

SEP 21 2023

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2065

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOHN L. KORBA, M.D., LICENSE NO. 25747, 996 WILKINSON TRACE, #A-5, BOWLING GREEN, KENTUCKY 42103

AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Hearing Panel B, and John L. Korba, M.D., (hereafter “the licensee”), and based upon their mutual desire to resolve the pending action without further litigation and in consideration of the licensee’s intent to retire, hereby ENTER INTO the following **AMENDED AGREED ORDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, John L. Korba, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is surgery.
3. On or about January 27, 2022, the licensee performed a colonoscopy at the Medical Center at Franklin (“MC-F”), a Med Center Health facility, after which frontline staff reported concerns, including that the licensee was not his usual “talkative or teachable self,” repeated questions, seemed “a little dazed” and unsure when he was at the cecum; that he required prompting throughout the procedure from his first assistant and nurse, including assistance lassoing protrusions and to recall which foot pedal controlled the cautery; that he failed to photograph abnormalities even

when he assured his assistant that he had; and that he left several visible polyps and growths without biopsy.

4. On or about January 28, 2022, Wade Stone, Executive Vice President of Med Center Health, notified the licensee of the concerns about the January 27 procedure via telephone. In response, the licensee verbally indicated an intent to not renew his medical staff privileges at Med Center Health facilities.
5. On or about February 1, 2022, MC-F summarily suspended the licensee's medical staff privileges because of the concerns related to the January 27 events.
6. On or about February 2, 2022, the licensee's counsel notified MC-F of the licensee's intent to not renew his privileges at MC-F or other Med Center Health facilities upon their expiration on February 8, 2022.
7. On or about February 3, 2022, the Med Center Health asked for the licensee's immediate resignation and relinquishment of privileges.
8. On or about February 4, 2022, the licensee's counsel notified Med Center Health of the licensee's immediate resignation of his privileges at Med Center Health facilities with the "understanding that the action of a summary suspension at [MC-F] is terminated and ceased, and there will be no current or future investigations."
9. On or about February 9, 2022, the licensee performed a hernia repair surgery at Greenview Regional Hospital ("GRH"), during which frontline staff observed him to be confused and disoriented and unable to complete the procedure without the assistance of his first assistant. In addition, the licensee's discussions with staff about pre-surgery antibiotics were inconsistent with standard operating procedure

and his handwritten post-operative notes were redundant, incomplete and noted “no specimen” although there had been tissue removed.

10. On or about February 9, 2022, the licensee also performed a lipoma removal at GRH, during which frontline staff noted that the licensee refused to speak with the patient’s spouse, provided no post-operative orders (except for an erroneous prescription), was confused about whether a follow-up office visit had been scheduled and entered an incomplete post-operative note.
11. On or about February 9, 2022, GRH staff observed that the licensee appeared confused about finding his way around the hospital, a place where he has worked for many years.
12. On or about February 23, 2022, the GRH Medical Staff Leadership Council held a meeting and requested that the licensee undergo examinations to determine his fitness for continued practice.
13. On or about March 1, 2022, because the licensee had not agreed to obtain an evaluation, GRH imposed a precautionary suspension on his privileges.
14. On or about March 9, 2022, in lieu of attending the Medical Executive Committee meeting, the licensee submitted his resignation of privileges to GRH indicating that he would not agree to an evaluation of his fitness to practice.
15. On or about August 18, 2022, the licensee and his counsel appeared before and was heard by the Board’s Inquiry Panel A.
16. On or about August 30, 2022, the Board’s Inquiry Panel A issued a Complaint and an Emergency Order of Suspension.

17. On or about January 19, 2023, and in lieu of proceeding with a hearing on the Complaint, the licensee entered into an Agreed Order pursuant to which the licensee became restricted from performing any act of surgery and was required to submit to a clinical skills assessment, including a neuropsychological evaluation component.

18. In or around June and July 2023, the licensee submitted to a clinical skills assessment at LifeGuard, which included a neuropsychological evaluation. The neuropsychological evaluator concluded, in part,

... From a neurocognitive perspective, the following conclusions are made:

- He was quite pleasant, cooperative, and he worked diligently during the testing.
- He appeared to notice problems during the assessment, but he was not particularly reactive to them.
- He demonstrated axial memory deficits.
- He had difficulty with semantic recall and production tasks.
- He had difficulty with spatial skills.
- He had considerable word finding problems.
- He had difficulty with comprehension and frequently needed repetition or clarification.
- Orientation items were challenging for him.

At this point, I believe Dr. Korba needs a full dementia work-up, including comprehensive laboratory studies to rule out reversible causes, neuroimaging, EEG, and neurological assessment. Unless a reversible cause can be found, I do believe that there is an emerging dementia here, mixed, likely vascular and SDAT. If there is nothing that can be remediated or treated, then I would recommend he consider retirement options at this time.

19. Overall, LifeGuard concluded

Because of cognitive deficits noticed by all of the LifeGuard evaluators, Dr. Korba should have a full dementia work-up completed, including comprehensive laboratory studies to rule out reversible causes, neuroimaging, EEG, and neurological assessment.

- Pending the results of the dementia work-up to rule out any reversible causes of the cognitive deficits, it cannot be recommended that Dr. Korba have his surgical privileges reinstated

- Unless a reversible cause can be found, there is a probable emerging dementia, mixed, likely vascular and Senile Dementia of Alzheimer's Type (SDAT)
- If there is nothing that can be remediated or treated as a result of the dementia work-up, then it is recommended that Dr. Korba consider retirement options

20. In consideration of the licensee's intent to retire from the practice of medicine, he hereby enters into this Amended Agreed Order.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this 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 is in violation of the provisions of KRS 311.595(8) and (21). Accordingly, there are legal grounds for the parties to enter into this Amended Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the pending action without an evidentiary hearing by entering into an informal resolution such as this Amended Agreed Order.

AMENDED AGREED ORDER

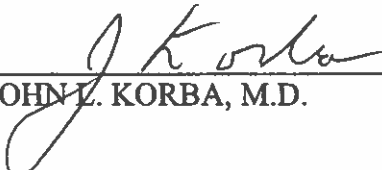
Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to resolve the pending action without further litigation and in consideration of the licensee's intent to retire, the parties hereby ENTER INTO the following **AMENDED AGREED ORDER**:

1. The license to practice medicine within the Commonwealth of Kentucky held by John L. Korba, M.D., is **RETIRED**, effective immediately upon the date of filing of this Amended Agreed Order and continuing for an indefinite period;

2. Beginning immediately and continuing throughout the indefinite period of this Amended Agreed Order, the licensee SHALL NOT perform any act, within the Commonwealth of Kentucky, which constitutes the “practice of medicine or osteopathy” as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction or any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities;
3. The licensee expressly agrees and understands that as an express condition for the entry of this Amended Agreed Order, neither the Board nor a Panel of the Board will consider any petition for reinstatement of license, to allow him to resume the practice of medicine, any motion or request for modification or change of the terms of this Amended Agreed Order or special request for consideration for relief filed by the licensee, unless and until the licensee completes a full dementia work-up (including comprehensive laboratory studies to rule out reversable causes, neuroimaging, EEG, and neurological assessment) and then completes a clinical skills re-assessment at LifeGuard;
4. The licensee expressly agrees that if he should violate any term or condition of this 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 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 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 Amended Agreed Order; and
5. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order would provide a legal basis for additional disciplinary action, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this _____ day of _____, 2023.

FOR THE LICENSEE:



JOHN L. KORBA, M.D.




DAVID F. BRÖDERICK, ESQ.
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



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



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