

OCT 25 2022

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2074

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY QUANG L. NGUYEN, M.D., LICENSE NO. 53725, 2529 THOROUGHbred DRIVE, BOWLING GREEN, KENTUCKY 42104

AGREED ORDER

Come now the Kentucky Board of Medical Licensure ("the Board"), by and through its Inquiry Panel A, and Quang L. Nguyen, M.D. ("the licensee"), and, based upon their mutual desire to fully and finally resolve this pending 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, Quang L. Nguyen, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Sleep Medicine.
3. On or about August 18, 2022, the Board received a grievance from Dr. JoAnn Phillips Wood of Deaconess Hospital in Evansville, Indiana. The grievance alleged the following:
 - a. On July 28, 2022, two Protenus reports were generated within the Deaconess Privacy Department, indicating suspicious activity by the licensee, one of the employed sleep medicine physicians at the hospital. Later the same day, an additional seven (7) incidents of unexplainable accesses of medical records by the licensee were discovered ranging from

the time period of July 15, 2022 to July 28, 2022. One of the two Protenus reports indicated that the licensee accessed mental health records.

- b. The same day, hospital staff met with the licensee, who admitted to accessing the records for his personal use and without legitimate business need. The licensee was then placed on suspension.
4. During an interview with a Board investigator, Dr. Wood stated that the eight (8) patient charts accessed by the licensee were not his patients. Dr. Wood stated that the licensee stated that he accessed charts of individuals with whom he wanted to pursue a dating relationship.
5. On or about September 16, 2022, the licensee responded to the grievance, in writing through his attorney. In the letter, the licensee states that he accessed medical records on three (3) occasions after breaking off a dating relationship. The licensee stated that while he does acknowledge accessing the records of additional individuals, he does not recall accessing the number of records alleged in the grievance. The licensee acknowledged that all instances related to women he was potentially interested in meeting through on-line dating apps, but no contact or relationship materialized.
6. In his written response, the licensee included a Certificate of Completion for completing *HIPAA for Health Care Workers* on August 28, 2022 and for completing Information Privacy and Security – Health Privacy on August 29, 2022. In addition, the licensee submitted a confirmation email for his enrollment in the *ProBE* Program offered through the Center for Personalized Education for Professionals beginning on October 6, 2022.

7. The Board's Inquiry Panel A considered the investigation at its meeting on October 20, 2022. The licensee was present, with counsel, and addressed the Panel before it deliberated.

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 Kentucky 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(16). 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 matter 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 investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. The license to practice medicine in the Commonwealth of Kentucky held by QUANG L. NGUYEN, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation to become effective immediately upon the filing of this Agreed Order;

2. During the effective period of this Agreed Order, 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. Within twenty (20) days of the filing of this Agreed Order, the licensee shall contact the Acumen Institute, 4321 West 6th Street, Lawrence, Kansas, 66049; Tel: (785) 856-8218, Fax: (785) 841-8781, to schedule an evaluation/assessment for the earliest dates available to both Acumen Institute and the licensee;
 - i. Both parties may provide relevant information to Acumen Institute for consideration as part of the evaluation/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;
 - ii. The licensee shall travel to Acumen Institute and complete the evaluation/assessment as scheduled, at his expense;
 - iii. The licensee shall complete any necessary waiver/release so that the Board may receive directly from the Acumen Institute a copy of any and all evaluation/assessment reports for review. Copies of reports sent to the Board via the licensee's counsel shall not be accepted;
 - iv. The licensee SHALL implement and comply with any and all therapeutic and/or treatment recommendations of Acumen Institute based upon the evaluation/assessment;
- b. The licensee having already enrolled in the *ProBE* Program offered through the Center for Personalized Education for Professionals (CPEP), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232, the licensee SHALL complete and "unconditionally pass" the *ProBE* Program at his expense and as directed by CPEP's staff;
 - i. The licensee SHALL provide the Board's staff with written verification that he has completed and "unconditionally passed" CPEP's *ProBE* Program, promptly after completing the program;
 - ii. The licensee SHALL take all steps necessary, including signing any waiver and/or consent forms required to ensure that CPEP will provide a copy of any evaluations, reports or essays from the

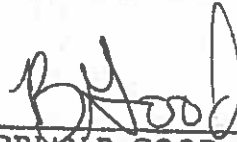
ProBE Program to the Board's Legal Department promptly after their completion; and

- c. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly agrees that if he 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 he 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).


SO AGREED on this 25th day of October, 2022.


FOR THE LICENSEE:


QUANG L. NGUYEN, M.D.


BRIAN R. GOOD
COUNSEL FOR THE LICENSEE

FOR THE BOARD:


WILLIAM C. THORNBURY, JR., M.D.
ACTING CHAIR, INQUIRY PANEL A


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