

AUG -7 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2113

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY BENJAMIN M. KOTINSLEY, M.D., LICENSE NO. 47170, 13333 NORTHWEST FREEWAY, SUITE 540, HOUSTON, TEXAS 77040

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Benjamin M. Kotinsley, M.D. (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, Benjamin M. Kotinsley, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is radiology.
3. The licensee is also licensed by the Wisconsin Medical Examining Board ("Wisconsin Board").
4. On or about April 19, 2023, the Wisconsin Board issued a Final Decision and Order against the licensee's Wisconsin medical license, alleging the licensee misinterpreted a chest x-ray and failed to provide adequate detail in his report.
5. The Wisconsin Final Decision and Order imposed the following conditions on the licensee:
 - a. [The licensee] is REPRIMANDED.
 - b. [The licensee] shall at their own expense, successfully complete three (3) hours of education on the topic of chest x-ray position and appearance of central lines on

chest x-rays, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- c. Within ninety (90) days from the date of this Order, [the licensee] shall pay COSTS of this matter in the amount of \$782.00.
6. The Board received notice of the Wisconsin Board action via a report from the Federation of State Medical Boards. The licensee did not report the disciplinary action taken by the Wisconsin Board within ten days of the April 19, 2023 Final Decision and Order as required by 201 KAR 9:081(9)(2)(a)(2). Further, the licensee did not provide this Board a copy of the order issued by the Wisconsin Board within ten days of the April 19, 2023 Final Decision and Order.
7. As a result of the Wisconsin Board's action, the licensee's clinical privileges were automatically relinquished at Lake Charles Memorial Health System.
8. On or about June 20, 2023, the Wisconsin Board entered an Order Granting Full Licensure because the licensee successfully met all the conditions imposed by its Final Decision and Order.
9. 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 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(12), (17) and (21). 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 medical 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 \$1,000.00, 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 \$1,000.00, 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 7th day of August, 2023.


FOR THE LICENSEE:


BENJAMIN M. KOTINSLEY, M.D.


NICK W. EDWARDS
COUNSEL FOR THE LICENSEE

FOR THE BOARD:


WILLIAM C. THORNBURY, JR., M.D.
ACTING CHAIR, INQUIRY PANEL B


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