

FILED OF RECORD

APR 26 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2046

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOSHUA KADETZ, M.D., LICENSE NO. 42223, 239 RIDGE POINT LANE, CORBIN, KENTUCKY 40701

ORDER OF INDEFINITE RESTRICTION

On April 20, 2023, the Kentucky Board of Medical Licensure (hereinafter “the Board”), acting by and through its Hearing Panel A, took up this case for final action. The members of Panel A reviewed the Complaint, filed March 21, 2022; the hearing officer’s Findings of Fact, Conclusions of Law and Recommended Order, filed March 30, 2023; the Board’s Exceptions, filed April 5, 2023; Dr. Kadetz’s Exceptions, filed April 6, 2023; and an April 6, 2023, memorandum from the Board’s counsel.

Having considered all the information available and being sufficiently advised, Hearing Panel A ACCEPTS the hearing officer’s Findings of Fact and Conclusions of Law and ADOPTS those Findings of Fact and Conclusions of Law and INCORPORATES them BY REFERENCE into this Order. (Attachment) However, Hearing Panel A MODIFIES the hearing officer’s Finding of Fact in Paragraph 13 to reflect the year as 2020, rather than 2023, and the Finding of Fact in Paragraph 20 to reference Complaint ¶ 11, rather than Complaint ¶ 1. Hearing Panel A FURTHER ACCEPTS AND ADOPTS the hearing officer’s recommended order and in accordance with that recommended order, Hearing Panel A ORDERS:

1. The license to practice medicine held by Joshua Kadetz, M.D., SHALL BE RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME to begin immediately upon the date of filing of this Order of Indefinite Restriction and continuing until further order of the Board;

2. During the effective period of this Order of Indefinite Restriction, the licensee's Kentucky medical 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 medicine," 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 approved to do so by the Panel; and
- b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The Panel SHALL NOT consider a petition to resume the active practice of medicine unless and until:

- a. The licensee has entered into, maintained and complied with a contractual relationship with the Kentucky Physicians Health Foundation (which shall incorporate, at a minimum, all October 2022 discharge recommendations from FRC regarding testing, monitoring, therapy and support meetings) for a continuous, uninterrupted and documented period of sobriety of at least one (1) year;
- b. The licensee has completed a comprehensive re-evaluation (to include physical examination, polygraphy, neurocognitive and neuropsychological testing, and specialized toxicology), at Florida Recovery Center ("FRC"), 4001 SW 13th Street, Gainesville, Florida 32608, Tel. (352)-265-5549;
- c. The licensee has completed a re-entry clinical skills assessment (and obtained a remedial education plan, if recommended), in a specialty consistent with his plans to resume practice, from *either*:
 - i. Center for Personalized Education for Professionals ("CPEP"), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232 Fax: (303) 577-3241; or
 - ii. LifeGuard, 400 Winding Creek Boulevard, Mechanicsburg, Pennsylvania, 17050, Tel. (717) 909-2590; and
- d. The licensee has reimbursed the Board the costs of the proceedings in the amount of \$312.50, pursuant to KRS 311.565(1)(v).


SO ORDERED on this 26th day of April, 2023.



WAQAR A. SALEEM, M.D.
CHAIR, HEARING PANEL A

CERTIFICATE OF SERVICE

I certify that the original of the Order of Indefinite Restriction 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 Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205 and mailed via certified mail return-receipt requested to the licensee, Joshua Kadetz, M.D., License No. 42223, 239 Ridge Point Lane, Corbin, Kentucky 40701 and via email joshuakadetz@yahoo.com, on this 26th day of April, 2023.



Nicole A. King
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
502/429-7150

EFFECTIVE DATE AND APPEAL RIGHTS

Pursuant to KRS 311.593(1) and 13B.120, the effective date of this Order will be thirty (30) days after this Order of Indefinite Restriction is received by the licensee.

