

MAR 31 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2100

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH  
OF KENTUCKY HELD BY WILLIAM R. ERRICO, D.O., LICENSE NO. 05287,  
117 CRUMBAKER ROAD, TONASKET, WASHINGTON 98855

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel B, and William R. Errico, D.O., (hereafter “the licensee”), and, based upon their mutual desire to 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, William R. Errico, 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 is also licensed by the Washington Board of Osteopathic Medicine and Surgery (“Washington Board”).
4. On or about April 5, 2022, the Washington Board issued a Statement of Allegations and Summary of Evidence against the licensee’s Washington osteopathic license, alleging as follows:
  - On or about October 13th, October 21st, and November 6th, 2020, Respondent provided treatment services to Patient A for anxiety and depression. Respondent practiced below the standard of care while treating Patient A by engaging in a non-therapeutic social relationship with Patient A, as evidenced by the following:

A. On or about October 2020 and November 2020, Respondent sent Patient A a Facebook request and then contacted Patient A through Facebook messaging and engaged in casual, non-therapeutic conversations with the patient.

B. On or around November 2020, Respondent invited Patient A to join Respondent at his office over the weekend.

5. On or about February 8, 2021, the State of Washington Department of Health sent the licensee a Letter of Cooperation regarding the allegations. The licensee responded to the letter with a written statement on or about March 1, 2021.
6. On or about May 10, 2022, the Washington Board entered a Stipulation to Informal Disposition regarding the osteopathic license held by the licensee, which imposed the following sanctions:
  - a. Attend and receive an unconditional pass from the PROBE program offered by CPEP; and
  - b. Pay \$1,000.00 in reimbursement for costs.
7. The licensee did not report the Stipulation to Informal Disposition to this Board within ten (10) days as required by 201 KAR 9:081(9)(2)(a)(2). Further, the licensee did not provide this Board a copy of the Stipulation issued by the Washington Board within ten days.
8. On or about August 31, 2022, the licensee disclosed the Washington Board's investigation and the Stipulation to Informal Disposition via email to the Board's webmaster.
9. On or about February 1, 2023, the licensee submitted an Application for Renewal of Kentucky Medical/Osteopathic License for Year 2023, upon which he answered "Yes" to Question No. 1, which asked "Since you last registered, have you had any license, certificate, registration or other privilege to practice as a health care professional denied, revoked, suspended, probated, restricted, reprimanded,

limited, or subjected to any other disciplinary action, by a state medical/osteopathic licensing board, or Federal, or International authority with the exception of the Kentucky Medical Board?”

10. In correspondence with his Application for Renewal, the licensee disclosed that he had been made aware of the Washington Board’s investigation as early as August 2021.
11. Although the licensee knew of the Washington Board’s investigation as early as August 2021, when he filed an Application Medical/Osteopathic License in Kentucky on or about February 10, 2022, he answered “No” to Question 9, Category I of the application, which asked, “Have you ever been or are you currently under investigation by any State, Federal or International licensure authority or any drug licensure/enforcement authority?”
12. The licensee agreed to enter into this Agreed Order, in lieu of the issuance of a Complaint.

#### 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(1), (12) and (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. During the effective period of this Agreed Order, the licensee's osteopathic license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- a. Pursuant to KRS 311.565(1)(v), the licensee SHALL submit payment of a FINE in the amount of \$3,000.00, within three (3) months of the filing of this Agreed Order; and
- b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

2. Upon verification of full payment of the fine in the amount of \$3,000.00, the Board agrees to terminate this Agreed Order.

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 29<sup>th</sup> day of March, 2023.


FOR THE LICENSEE:

  
WILLIAM R. ERRICO, D.O.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:

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

  
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