

OCT - 6 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. PA-52

IN RE: THE LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT IN THE COMMONWEALTH OF KENTUCKY HELD BY ROBERT A. HAYDEN, P.A.-C., LICENSE NO. PA2143, 4243 STATE ROUTE 1371 SOUTH, BARDWELL, KENTUCKY 42023

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel B, Robert A. Hayden, P.A.-C. (hereafter “the licensee”), and, based upon their mutual desire to fully and finally resolve this pending investigation, 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, Robert A. Hayden, P.A.-C. (“the licensee”), was licensed by the Board to practice as a physician assistant within the Commonwealth of Kentucky.
2. In or around 2016, on his initial application for a physician assistant license, the licensee disclosed a 1999 public intoxication charge. The Board granted the licensee a physician assistant license without condition.
3. In or around January 2023, the licensee was arrested and charged with Operating a Motor Vehicle While Under the Influence of Alcohol/Substance.
4. According to the January 2023 Uniform Citation, a witness reported “a Red Challenger all over the road and has almost hit several bridges” and a police officer observed “the vehicle cross the center line and swaying from left to right.” When

stopped, the licensee smelled of alcohol, appeared drowsy and had slurred speech.

The licensee denied using alcohol and stated that he had taken Ambien.

5. According to the results of a blood draw taken on the date of his arrest, the licensee had a BAC of 0.287.
6. In or around February 2023, the licensee submitted to biophysical mental health and substance use disorder clinical care (SUDCC) evaluation at Fort Campbell and it was recommended that he enroll in outpatient treatment; submit to urine drug screens for at least one month; attend community support meetings such as AA; and continue in behavioral health therapy to address symptoms of PTSD. The licensee completed the recommendations and was discharged from the SUDCC on or about July 14, 2023.
7. On or about April 18, 2023, the licensee entered a guilty plea to a charge of DUI – 1st Agg. and was sentenced to serve five (5) days with CTS. In addition, he was ordered to attend an alcohol or substance abuse education program; he completed that program at Four Rivers Behavioral health on or about June 20, 2023.
8. The licensee disclosed the DUI to the Board on a late renewal application and was referred to the Kentucky Physicians Health Foundation (“KPHF”).
9. On or about May 11, 2023, after meeting with the KPHF and based upon information gathered during that meeting, it was recommended that the licensee undergo a more comprehensive evaluation at a facility with expertise in working with healthcare and other safety-sensitive professionals.
10. On or about July 23, 2023, the licensee submitted to an evaluation, including neurocognitive testing, in the Healthcare Professional Program at Bradford Health Services (“BHS”). He was found to meet the criteria for alcohol use disorder, severe

(in early remission by history) and was noted to be “experiencing cognitive deficits, with an unknown etiology.” BHS concluded

... it is our opinion that addiction treatment is indicated secondary to the above concerns as well as psychiatric comorbidity. It is recommended that he complete 8 weeks of residential addiction treatment specific to healthcare providers in a program approved by the KPHF and enter into monitoring post discharge. The neurocognitive testing should be readministered prior to return to work as a PA to measure improvements in his functioning and establish safety to practice. We do not consider Lieutenant Colonel Hayden able to practice with reasonable skill and safety at this time. ...

11. On or about September 21, 2023, the licensee appeared before and was heard by the Panel.
12. The licensee enters into this Agreed Order in lieu of the issuance of a Complaint and Emergency Order of Suspension.

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 license to practice as a physician assistant in the Commonwealth of Kentucky is subject to regulation and discipline by the Board.
2. While the licensee denies any wrongdoing, he acknowledges that, based upon the Stipulations of Fact, the Inquiry Panel could conclude that he has engaged in conduct which violates the provisions of KRS 311.850(1)(f) and (g). 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 the 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 the pending investigation, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice as a physician assistant within the Commonwealth of Kentucky held by Robert A. Hayden, P.A.-C., SHALL BE RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME to begin immediately upon the date of filing of this Agreed Order;
2. During the effective period of this Agreed Order, the licensee's Kentucky physician assistant license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS until further order of the Board:
 - a. The licensee SHALL NOT perform any act which would constitute the practice of a physician assistant, as that term is defined or contemplated by KRS 311.840, *et seq.*, in the Commonwealth of Kentucky, unless and until approved to do so by the Panel;
 - b. The licensee shall not request and the Panel shall not consider a request to resume the practice of a physician assistant until the licensee:
 - i. Either
 1. Successfully completes a recommended course of inpatient treatment, to include neurocognitive testing prior to discharge, at a KPHF-approved residential treatment facility; or
 2. Obtains a second opinion 96-hour inpatient evaluation, to include neurocognitive testing, at a KPHF-approved facility; and
 - ii. Enters into a contractual monitoring relationship with the KPHF.
 - c. A petition to resume the practice of medicine SHALL be accompanied by a favorable recommendation by the KPHF's Medical Director, which shall include:
 - i. A copy of the discharge summary and statement of all aftercare requirements for the licensee from a residential treatment facility and any reports of other evaluations performed as outlined in

- paragraph 2(b)(i)(1) or any reports from a second opinion evaluation performed as outlined in Paragraph 2(b)(i)(2) above;
 - ii. A copy of the licensee's KPHF monitoring contract;
 - iii. An assessment that the licensee may safely resume the active practice of a physician assistant without undue risk or danger to patients or the public; and
 - iv. A statement of the licensee's specific plans for his return to practice, including prospective employer and practice descriptions; and
 - d. The licensee SHALL NOT violate any provision of KRS 311.850.
- 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 311.852 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 311.852 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 311.850(1)(q).

SO AGREED on this 6th day of October, 2023.

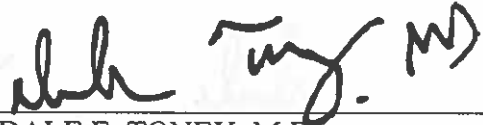
FOR THE LICENSEE:



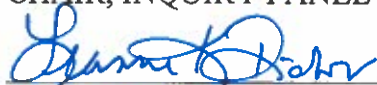
ROBERT A. HAYDEN, P.A.-C.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



DALE E. TONEY, M.D.
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