

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2047

MAR 21 2022

K.B.M.L.

IN RE: THE APPLICATION TO PRACTICE MEDICINE IN THE COMMONWEALTH
OF KENTUCKY FILED BY CHRISTOPHER CHURCH, M.D., LICENSE NO.
56562, 200 MEDICAL CENTER DRIVE, HAZARD, KENTUCKY 41701

AGREED ORDER

Come now the Kentucky Board of Medical Licensure ("the Board") and Christopher Church, M.D., ("the applicant/licensee"), and, based upon their mutual desire to grant the applicant/licensee a license to practice medicine in the Commonwealth of Kentucky, 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, Christopher J. Church, M.D. ("the applicant") was an applicant for a medical license within the Commonwealth of Kentucky.
2. The applicant's medical specialty is Anesthesiology.
3. On or about August 7, 2021, the applicant submitted an application for a license to practice medicine in the Commonwealth of Kentucky.

4. The applicant/licensee answered "Yes" to Question No. 3, Category I, which asked

Have you ever had any license, certificate, registration or other privilege as a health care professional denied, revoked, suspended, probated, restricted or limited, or subjected to any other disciplinary action, by a State medical/osteopathic licensing board, or Federal, or International authority?

5. The applicant/licensee answered "Yes" to Question No. 4, Category I, which asked

Have you ever been disciplined by any licensed hospital (including postgraduate training) or the medical staff of any licensed hospital, including removal, suspension, probation, limitation of hospital privileges

or any other disciplinary action if the action was based upon what the hospital or medical staff found to be unprofessional conduct, professional incompetence, malpractice or a violation of a provision(s) of a Medical Practice Act?

6. The applicant/licensee answered "Yes" to Question No. 7, Category I, which asked

Have you ever been removed, suspended, expelled or disciplined by any professional medical facility, association or society?

7. The applicant/licensee answered "Yes" to Question No. 8, Category I, which asked

Have you ever voluntarily or involuntarily surrendered a medical or osteopathic license, or controlled substance registration certificate issued to you?

8. The applicant/licensee answered "Yes" to Question No. 9, Category I, which asked

Have you ever been or are you currently under investigation by any State, Federal or International licensure authority or any drug licenses/enforcement authority?

9. On or October 6, 2011, the applicant surrendered his license to practice medicine in the state of Arizona based on the following findings of fact:

- a. The Arizona Medical Board initiated a case after receiving notification from a hospital [Arrowhead Hospital, Glendale Arizona] that it had recommended suspension of the Respondent's clinical privileges for touching the breasts of an anesthetized patient. Respondent voluntarily agreed to the suspension of his privileges.
- b. Respondent touched the breasts of an anesthetized patient after a surgery on July 9, 2010. Respondent stated that the patient had not disclosed during the taking of her pre-operative history that she had previously undergone breast reduction surgery and that he noticed the scars and examined them. Respondent did not record this examination in the patient's medical record.

Respondent admits that, upon reflection, the examination may not have been appropriate. Respondent states that similar events may have occurred three or four times over the course of his twelve-year career as an anesthesiologist.

- c. Based upon the allegations, Respondent was ordered to participate in a psychosexual evaluation. The evaluating facility was unable to incorporate or exclude a diagnosis of sexual disorder. The diagnoses were inconclusive regarding the inappropriate touching of patients' breasts.
- d. The standard of care for administration of anesthesia requires an anesthesiologist to not perform exams that are not indicated for the management of the patient's intraoperative or immediate postoperative course.
- e. Respondent deviated from the standard of care and admits that she engaged in unprofessional conduct by examining the patient's breasts after the operative procedure while she was anesthetized, as it was not indicated for managing the patient's intraoperative or immediate postoperative course.
- f. The patient may have suffered an invasion of her privacy and unsolicited and unwarranted physical contact.

10. In or around September 2020, the applicant applied for licensure before the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("the Utah Board").

11. The Utah Board issued the applicant licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah. The licenses

were revoked and the revocations immediately stayed subject to a term of probation for five (5) years via a Stipulation and Order dated December 24, 2020. The Utah Order placed terms and conditions upon the applicant, which included a requirement that he undergo a comprehensive psychosexual evaluation from a Board-approved provider.