The licensee may appeal from this Order, pursuant to KRS 311.593 and 13B.140-.150, by filing a Petition for Judicial Review in Jefferson Circuit Court within thirty (30) days after this Order is mailed or delivered by personal service. Copies of the petition shall be served by the licensee upon the Board and its General Counsel or Assistant General Counsel. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested, along with a copy of this Order.

FILED OF RECORD

MAR 30 2023

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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2046

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOSHUA KADETZ, M.D. LICENSE NO. 42223, 80 HOSPITAL DRIVE, BARBOURVILLE, KENTUCKY 40906

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND RECOMMENDED ORDER**

This action is before the hearing officer on the *Motion for Summary Disposition* (hereinafter the *Motion*) filed by the Kentucky Board of Medical Licensure (hereinafter “the Board”) on March 6, 2023. No response has been filed by Dr. Kadetz, the licensee. After reviewing the *Motion*, the other pleadings of record and the applicable law, the hearing officer finds there are no genuine issues of material fact in dispute and that judgment as a matter of law is appropriate pursuant to KRS 13B.090(2). Therefore the hearing officer recommends the Board grant the *Motion for Summary Disposition*, find Dr. Kadetz in violation of KRS 311.595 (6), KRS 311.595 (13) and KRS 311.595 (16) and impose any appropriate sanction for those violations.

In support of this recommendation the hearing officer submits the following Findings of Fact, Conclusions of Law and Recommended Order:

FINDINGS OF FACT

1. On March 21, 2022, Inquiry Panel B of the Board issued a Complaint against the license of Dr. Joshua Kadetz alleging that he had violated KRS 311.595 (6), KRS 311.595 (13) and KRS 311.595 (16). *Complaint generally*

2. Dr. Kadetz did not file an answer within the time required, however upon notice that he was in a residential treatment program and unable to participate in any proceedings the hearing officer, at the request of the Board, held the matter in abeyance until such time as he

could be discharged and participate. *Order Holding Matter in Abeyance and Cancelling Hearing*, 7/11/22

3. Subsequently, at the request of the Board, the hearing officer scheduled a telephonic prehearing conference which was conducted on January 24, 2023. Dr. Kadetz appeared and was advised, orally and subsequently in writing, to file a response to the *Complaint* no later than February 24, 2023. Another prehearing conference was scheduled for March 1, 2023. *Report Following Prehearing Conference and Order Setting Next Prehearing Conference*. January 25, 2023

4. Dr. Kadetz did not respond to phone calls from the hearing officer to participate in the conference on March 1st and did not file his response to the *Complaint* by the date set. *Order Following Status Conference*, March 3, 2023

5. Shortly thereafter, Dr. Kadetz sent an e-mail to the Board, which was filed of record on March 2, 2023, and is taken to constitute his response to the *Complaint* as provided for in KRS 311.591(4). In that e-mail Dr. Kadetz states “I agree to everything in the case. All of the interrogatories are factual and true.” Accordingly this admission is the authority for all Findings of Fact below and will be cited as *Response generally*

6. At all relevant times Dr. Kadetz was licensed by the Board to practice medicine in the Commonwealth of Kentucky. *Complaint ¶ 1; Response generally*

7. Dr. Kadetz’s medical specialty is Family Medicine. *Complaint ¶2; Response generally*

8. Dr. Kadetz was the subject of an Agreed Order with the Board in Case Number 1590 entered into in November of 2020 in which his medical license was restricted and certain conditions imposed on his practice of medicine. *Complaint ¶¶3- 4; Response generally*

9. Dr. Kadetz was not to engage in the practice of medicine unless and until the practice

location was approved in writing by the Board panel or its Chair. Dr. Kadetz was approved to practice at Harrison Memorial Hospital in Cynthiana Kentucky. The Board must approve any change in practice location. *Complaint ¶4; Response generally*

10. Dr. Kadetz was to maintain a specific form of a “controlled substance log” and permit the Board’s agents and consultants to access and inspect that log with the licensee bearing the cost of any consultant reviews. At least two (2) favorable consultant reviews would be required before the Board considered termination of the Agreed Order. *Complaint ¶4; Response generally*

