

MAR 16 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2093

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY LONNIE R. DOUGLAS, M.D., LICENSE NO. 48849, 9913 SHELBYVILLE ROAD, SUITE 102, LOUISVILLE, KENTUCKY 40223-2902

COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on March 16, 2023, states for its Complaint against the licensee, Lonnie R. Douglas, M.D., as follows:

1. At all relevant times, Lonnie R. Douglas, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Orthopaedic Surgery.
3. On or about June 7, 2021, the licensee entered into an Agreed Order, Case No. 2003, pursuant to which he stipulated to the following facts:
 - On or about February 17, 2021, the licensee was charged by Information in case number 3:21-MJ-073-RSE in the United States District Court for the Western District of Kentucky. On or near the same date, the licensee entered a guilty plea to a misdemeanor violation of Conspiracy to Introduce Unapproved Human Growth Hormone into Interstate Commerce. The licensee agreed to the following facts:
 - Beginning in or before January 2016, and continuing until on or about March 29, 2019, in the Western District of Kentucky, Jefferson County, Kentucky and elsewhere, the defendant and others known and unknown to the grand jury knowingly and willfully combined, conspired, confederated, and agreed together to commit an offense against the United States, specifically, to knowingly introduce a new drug, unapproved human growth hormone ("hGH") into interstate commerce, in violation of title 21, United States Code, Section 331(d), 355(a), 381(a)(3), and 333(a)(1). The object of the conspiracy was for the conspirators to sell or obtain for use hGH for anti-aging, body building, and other unapproved purposes that had not been approved for use in

the United States and with nor order of a physician. Defendant specifically sought to obtain hGH for his personal use.

- To accomplish the objective of the conspiracy, the defendant and others employed various manner and means. Among those, the defendant used the internet to communicate with, order, and provide funds to co-conspirators for the purchase of Hygetropin branded hGH from manufacturers based in China. The Chinese-based manufacturers subsequently caused vials of hGH to be delivered from China to various addresses controlled by the defendant in the Western District of Kentucky and elsewhere, using both alias names for the defendant and false descriptions for the goods that were being shipped to the defendant on the package.
- In furtherance of the conspiracy and to effect the object thereof, the defendant performed several overt acts, in the Western District of Kentucky and elsewhere, including the following:
 - Beginning no later than January 2016, the defendant initiated communications with a Chinese supplier of hGH via the internet regarding hGH purchases and in or about January 2016 submitted an order in an attempt to procure a quantity of Hygetropin branded hGH to be shipped to an address in Gulf Breeze, Florida.
 - The defendant continued to submit periodic orders of hGH from Chinese suppliers via the internet.
 - In or about January 2019, the defendant ordered and attempted to receive from a Chinese supplier of hGH a shipment of Hygetropin branded hGH. The defendant attempted to receive this shipment under an alias name and, in an effort to evade United States law, the Chinese supplier of hGH falsely declared the “Nature of Goods” contained in the parcel to be minoxidil (a hair loss produce) when in truth and in fact the parcel contained Hygetropin branded hGH.
- On or about April 26, 2021, the licensee was sentenced to a term of one (1) year probation. The licensee was fined \$45,000.
- On or about February 24, 2016, the United States Food and Drug Administration (“FDA”) sent a notice to the licensee that the shipment of Hygetropin 8IU-HGH addressed to him from a foreign country was being detained at the request of the FDA because it was an unapproved new drug.

- On or about March 29, 2019, seventy-five (75) vials of hGH addressed to the licensee's mother at the licensee's home address were detained by the FDA.
4. On or about December 10, 2021, in Case Number 3:21-MJ-073-RSE (United States District Court for the Western District of Kentucky), the conditions of the licensee's probation were modified to include additional special conditions related to assessments and/or treatment of mental health and alcohol abuse.
 5. On or about April 14, 2022, in Case Number 3:21-MJ-073-RSE (United States District Court for the Western District of Kentucky), the one-year term of supervised probation, during which the licensee participated in dual diagnosis outpatient therapy, was terminated.
 6. On August 23, 2022, the licensee, by letter from his counsel, submitted a request to terminate the Agreed Order, Case No. 2003, reasoning that he fully complied with all terms and conditions. The following documents support his compliance:
 - Pursuant to the Evaluation and Assessment Report of August 2021, the licensee "unconditionally passed" the CPEP PROBE Program in August 2021;
 - Pursuant to the CPEP PROBE Plus Summary Report of August 4, 2022, the licensee successfully completed the PROBE Plus Program;
 - Pursuant to a letter from Todd P. Mousty, U. S. Probation Officer, dated August 22, 2022, the licensee successfully completed the term of probation in his criminal case; and
 - Pursuant to Compliance Inspection Reports dated November 9 and December 8, 2021, the licensee maintained compliance with his Agreed Order.
 7. At its September 15, 2022 meeting, the Board, through its Inquiry Panel B, granted the licensee's request and terminated the June 7, 2021 Agreed Order, effective September 15, 2022.
 8. On September 7, 2022, Michael Rodman, the Board's Executive Director, referred the licensee to the Kentucky Physicians Health Foundation ("the Foundation") via

a 30-day letter upon information that on July 16, 2022, the licensee was arrested when observed to be driving a motorboat in circles on the Ohio river. The Post-Arrest Complaint states that the officer observed the licensee as smelling highly of alcohol and that the licensee refused all field sobriety tests. The licensee was charged for violation of (1) motorboats to be registered and number; (2) non-approved/insufficient number/no personal float; and (3) observed operating boat/watercraft under the influence of alcohol, 1st.

