

FILED OF RECORD

APR 25 2024

KBML

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1990

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY WILLIAM LAWRENCE GREGORY SIEFERT, M.D., LICENSE NO. 46903, 6890 VIENNA WOODS TRAIL, DAYTON, OHIO 45459

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Hearing Panel A, and William Lawrence Gregory Siefert, M.D., (“the licensee”), and, based upon their mutual desire to fully and finally resolve the amended complaint without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, William Lawrence Gregory Siefert, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is pain management.
3. The licensee practices within the Commonwealth of Kentucky, including at the following locations: 836A US 31 Bypass, Bowling Green, KY 42101; 208 Legends Lane, Suite 130, Lexington, KY; and 200 Clint Hill Blvd., Paducah, KY 42011.
4. On or about May 13, 2019, the licensee entered into an Agreed Order, KBML Case No. 1908, which is incorporated herein in its entirety by reference.
5. On or about February 24, 2021, the licensee was indicted on one (1) count of conspiracy to distribute a controlled substance (being Schedule II controlled

substances, including hydrocodone and oxycodone, and Schedule IV controlled substances, including clonazepam) in violation of 21 U.S.C. § 846; eleven (11) counts of distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1); one (1) count of conspiracy to commit health care fraud in violation of 18 U.S.C. § 1349; and eight (8) counts of health care fraud in violation of 18 U.S.C. § 1347.

6. According to the indictment,

- The licensee provided purported pain management services by, among other methods, prescribing controlled substances and ignored information and indications of aberrant behavior by patients, continuing to prescribe controlled substances to those patients;
- At least six (6) patients died of opioid overdoses shortly after receiving prescriptions written by the licensee under circumstances in which the licensee's prescribing of controlled substances contributed to the patients' overdose deaths and in some cases after the patients had engaged in aberrant behavior;
- The licensee ordered and directed others to submit false and fraudulent claims to Medicaid and other health care benefit programs, representing that these tests were medically necessary, when in reality, there was no medical necessity for those tests; and
- The licensee's conduct was in part driven by his desire and intent to maximize lucrative reimbursements from Medicaid and other health care benefit programs.

7. In or around March 2021, Inquiry Panel B issued a Complaint and an Emergency Order of Restriction against the licensee's license to practice medicine in the Commonwealth of Kentucky and authorized for their amendment as the criminal proceedings progressed.

8. In or around May 2022, a Superseding Indictment was returned against the licensee.

9. In or around March 2023, a jury trial was held and the licensee was acquitted of most of the charges, except that he was found guilty of health care fraud in violation of 18 U.S.C. § 1347, in that

Beginning at least in or around January 2017, and continuing through at least in or around February 2019, in Boone and Campbell Counties, in the Eastern District of Kentucky, and elsewhere, [the licensee] did knowingly and willfully execute, and attempt to execute, a continuing scheme or artifice to defraud a health care benefit program affecting commerce, as defined in 18 U.S.C. § 24(b), that is, Medicaid, Medicare, and other health care benefit programs, and obtain, by means of materially false and fraudulent pretenses, representations, and promises, and omission and concealment of material facts, money and property owned by, and under the custody and control of, said health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services.

Paragraphs 38-44 of the Superseding Indictment set forth the scheme to defraud as follows:

- The dangerous prescribing of controlled substances, including opioids, was in part driven by the licensee's desire and intent to bill for UDT on patients, tests which were lucratively reimbursed by Medicaid, Medicare, and other health care benefit programs.
- To that end, the licensee directed NKYCPR employees to obtain specimens from patients during office visits.
- The licensee directed employees of NKYCPR to perform both presumptive and definitive testing on the provided specimens, irrespective of any identified individualized need, and concealed the existence of this blanket order from Medicare, Medicaid, and other health care benefit programs.
- At the licensee's order and direction, NKYCPR employees submitted false and fraudulent claims to health care benefit programs for presumptive and definitive testing, representing that these tests were medically necessary for the diagnosis and treatment of patients, when, in reality, there was no medical necessity for these tests and these tests were performed for the purpose of maximizing subsequent reimbursements from Medicare, Medicaid, and other health care benefit programs.

