controlled substances, pursuant to prescriptions that were not issued for a legitimate medical purpose in the usual course of professional practice, in violation of Title 21 USC § 846.
5. Due to his indictment for an offense involving controlled substances, the licensee's authority to prescribe Schedule II controlled substances became automatically suspended in the State of Tennessee, pursuant to Tennessee law.

6. On or about January 21, 2022, an Emergency Order of Restriction was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
7. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
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 3, 2022, 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 in the Commonwealth of Kentucky held by John L. Stanton, M.D.

This 18<sup>th</sup> day of February, 2022.

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



**CERTIFICATE OF SERVICE**

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601 and a copy was mailed via certified mail return-receipt requested to the licensee, John L. Stanton, M.D., License No. 52748, 980 Professional Park Dr., Suite C, Clarksville, Tennessee 37040 and via email to [stantonmd@gmail.com](mailto:stantonmd@gmail.com) on this 18<sup>th</sup> day of February, 2022.



\_\_\_\_\_  
Leanne K. Diakov  
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. 2041

JAN 21 2022

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN L. STANTON, M.D., LICENSE NO. 52748, 980 PROFESSIONAL PARK DR., SUITE C, CLARKSVILLE, TENNESSEE 37040

**EMERGENCY ORDER OF RESTRICTION**

On January 21, 2022, the Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel A, considered a Superseding Indictment, filed July 22, 2021, in the United States District Court, Eastern District of Kentucky, Southern Division, Case No, 6:21-CR-19-S-REW, and the suspension of the licensee’s authority to prescribe Schedule II controlled substances in the State of Tennessee. Having considered this information and being sufficiently advised, the Chair of Inquiry Panel A enters the following EMERGENCY ORDER OF RESTRICTION, in accordance with KRS 311.592(1) and 13B.125(1):

**FINDINGS OF FACT**

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Restriction:

1. At all relevant times, John L. Stanton, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is pain management.
3. On or about July 22, 2021, in the United States District Court, Eastern District of Kentucky, Southern Division, the licensee was indicted on felony charges related to controlled substances.

4. Specifically, the licensee was indicted of acting, between in or about July 2016 through at least on or about March 2021, to conspire with others to knowingly and intentionally distribute and dispense controlled substances, including oxycodone, oxymorphone, and methadone, Schedule II controlled substances, and certain benzodiazepines, including alprazolam, Schedule IV controlled substances, pursuant to prescriptions that were not issued for a legitimate medical purpose in the usual course of professional practice, in violation of Title 21 USC § 846.
5. Due to his indictment for an offense involving controlled substances, the licensee's authority to prescribe Schedule II controlled substances became automatically suspended in the State of Tennessee, pursuant to Tennessee law.

#### CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Restriction:

1. The licensee's Kentucky medical license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12).
4. 201 KAR 9:240 §1 provides,

(1) An inquiry panel or the panel's chair, acting on behalf of the inquiry panel, may issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky in accordance with KRS 311.592 and 13B.125.

(2) ...

(3) (a) An inquiry panel's chair may act on behalf of the inquiry panel and issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky if the panel chair determines that a basis for an emergency order as established in subsection (1) of this section exists and the circumstances of the specific case warrant emergency action prior to the next regularly scheduled meeting of the inquiry panel.

5. 201 KAR 9:240 §3 provides

(1) If a licensee is indicted in any state for a crime classified as a felony in that state and the conduct charged relates to a controlled substance, that licensee's practice shall be considered an immediate danger to the public health, safety or welfare, pursuant to KRS 311.592 and 13B.125.

(2) If the Board receives verifiable information that a licensee has been indicted in any state for a crime classified as a felony in the state of indictment and the conduct charged relates to a controlled substance, the inquiry panel or panel chair, acting on behalf of the inquiry panel, shall immediately issue an emergency order suspending or restricting that licensee's Kentucky license....

6. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public.

7. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe

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

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

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

#### **EMERGENCY ORDER OF RESTRICTION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel A hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by John L. Stanton, M.D., is RESTRICTED and Dr. Stanton is prohibited from prescribing, dispensing, or otherwise professionally utilizing controlled substances until the Board's hearing panel has finally resolved the Complaint after receipt of the court documents resolving the criminal charges in the indictment discussed in this pleading or until such further Order of the Board.

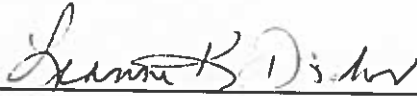
The Chair of Inquiry Panel A further declares that this is an EMERGENCY ORDER,  
effective upon receipt by the licensee.

SO ORDERED this 21<sup>st</sup> day of January, 2022.

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

**CERTIFICATE OF SERVICE**

I certify that the original of this Emergency Order of Restriction was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed via certified mail return-receipt requested to the licensee, John L. Stanton, M.D., License No. 52748, 980 Professional Park Dr., Suite C, Clarksville, Tennessee 37040 and via email to [stantonmd@gmail.com](mailto:stantonmd@gmail.com) on this 21<sup>st</sup> day of January, 2022.

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