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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1779

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY SHAWN GORDEN, M.D., LICENSE NO. 39057, MANCHESTER WOMEN'S CENTER, 56 MARIE LANGDON DRIVE, MANCHESTER, KENTUCKY 40692

SIXTH AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through the Chair of its Inquiry Panel B, and Shawn Gorden, M.D. ("the licensee"), and, based upon the licensee's request for practice location approval, hereby ENTER INTO the following **SIXTH AMENDED AGREED ORDER:**

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Sixth Amended Agreed Order:

1. Shawn Gorden, M.D., held an active license to practice medicine within the Commonwealth of Kentucky from December 2004 through March 2010, when he allowed his license to become inactive.
2. The licensee's medical specialty is obstetrics/gynecology.
3. The licensee is also licensed practice medicine in the State of Texas.
4. On or about January 13, 2014, the Texas Medical Board issued a Complaint and an Order of Temporary Suspension against the licensee's Texas medical license, alleging that the licensee had admitted that he had been recreationally using cocaine; he entered the Texas Physician Health Program (PHP) and agreed to submit to an evaluation for drug dependence and to stop practicing medicine; the licensee was evaluated by the Talbott Recovery Campus ("Talbott") and was found

unable to practice medicine safely due to his chemical dependence; and the licensee refused to enter the in-patient treatment recommended by Talbott.

5. On or about August 19, 2014, a hearing on the Complaint before an administrative law judge, who found that the licensee's use of cocaine was not excessive and was not done in a manner that rendered him unable to practice medicine with reasonable safety and skill. However, the administrative law judge found that the licensee had violated Texas' medical statutes/regulations and was subject to Board discipline due to the fact that he had possessed cocaine, a felony under Texas law.
6. On or about February 26, 2015, the Texas Medical Board entered a Final Order pursuant to which the licensee was reprimanded; became restricted from the practice of medicine until such time as he completed a minimum 90-day mini-residency; required to complete a 96-hour inpatient evaluation for substance abuse and follow any resulting recommendations; must abstain from consumption of prohibited substances unless for legitimate and documented therapeutic purposes, for at least fifteen (15) years; and must participate in the Board's drug testing program.
7. In or around April 2015, the licensee submitted to a 96-hour inpatient evaluation at Palmetto Addiction Recovery Center ("Palmetto") and received the following diagnoses:
 - History of Stimulant Use Disorder – moderate to severe (cocaine)
 - History of Alcohol Use Disorder – mild to moderate
 - History of Substance Induced Mood Disorder (cocaine)
 - Avoidant Personality Features; Narcissistic Features

Palmetto recommended that the licensee complete an intensive outpatient program and enter into a monitoring contract with the Texas Physicians Health Program.

8. In or around August 2015, the licensee completed an outpatient treatment program approved by the Texas Medical Board at the Springboard Center.
9. In or around September 2015, the licensee successfully completed a 90-day mini-residency program in obstetrics and gynecology at Texas Tech University – Permian Basin.
10. Upon completion of the mini-residency, the Texas Medical Board lifted the restriction on the licensee’s ability to practice medicine in the State of Texas.
11. On or about January 19, 2017, the Panel agreed to re-register the licensee’s license to practice medicine in the Commonwealth of Kentucky contingent upon him entering into an Agreed Order filed of record on January 27, 2017.
12. On October 12, 2017 the Panel Chair approved the licensee’s request to practice medicine at Manchester Memorial Hospital and Willowbrook Women’s Center in Manchester, Kentucky, subject to the terms and conditions in an Amended Agreed Order.
13. On or about March 26, 2019, a Second Amended Agreed Order was entered to reflect the new address of a previously approved practice location due to its move to a new building.
14. On or about February 27, 2020, a Third Amended Agreed Order was entered into to allow the licensee to continue practice at Willowbrook Women’s Center (Advent Health) in Manchester, Kentucky, and to open his own primary care and gynecology practice in Louisa, Kentucky.

15. On or about August 24, 2021, a Fourth Amended Agreed Order was entered into to allow the licensee to also serve as the medical director of an addiction recovery center, Recovery Works London.
16. On or about March 4, 2022, a Fifth Amended Agreed Order was entered into to allow the licensee to practice at an additional location for Advent Health Medical Group in London, Kentucky.
17. In or around March 2023, this Sixth Amended Agreed Order was modified to clarify that the licensee may also practice at Advent Health, 210 Marie Langdon Drive, Manchester, Kentucky.

STIPULATED CONCLUSIONS OF LAW

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

1. The licensee's Kentucky medical 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(6), (7), (8) and (17). Accordingly, there are legal grounds for the parties to enter into this Sixth Amended Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this matter and allow the licensee to practice medicine in the Commonwealth of Kentucky by entering into an informal resolution such as this Sixth Amended Agreed Order.

SIXTH AMENDED AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon the licensee's request for approval of a practice location, the parties hereby ENTER INTO the following **SIXTH AMENDED AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by Shawn Gorden, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Sixth Amended Agreed Order;
2. During the effective period of this Sixth Amended Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION for an indefinite term, or until further order of the Board:
 - a. The 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 Panel or its Chair has approved, in writing, the practice location at which he will practice medicine. The decision whether to approve a particular practice location lies in the sole discretion of the Panel or its Chair. In determining whether to approve a particular practice location, the Panel or its Chair will particularly consider whether there will be appropriate supervision of the licensee, and may also consider the nature of the practice, including the licensee's proposed duties and hours to be worked. In approving such practice location, the Panel or its Chair may include specific conditions/restrictions to ensure patient safety. The licensee shall not change practice locations without first obtaining written approval by the Panel or its Chair 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;
 - i. The licensee is hereby approved to practice obstetrics and gynecology at the following location(s):

Willowbrook Womens Center (Advent Health)
56 Marie Langdon Drive
Manchester, Kentucky 40962;

Advent Health Medical Group
102 Professional Drive, Suite 2
London, Kentucky 40741; and

Advent Health
210 Marie Langdon Drive
Manchester, Kentucky 40962

- ii. The licensee is hereby approved to practice as the medical director of the following location(s):

Recovery Works London
300 Carrera Drive
London, Kentucky 40741

- b. The licensee SHALL maintain his contractual relationship with the Kentucky Physicians Health Foundation and SHALL fully comply with all requirements of that contractual relationship;
- c. The licensee 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 licensee SHALL ensure that any such medical treatment and prescribing is reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee SHALL inform the treating physician of this responsibility and ensure timely compliance. The licensee's failure to inform the treating physician of this responsibility SHALL be considered a violation of this Sixth Amended Agreed Order;
- d. The licensee 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 licensee 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 licensee, and the licensee SHALL pay those costs under the terms fixed by the Board's agent for testing. The licensee's failure to fully reimburse the Board's agent within that time frame SHALL constitute a violation of this Sixth Amended Agreed Order; and
- e. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if he should violate any term or condition of this Sixth Amended 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 Sixth Amended 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 Sixth Amended 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 Sixth Amended Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Sixth Amended Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

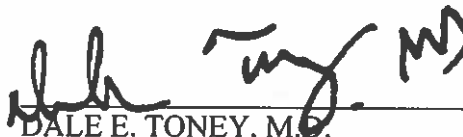
SO AGREED on this 24 day of March, 2023.

FOR THE LICENSEE:


SHAWN GORDEN, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



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



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