

JUN 03 2024

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2162

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY STACEY S. ROUSSELL, M.D., LICENSE NO. 35005, 439 COUNTRY LANE, LOUISVILLE, KENTUCKY 40207-1803

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Stacey S. Roussell, M.D., (hereafter "the licensee"), and, based upon their mutual desire to fully and finally 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, Stacey S. Roussell, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is pediatrics.
3. On or about June 29, 2023, the Office of Inspector General, Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services ("OIG") analyzed the licensee's prescribing patterns for the period of April 26, 2022 through April 26, 2023 following the Board's receipt of an anonymous grievance alleging that the licensee prescribed medications to family members and noted the following concerns:
 - It appears the licensee has prescribed a psychostimulant to a family member;
 - It appears the licensee has prescribed controlled substances to individuals older than 18 years of age though her "area of practice" is "pediatrics," which may or may not be appropriate;

- It appears the licensee prescribes Concerta, or its generic equivalent, at doses higher than the recommended maximum daily dose as per the package insert;
- It appears KASPER reports may not have been requested for all patients as required in 201 KAR 9:260; and
- It appears the licensee may be prescribing more than a 3-day supply of a Schedule II substance for the treatment of pain, which may or may not be appropriate as required in 201 KAR 9:260 Section 3(2)(c).

OIG identified eleven (11) of the licensee's patients with prescribing patterns reflective of these concerns and recommended further investigation by the Board.

4. In or around November 2023, a Board consultant reviewed ten (10) of the licensee's patient charts and found that the licensee departed from or failed to conform to acceptable and prevailing medical practices and violated the Board's regulation requiring that a physician query KASPER upon initial prescribing and then at least every three (3) months thereafter if the medication is continued in all charts reviewed. Specific to the following patients, the consultant found:

- Patient J.S. had been seen by other physicians in an emergency department following a motor vehicle accident and was prescribed pain medications for a few days. Upon being contacted by the patient's aunt, the licensee called in additional controlled pain medications for Patient J.S. until she could be seen by a hand surgeon. The Board consultant noted that there was no indication that the licensee: conducted an appropriate diagnostic, medical or physical evaluation related to the patient's presenting complaint; queried KASPER prior to initiating the prescriptive treatment; documented objectives of treatment; or obtained written consent for treatment.
- The licensee, a pediatrician, prescribed Patient C.B., a 56-year-old and long-time friend, Percocet for a chief complaint of sciatica. The Board consultant noted that there was no indication that the licensee: conducted an appropriate diagnostic, medical or physical evaluation related to the patient's presenting complaint; queried KASPER prior to initiating the prescriptive treatment; documented objectives of treatment; or obtained written consent for treatment.
- The licensee, a pediatrician, prescribed Patient S.C., a 55-year-old and partner, a number of different medications, including antibiotics, steroids, antiviral medications (Tamiflu), trazodone (4/22/22), clonazepam (2/29/2016), acetaminophen and hydrocodone "Norco" (10/22/22). In some instances, the licensee documented an appropriate evaluation and clinical reasoning. In other situations (in particular those involving the prescription of a Schedule IV benzodiazepine and Schedule II medication containing hydrocodone), there was no indication that the licensee: conducted an appropriate diagnostic,

medical or physical evaluation related to the patient's presenting complaint; queried KASPER prior to initiating the prescriptive treatment; documented objectives of treatment; or obtained written consent for treatment.

5. On or about January 6, 2024, the licensee submitted a response to the Board consultant's report further explaining her diagnosis and treatment of the reviewed patients and her general practices.
6. On or about February 5, 2024, the Board consultant reported that the licensee's response and additional explanation did not change his original opinion.
7. In her January 6, 2024 response correspondence, the licensee stated "I can assure you that it was my practice to query KASPER as required."
8. On or about March 22, 2024, OIG reviewed the licensee's KASPER querying data for the ten (10) patients reviewed and for the time period of January 1, 2021 through January 1, 2024 and found that the licensee was non-compliant with KASPER querying requirements. OIG noted that during the 3-year period reviewed, the licensee viewed a total of 8 integrated KASPER patient reports and issued 104 prescriptions to the reviewed patients. Of the 104 prescriptions, 91 prescriptions were non-compliant with 201 KAR 9:260 query requirements. It was also noted that the licensee made most of the KASPER queries after she was notified of the Board's investigation.