12. The applicant completed the psychosexual evaluation in May and June 2021. During the evaluation, the applicant admitted touching the breast of an unconscious patient in 2004-2005 that he characterized as sexually motivated. However, he denied any sexual motivation in the case that triggered the referral to the Arizona Medical Board. The evaluator opined that the applicant is low risk for sexual misconduct toward patients and non-patients and concurred with the Utah Board that the applicant should work in concert with a physician-supervisor/mentor.
13. The applicant completed a CPEP clinical skills assessment in October 2021, which found that he performed well in the area of general anesthesia, demonstrating only scattered, minor educational needs. However, CPEP found his demonstrated education needs in the area of cardiac anesthesia were more pronounced, warranting structured remedial education.
14. The applicant has not practiced medicine in Utah since being issued a license to practice medicine in that state.
15. On or about March 17, 2022, the Board considered the applicant's application for licensure in the Commonwealth of Kentucky. The applicant was present and addressed the Board. The Board granted the applicant licensure, contingent upon the terms and conditions contained in this Agreed Order.

16. The applicant has an offer of employment from Triangle Anesthesia Group, PSC, which covers all of the anesthesia services for the Appalachian Regional Healthcare facilities located in Kentucky, to provide anesthesia services at Hazard ARH Regional Medical Center in Hazard, Kentucky.

STIPULATED CONCLUSIONS OF LAW

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

1. By submitting an Application for Medical/Osteopathic License to the Board, the applicant's license is subject to regulation and discipline by the Board.
2. KRS 311.571 provides that the Board may deny licensure to an applicant without a prior evidentiary hearing upon a finding that the applicant has violated any provision of KRS 311.595 or 311.597 or is otherwise unfit to practice.
3. Based upon the Stipulations of Fact, the applicant engaged in conduct which violates the provisions of KRS 311.595(17) and (21) and the applicant has had sanctions imposed against his license to practice medicine in another state. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
4. 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 as an express condition of the Board approving the applicant's Application for

Medical/Osteopathic License in the Commonwealth of Kentucky, the parties hereby enter into the following **AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by **CHRISTOPHER CHURCH, 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 applicant/licensee's Kentucky medical license **SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS**:
 - a. The applicant/licensee **SHALL NOT** perform any act which would constitute the "practice of medicine or osteopathy," 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 the Board or its President has approved, in writing, the practice location at which he will practice medicine.
 - i. The applicant/licensee is approved to practice medicine through Triangle Anesthesia Group, PSC, at Hazard ARH Regional Medical Center in Hazard, Kentucky;
 - ii. The applicant/licensee shall not change practice locations without first obtaining written approval by the Board or its President for such change. The parties agree that the Panel or its Chair may require additional conditions and/or restrictions as a condition of it granting approval for a new practice location.
 - b. The applicant/licensee **SHALL** only practice under direct supervision of a supervising physician, defined as having a supervising physician present and available for face-to-face communication with the applicant/licensee when and where occupational or professional services are being provided;
 - c. The applicant/licensee **SHALL** meet weekly with a supervising physician to discuss concurrent management, boundaries, clinical practice, professional relationships and any other issues the supervisor determines are pertinent to professional and ethical practice;

- d. The applicant/licensee understands and agrees that the Board SHALL NOT consider a request to modify or terminate the terms and conditions of this Agreed Order for a minimum of one (1) year from the filing date of this Agreed Order;
 - e. The applicant/licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The applicant/licensee expressly agrees that if he should violate any term or condition of this Agreed Order, his practice shall 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 applicant/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 applicant/licensee violated a term or condition of this Agreed Order.
4. The applicant/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 18 day of March, 2022.


FOR THE APPLICANT:


CHRISTOPHER CHURCH, M.D.

COUNSEL FOR THE APPLICANT
(IF APPLICABLE)

FOR THE BOARD:


WILLIAM C. THORNBURY, JR., M.D.
PRESIDENT


SARA FARMER
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150