- At the licensee's order and direction, NKYCPR employees submitted false and fraudulent claims to health care benefit programs for UDT, the results of which the licensee ignored - including for patients who overdosed and died after UDT performed by NKYCPR revealed that the patient had engaged in aberrant behavior.
 - The licensee caused the submission of bills for definitive UDT at a higher level of complexity-generally a test billed under HCPCS Code G0482 or G0483 than was medically necessary.
 - The licensee caused the submission of bills for definitive UDT that was not in fact reviewed or used in the treatment of patients.
10. On or about February 7, 2024, the Court denied the licensee's Motion for Acquittal, New Trial, and to Set Aside Verdict.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order of Surrender:

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(4) and (9), as illustrated by KRS 311.597(4), and KRS 311.595(10). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the amended complaint without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

AGREED ORDER OF SURRENDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve the amended complaint, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

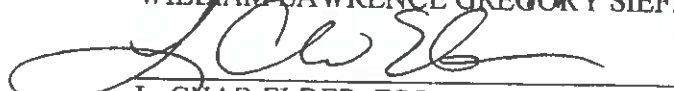
1. The licensee, William Lawrence Gregory Siefert, M.D., HEREBY SURRENDERS, in lieu of revocation, his license to practice medicine/osteopathy within the Commonwealth of Kentucky for an indefinite period of time, with that surrender to become effective immediately upon the date of filing of this Agreed Order of Surrender;
2. Following the effective date of surrender of his license, the licensee SHALL NOT engage in any act which would constitute the “practice of medicine or osteopathy” as that term is defined by 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 – until approved to do so by the Board;
3. The licensee SHALL NOT petition the Board for a license to again practice medicine/osteopathy in the Commonwealth unless and until:
 - a. At least two (2) years have passed from the date of entry of this Agreed Order of Surrender;
 - b. The licensee has satisfied all terms and conditions of judgment, including but not limited to any terms of imprisonment, probation and/or supervised release, entered against him in *USA v. Siefert, et al.*, Case No. 2:21-CR-00002-DLB-CJS (U.S. District Court, Eastern District of Kentucky); and
 - c. The licensee has fully reimbursed the Board the costs of these proceedings in the amount of \$656.25;
4. If the licensee should in the future petition for a license to again practice medicine/osteopathy in the Commonwealth, he understands and agrees that the provisions of KRS 311.607 SHALL apply to said petition;
 - a. The licensee understands and agrees that the burden SHALL be upon him to satisfy the Board that he is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine/osteopathy, without undue risk or danger to his patients or the public;

- b. The licensee understands and agrees that the Board SHALL require him to successfully complete a Board-approved clinical skills assessment(s) and/or evaluation(s), at his expense, prior to considering his petition to resume the practice of medicine/osteopathy and to assist the Board in its consideration of the petition;
 - c. The licensee understands and agrees that the decision whether to permit him to resume the active practice of medicine/osteopathy lies within the sole discretion of the Board and that the Board shall not be required to allow him to resume the practice of medicine/osteopathy in the Commonwealth of Kentucky; and
 - d. In the event that the Board should allow the licensee to resume the active practice of medicine/osteopathy at any time in the future, the licensee understands and agrees that it SHALL do so conditioned upon him entering into an agreed order pursuant to which (1) he shall be indefinitely and permanently restricted from the prescribing, dispensing or professional utilization of controlled substances as a condition, consistent with the legislative intent set forth in KRS 218A.205, and (2) he shall otherwise be under probation for a period of no less than two years nor more than five years, such that any subsequent violation during the probation period shall result in automatic revocation of license;
5. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order of Surrender, 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 of Surrender, 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 of Surrender 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 of Surrender; and
6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine without a license.


SO AGREED on this 29 day of Feb., 2024.


FOR THE LICENSEE:


WILLIAM LAWRENCE GREGORY SIEFERT, M.D.


L. CHAD ELDER, ESQ.
COUNSEL FOR THE LICENSEE

FOR THE BOARD:


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


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

WAIVER OF RIGHTS

I, William Lawrence Gregory Siefert, M.D., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 1990. I understand that, under 201 KAR 9:082, I must waive certain rights if I wish to resolve this matter by informal dispensation. Accordingly, I WAIVE my right to raise any constitutional, statutory or common law objection(s) I may have to the Hearing Panel rejecting the proposed informal dispensation or to the curtailment of such a settlement by the Board's General Counsel or Assistant General Counsel.

Furthermore, if the Hearing Panel accepts the proposed Agreed Order of Surrender as submitted, I WAIVE my right to demand an evidentiary hearing or to raise additional constitutional or statutory objections in this matter. However, if the Hearing Panel should reject the proposed Agreed Order of Surrender, I understand that further proceedings will be conducted in accordance with KRS 311.530 *et seq.*, and I will have the right to raise any objections normally available in such proceedings.

Executed this 29 day of Feb., 2024.

William Lawrence Gregory Siefert, M.D.
WILLIAM LAWRENCE GREGORY SIEFERT, M.D.
RESPONDENT

L. Chad Elder
L. CHAD ELDER, ESQ.
COUNSEL FOR THE RESPONDENT