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(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). 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 matter without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. The license to practice medicine held by Stacey S. Roussell, M.D., is hereby **PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS**, with that period of probation beginning immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license **SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS** until further order of the Board:
 - a. Beginning immediately, the licensee **SHALL** maintain a "controlled substances log" for all controlled substances prescribed, dispensed or otherwise utilized in the Commonwealth of Kentucky. The controlled substances log **SHALL** include date, patient name, patient complaint, medication prescribed, when it was last prescribed and how much on the last visit. Note: All log sheets shall be consecutively numbered, legible i.e. printed or typed, and must reflect "call-in" and refill information. Prescriptions shall be maintained in the following manner: 1) patient; 2) chart; and 3) log;
 - i. The licensee **SHALL** permit the Board's agents to inspect, copy and/or obtain the controlled substance log and other relevant

records, upon request, for review by the Board's agents and/or consultants;

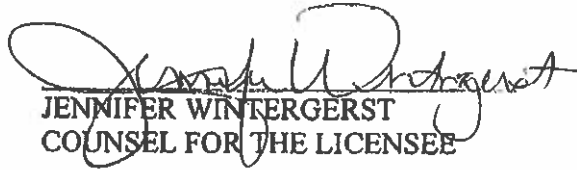
- b. The licensee SHALL NOT prescribe, dispense or otherwise provide controlled substances to herself, an immediate family member or a sexual or romantic partner;
 - i. "Immediate family member" means husband or wife; natural or adoptive parent; child or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law; grandparent or grandchild; spouse of a grandparent or grandchild; or any person residing in the same residence as the licensee.
- c. The licensee SHALL NOT prescribe, dispense or otherwise provide controlled substances to a physician peer or an employee, without querying KASPER each time and sufficiently documenting evaluations, diagnoses, ruled-out non-controlled substance treatment alternatives, treatment plans and consents in accordance with the standards set forth in 201 KAR 9:260;
- d. Within twenty (20) days of the filing of this Agreed Order, the licensee SHALL make all necessary arrangements to enroll in the *ProBe* Program offered through the Center for Personalized Education for Professionals (CPEP), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232, at the earliest time;
 - i. The licensee SHALL complete and "unconditionally pass" the *ProBe* Program at the time and date(s) scheduled, at her expense and as directed by CPEP's staff;
 - ii. The licensee SHALL provide the Board's staff with written verification that she has completed and "unconditionally passed" CPEP's *ProBe* Program, promptly after completing the program;
 - iii. The licensee SHALL take all steps necessary, including signing any waiver and/or consent forms required to ensure that CPEP will provide a copy of any evaluations, reports or essays from the *ProBe* Program to the Board's Legal Department promptly after their completion; and
- e. Within six (6) months of the entry of this Agreed Order, the licensee SHALL reimburse the Board's costs in the amount of \$3,937.50; and
- f. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. Upon successful completion of the terms and conditions stated in ¶2(d and e) above, the licensee may request termination of this Agreed Order.
4. The licensee expressly agrees that if she 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 she 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.
5. 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).

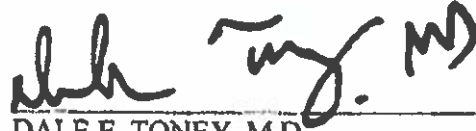
SO AGREED on this 30th day of May, 2024.


FOR THE LICENSEE:


STACEY S. ROUSSELL, M.D.


JENNIFER WINTERGERST
COUNSEL FOR THE LICENSEE

FOR THE BOARD:


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


LEANNE K. DIAKOV
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150