

DEC 21 2023

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. PA-53

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT IN THE COMMONWEALTH OF KENTUCKY HELD BY NGOC JENNIFER DOAN, P.A.-C, LICENSE NO. PA 3345530 SOUTH JACKSON, LOUISVILLE, KENTUCKY 40202

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (“the Board”) and Ngoc Jennifer Doan, P.A.-C (“the applicant”), and, based upon their mutual desire to grant the applicant a license to practice as a Physician Assistant in the Commonwealth of Kentucky, subject to conditions set forth herein, 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 times, Ngoc Jennifer Doan, P.A.-C, was an applicant for a license to practice as a Physician Assistant within the Commonwealth of Kentucky.
2. On or about July 9, 2023, the applicant submitted an application for a license to practice as a Physician Assistant in the Commonwealth of Kentucky.
3. The applicant answered “no” to Question 3, Category I of the application, which asked, “Have you been convicted of a felony or misdemeanor by any State or Federal court? Are any criminal charges presently pending against you in any of those courts?”
4. The applicant answered “no” to Question 5, Category II of the application, which asked, “Within the past 5 years, have you engaged in the excessive use of alcohol or illegal drugs, or received any in-patient or outpatient or individual therapy/treatment or been

hospitalized for alcoholism, or illegal use, or been arrested for a DUI (Driving Under the Influence)?”

5. On or about April 18, 2021, the applicant was arrested for reckless driving, improper registration plate and operating a motor vehicle under the influence of alcohol. Later, she was additionally charged with refusal to take an alcohol/substance test.
6. On or about August 11, 2021, the applicant entered into an Agreed Order in her criminal case (*Commonwealth v. Doan, Ngoc Phuong*, Case No. 21-T-03560, Kenton District Court). She pled guilty to Reckless Driving and Refusal to Take Alcohol/Substance Test. During the pendency of her criminal case, she was advised and did attend seven (7) full sessions of the Prime for Life DUI/Substance Abuse Education program through Dave Harmon & Associates. Also, an Ignition Interlock Device was placed on her car. On or about October 19, 2021, the device was removed upon completion of her required compliance period.
7. On or about August 21, 2023, the Board sent the applicant a letter informing her that she must contact the Kentucky Physician’s Health Foundation (“the Foundation” or “KPHF”) for an evaluation after reviewing her application for licensure as a Physician Assistant.
8. On or about August 23, 2023, Dr. Tina Simpson, Medical Director of the Foundation, met with the applicant and took a detailed history of the events that led to her referral, as well as a thorough personal and familial health history. Immediately following the interview, the applicant submitted to the Foundation’s standard drug and alcohol testing, the results of which were positive for alcohol metabolites at a level that could represent at-risk alcohol use. Specifically, the PEth test was positive at 658 ng/mL. Based on these findings, the

Foundation determined a more thorough evaluation was needed to rule out the possibility of a substance use disorder that could impact the applicant's ability to safely practice.

9. On or about September 26, 2023, the applicant underwent a comprehensive virtual evaluation at Florida Recovery Center ("FRC"). FRC diagnosed the applicant with alcohol use disorder, mild. FRC recommended that the applicant's ability to practice with reasonable skill and safety should be contingent upon:

- Engagement in treatment for relapse prevention at an outpatient level of care with a KPHF-approved individual therapist who has experience treating alcohol/substance use disorders.
- Engagement in a monitoring contract with the KPHF and compliance with all requirements of monitoring.
- [...] neuropsychological testing should be completed if Ms. Doan believes that psychostimulants are necessary to manage her ADHD symptoms.

10. On or about October 23, 2023, the applicant signed a one-year contract with the Foundation, and the components are as follows:

- Documented attendance at no less than 12 mutual aid meetings per week;
- Individual therapy; and
- Random, observed drug screens and alcohol determinations.

11. The applicant was given notice of the Board meeting on December 14, 2023, and the applicant did appear. The Board chose to grant the applicant a license to practice as a Physician Assistant in Kentucky, contingent upon her entering into this Agreed Order.

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 Physician Assistant license to the Board, the applicant is subject to regulation by the Board.

2. KRS 311.850 provides that the Board may deny licensure to an applicant upon a finding that the applicant has violated any provision of KRS 311.850.
3. Based upon the Stipulations of Fact, the applicant violated the provisions of KRS 311.850(a) and (f). Accordingly, there are legal grounds for the Board to deny licensure, or in the alternative, to enter into this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to grant the applicant a license to practice as a Physician Assistant in the Commonwealth of Kentucky, subject to conditions set forth herein, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice as a Physician Assistant in the Commonwealth of Kentucky held by Ngoc Jennifer Doan, P.A.-C is hereby PLACED ON PROBATION for a period of five 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's physician assistant license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. Before or simultaneous to the filing of this Agreed Order, the applicant SHALL enter into a contractual relationship with the Kentucky Physicians Health Foundation;
 - b. The applicant SHALL maintain her contractual relationship with the Kentucky Physicians Health Foundation and shall fully comply with all requirements of that contractual relationship until the expiration of this Agreed Order;
 - c. The applicant SHALL completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. The applicant SHALL ensure that any such medical treatment and prescribing is reported directly to the Board in writing by the treating/prescribing physician within ten (10) days after the date of treatment. The applicant SHALL inform the treating/prescribing physician of this

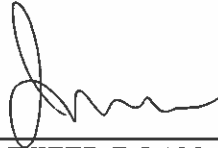
responsibility and ensure timely compliance. The applicant's failure to inform the treating/prescribing physician of this responsibility shall be considered a violation of this Agreed Order;

- d. The applicant SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, and under the conditions specified by the Board's testing agent, the purpose being to ensure that the applicant remain drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports SHALL be paid by the applicant, and the applicant SHALL pay those costs under the terms fixed by the Board's agent for testing. The applicant's failure to fully reimburse the Board's agent within that time frame SHALL constitute a violation of this Agreed Order;
 - e. The applicant is hereby FINED One Thousand Dollars (\$1,000.00).
 - i. Upon verified payment of the above fine, the applicant will be issued a Kentucky Physician Assistant License; and
 - f. The applicant SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The applicant expressly agrees that if she should violate any term or condition of this Agreed Order, the applicant's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.852 and 13B.125. The parties further agree that if the Board should receive information that she 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's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.852 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the applicant violated a term or condition of this Agreed Order.

4. The applicant 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 311.850(1)(o), and may provide a legal basis for criminal prosecution for practicing as a Physician Assistant without a license.

SO AGREED on this 20 day of December, 2023.

FOR THE LICENSEE:



NGOC JENNIFER DOAN, P.A.-C

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



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



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