11. Dr. Kadetz was to maintain his contractual relationship with the Kentucky Physicians Health Foundation (KPHF) and fully comply with all requirements of that contractual relationship. He was to completely abstain from the consumption of mood altering substances, including alcohol, unless prescribed by a duly licensed practitioner with notice to the treating physician and to the Board. He was to be subject to periodic unannounced testing to ensure compliance with this abstinence requirement. *Complaint ¶4; Response generally*

12. Dr. Kadetz was, as a condition of the Agreed Order, not to violate any provisions of KRS 311.595 or KRS 311.597. *Complaint ¶4; Response generally*

13. On November 24, 2023, the Board received notice that Dr. Kadetz was out of compliance with his contractual relationship with KPHF. Specifically he failed two (2) daily “check ins”, failed to appear for his last therapy session without rescheduling, had an outstanding balance with his therapist, was late on providing his AA meeting lists for five (5) months and had failed to complete his required number of AA meetings in one month. *Complaint ¶5; Response generally*

14. Dr. Kadetz tested positive for two (2) unapproved mood altering substances in February of 2021. As a result KPHF was no longer willing to advocate for Dr. Kadetz in clinical practice. *Complaint ¶6; Response generally*

15. On March 18, 2021, Dr. Kadetz appeared before the Board Inquiry Panel to review his situation. He was ordered to submit to a 96 hour inpatient evaluation at Florida Recovery Center before April 30, 2021. *Complaint ¶7; Response generally*

16. Dr. Kadetz completed this evaluation in April of 2021. He was diagnosed with “unspecified other (anabolic androgenic steroid) substance related disorder” The Florida Recovery Center opined that he could not practice medicine with reasonable skill and safety until he completed the recommended inpatient treatment. *Complaint ¶8; Response generally*

17. Dr. Kadetz entered into an Interim Agreed Order with the Board on May 14, 2021 in which he agreed not to practice medicine. *Complaint ¶9; Response generally*

18. On May 10, 2021 Dr. Kadetz was hired by Physicians Health Group of Kentucky, PLLC to practice medicine. Dr. Kadetz did not disclose to that entity that he was precluded from practicing medicine by the Interim Order of May 14, 2021. Upon learning of the Agreed Order, Physicians Health Group of Kentucky, PLLC, terminated Dr. Kadetz’s employment on June 21, 2021. *Complaint ¶10; Response generally*

19. In February of 2022 Dr. Rush of Physicians Health Group of Kentucky, PLLC, learned that Dr. Kadetz had “surreptitiously” recorded a video of a patient encounter and posted the video on TikT’ok. Dr. Kadetz admitted to the videotaping and posting and ultimately removed the video. *Complaint ¶10; Response generally*

20. On or about March 8, 2022, Dr. Kadetz was arrested and charged with DUI by the Corbin Police Department. *Complaint ¶1; Response generally*

21. Following his appearance before the Board Inquiry Panel on March 17, 2022, the Board, through its Inquiry Panel issued the *Complaint* now under consideration by the hearing officer. *Complaint generally*