9. On or about January 26, 2023, the licensee pled guilty to non-approved/insufficient number/no personal float and the other two charges were dismissed.
10. On or about November 10, 2022, the licensee met with the Foundation. The Foundation reported from that meeting that standard Peth testing was explained to the licensee and he became agitated; he got out a pen to take notes and was observed to be shaking; he became increasingly agitated, raising his voice and interrupting; he could not maintain eye contact and his eyes were darting around the room; throughout the interview, his speech was rapid, pressured and at times, indistinct; and the licensee was directed to submit to the Foundation's standard testing.
11. On or about November 10, 2022, Any Lab Test New reported that the licensee came into the collection site but refused to complete the scheduled testing; that it was a "very strange interaction;" and that the testing process was explained to the licensee and once he understood, he refused to complete testing.
12. On or about November 16, 2022, the Foundation's testing was completed and the results were positive for alcohol metabolites at a level indicative of a problematic relationship with alcohol. Specifically, his PEth level was 536 ng/ml (cutoff of 20

ng/ml). As a result, the Foundation directed the licensee to undergo a comprehensive evaluation at a facility approved by the Foundation.

13. On or about December 14, 2022, the licensee contacted the Foundation to inform it that he was checking into a facility on January 9, 2023.

14. On or about January 12, 2023, the licensee completed his evaluation at All Points North Lodge in Edwards, Colorado (“All Points”).

15. On or about January 17, 2023, All Points issued a Confidential Comprehensive Assessment & Evaluation. The Assessment and Evaluation raised the following concerns:

- The licensee described himself as being able to drink six (6) or more drinks on a day that he is not on call or weekends and only a couple of drinks after work on weekdays. His phosphatidyl ethanol (Peth) indicates a significantly higher ingestion of ethanol.
- The licensee reports that he had been recently treated by a psychiatrist. He has not had formal neuropsychological testing. His presentation at All Points contained many elements of ADHD, though they also raised the question of the significant stimulant dose, as well as potential mood disorders.
- Review of medical records and information obtained during the clinical interview revealed limited insight and poor judgment surrounding his history of substance use and illegal procurement of human growth. As such, his behavior and current psychiatric diagnoses reflect significant professional impairment.
- The DSM-5 Diagnostic Impressions are as follows:
 - Alcohol Use Disorder, Severe;
 - Body Dysmorphic Disorder; and
 - Attention Deficit Disorder, Predominately Inattentive.
- All Points deemed that the licensee is not safe to return to the practice of medicine due to impairment. It recommended that the licensee (1) enter a residential treatment program for a minimum of 60 days; (2) complete a full neurological and neuropsychological assessment; (3) follow all

recommendation and guidelines of the Foundation upon completion of treatment; and (4) attend group support and intensive individual and professional process group interventions.

16. The licensee was given a deadline of January 25, 2023 to advise the Foundation where he intended to undergo his treatment.

17. As of January 26, 2023, the licensee had not provided the Foundation that information. Dr. Simpson advised that the Foundation cannot advocate for the licensee's ability to safely practice clinical medicine.

18. On or about January 30, 2023, the licensee responded, by letter from his counsel in which:

- The licensee denies any problem with alcohol.
- The licensee questions the methods used by the Foundation during his meetings and testing procedures.
- The licensee states that he is still practicing medicine as he did not believe the Foundation's unwillingness to advocate from him was a directive to cease practicing medicine.

19. On or about February 2, 2023, in accordance with KRS 311.592, the Chair of the Board's Inquiry Panel B authorized the issuance of an emergency order of suspension pursuant to which licensee became suspended from practicing medicine in the Commonwealth of Kentucky pending resolution of the Complaint.

20. By his conduct, the licensee has violated KRS 311.595(4), (7) and (8). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.

21. 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;
and

(b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.

22. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for **September 12 & 13, 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 Lonnie R. Douglas, M.D.

This 16th day of March, 2023.



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B

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 copies were mailed via certified mail return-receipt requested to the licensee, Lonnie R.

Douglas, M.D., License No. 48849, 9913 Shelbyville Road, Suite 102, Louisville, Kentucky 40223-2902 and to his counsel, Jennifer L. Wintergerst, Wyatt, Tarrant & Combs, LLP, 400 West Market Street, Suite 2000, Louisville, Kentucky 40202 on this 16th day of March, 2023.



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