

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2155

MAY 14 2024

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH OF KENTUCKY HELD BY JAMES R. STAHOLI, D.O., LICENSE NO. 05138, 5534 WHITE CEDAR TERRACE, SUGAR HILL, GEORGIA 30518 **KBML**

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Inquiry Panel A, and James R. Staheli, D.O. ("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, James R. Staheli, D.O. ("the licensee"), was licensed by the Board to practice osteopathy within the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is Family Medicine.
3. The licensee also holds licenses to practice osteopathy in the states of Alabama (inactive), Arizona (inactive), Colorado, Delaware, Georgia, Illinois, Indiana, Iowa (inactive), Kansas, Michigan, Nebraska, Nevada, Ohio, Oregon (inactive), Texas and West Virginia.
4. On or about December 13, 2023, the licensee entered into a Consent Agreement with the State Medical Board of Ohio ("the Ohio Board"), in lieu of formal proceedings and based upon the licensee's violation of Section 4731.22(B)(6) of the Ohio Revised Code.
5. In the Consent Agreement, the licensee stipulated:

Dr. Staheli admits that on a number of occasions he renewed prescriptions for phentermine and other non-opioid controlled substances without proper examination of patients. Prior to prescribing these substances, he would not check the OARRS system as required by law. In addition, Dr. Staheli frequently treated multiple members of the same family, and the birth dates of these family members would be mixed up in the medical records of those family members.

6. Pursuant to the Consent Agreement, the licensee's license to practice osteopathy in Ohio was suspended for ninety (90) days; placed on probation; mandated to complete courses regarding the prescribing of controlled substances and maintaining adequate and appropriate medical records and required to submit written reports describing the courses taken and explaining what he learned and how he will apply the information to his practice; and fined \$10,000.

#### 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 osteopathic 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(17). 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 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 investigation

without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**


1. The license to practice osteopathy held by James R. Staheli, D.O., is hereby PLACED ON PROBATION FOR A PERIOD OF UP TO FIVE (5) YEARS, with that period of probation beginning immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's Kentucky osteopathic license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS until further order of the Board:
  - a. Within one (1) year of the effective date of this Agreed Order, the licensee SHALL read and attest (in a duly written, executed and notarized affidavit) that he has read the Board's regulations (201 KAR 9:016, 201 KAR 9:230, 201 KAR 9:260 and 201 KAR 9:270) and understands that he must fully comply with the acceptable and prevailing standards set forth therein as a condition of having legal authority to prescribe or dispense controlled substances within the Commonwealth of Kentucky;
  - b. Within one (1) year of the effective date of this Agreed Order, the licensee SHALL read and attest (in a duly written, executed and notarized affidavit) that he has read the Board's "Opinion Regarding the Use of Telemedicine Technologies in the Practice of Medicine" and understands that he must fully comply with the acceptable and prevailing standards set forth therein as a condition of using telemedicine technologies in the practice of osteopathy/medicine within the Commonwealth of Kentucky;
  - c. Within one (1) year of the effective date of this Agreed Order, the licensee SHALL provide documentation of his successful completion of a course(s) dealing with the prescribing of controlled substances and SHALL submit to the Board a copy of his written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice in the future, as required by his Consent Agreement with the Ohio Board;
  - d. Within one (1) year of the effective date of this Agreed Order, the licensee SHALL provide documentation of his successful completion of a course(s) dealing with maintaining adequate and appropriate medical records and SHALL submit to the Board a copy of his written report describing the course(s), setting forth what he learned from the course(s), and identifying

with specificity how he will apply what he has learned to his practice in the future, as required by his Consent Agreement with the Ohio Board; and

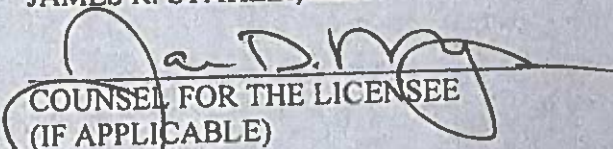
- e. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. Upon completion of the terms and conditions set forth in ¶2 above, the licensee may request and the Panel Chair may approve termination of this Agreed Order prior to the expiration of five (5) years.
4. The licensee expressly 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.
5. 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 13 day of July, 2024.

FOR THE LICENSEE:

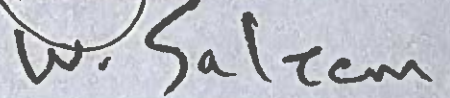


JAMES R. STAHELI, D.O.



COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:



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



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