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this action pursuant to KRS 311.591 and KRS 311.595.
2. The administrative proceeding was conducted in accordance with the provisions of KRS Chapter 13B and KRS 311.591.
3. Under KRS 13B.090 (7) the Board has the burden to prove, by a preponderance of the evidence, the allegations against Dr. Kadetz.
4. Pursuant to KRS 13B.090 (2), “the hearing officer may make a recommended order in an administrative hearing submitted in written form if the hearing officer determines there are no genuine issues of material fact in dispute”.
5. Summary proceeding, such as those contemplated by KRS 13B.090 (2), are generally appropriate when, construing all evidence in favor of the party against whom the motion is made, there are no disputed issues of fact upon which reasonable minds could differ. *Bierman v. Klapheke*, 967 S.W. 2d. 16, 18 – 19 (Ky.1998) and *Steelvest, Inc. v. Scansteel Services Center, Inc.*, 807 S.W. 2d 476 (1991)
6. In this action the hearing officer concludes, based upon the pleadings and the record, that there are no genuine issues of material fact upon which reasonable minds could differ and that judgment is appropriate as a matter of law under the provisions of KRS 13B.090 (2).
7. KRS 311.595 authorizes the Board to take disciplinary action against a medical license, including placing a licensee on probation or revoking, suspending or restricting a license based upon proof of certain conduct by the licensee. Disciplinary action may be taken if a licensee has “become addicted to a controlled substance”. KRS 311.595 (6)
8. Based upon his admission that he was addicted to a controlled substance the hearing officer concludes that the preponderance of the evidence supports the conclusion that Dr. Kadetz

has violated KRS 311.595 (6). (See ¶16 above)

9. KRS 311.595 (13) authorizes the Board to take disciplinary action against a medical license, including placing a licensee on probation or revoking, suspending or restricting a license upon proof that the licensee has “violated any agreed order, letter of agreement, final order, or emergency order issued by the Board”.

10. Based upon his admission that he was out of compliance with several specific terms of the Agreed Order in Case Number 1590, which he entered into in November of 2020, and the Interim Agreed Order, entered into on May 14, 2022, the hearing officer concludes that the preponderance of the evidence supports the conclusion that Dr. Kadetz has violated KRS 311.595 (13). (See ¶¶13 - 18 above)

11. KRS 311.595 (16) authorizes the Board to take disciplinary action against a medical license, including placing a licensee on probation or revoking, suspending or restricting a license upon proof that the licensee has “willfully violated a confidential communication”.

12. Based upon his admission that he “surreptitiously” recorded a video of a patient encounter and posted it on social media, the hearing officer concludes that the preponderance of the evidence supports the conclusion that Dr. Kadetz has violated KRS 311.595 (16). (See ¶19 above)

RECOMMENDED ORDER

Based upon the foregoing findings of fact and conclusions of law, the hearing officer recommends the Board find Dr. Kadetz guilty of violating KRS 311.595 (6), KRS 311.595 (13), and KRS 311.595 (16) and impose any appropriate sanction for these violations.

NOTICE OF RIGHT TO FILE EXCEPTIONS AND TO APPEAL

Pursuant to KRS 13B.110 (4), a party has the right to file exceptions to this recommended decision.

A copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head. Transmittal of a recommended order may be sent by regular mail to the last known address of the party. Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal the circuit court will consider only the issues a party raised in written exceptions.

A party also has the right to appeal the Final Order of the agency pursuant to KRS 13B.140 (1 - 2) which states:

- (1) Except as provided in KRS 452.005, all final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the date of the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

- (2) A party may file a petition for judicial review only after the party has exhausted all administrative remedies available within the agency whose action is being challenged, and within any other agency authorized to exercise administrative review.

Pursuant to KRS 23A.010 (4), "Such review (by Circuit Court) shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in circuit court.

SO ORDERED this 30th day of March 2023

Keith Hardison

KEITH HARDISON
HEARING OFFICER
2616 BARDSTOWN RD.
LOUISVILLE KY 40205
(502) 432-2332
hardisonkeith@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that the original of this FINDINGS OF FACT, CONCLUSIONS AND RECCOMENDED ORDER was hand delivered for filing this 30th day of March, 2023, to:

MS. JILL LUN
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

and a true copy was hand delivered this 30th day of March, 2023, to:

HON. NICOLE A. KING
ASSISTANT GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

and a true copy was sent by first-class mail, postage prepaid, and emailed, this 30th day of March, 2023, to:

DR. JOSHUA KADETZ M.D.
239 RIDGE POINT LANE
CORBIN, KENTUCKY 40701

joshuakadetz@yahoo.com



KEITH HARDISON
HEARING OFFICER