

SEP 21 2023

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2120

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY SCOTT WILLIAM SMITH, M.D., LICENSE NO. C0380, 1851 DELACOURT AVENUE, MOUNT PLEASANT, SOUTH CAROLINA 29466

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel B, and Scott William Smith, M.D., (“the licensee”), and, based upon their mutual desire to fully and finally resolve the pending investigation, 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, Scott William Smith, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky and nearly forty-nine other (49) states.
2. The licensee obtained his Kentucky license through the Interstate Medical Licensure Compact and his state of principal license is Wyoming.
3. The licensee’s medical specialty is Family Medicine.
4. On or about May 9, 2023, the United States Drug Enforcement Administration (“DEA”) investigated the licensee’s prescribing of ketamine to treat anxiety and depression, primarily via telehealth, and suspended the licensee’s controlled substance prescribing privileges.

5. On or about May 11, 2023, the licensee notified the North Dakota Board of Medicine of the suspension of his DEA license and stated his intent to relinquish his license to practice medicine in North Dakota rather than be subject to disciplinary proceedings.
6. On or about June 7, 2023, the licensee voluntarily surrendered his license to practice medicine in the State of Alabama while under investigation by the Alabama State Board of Medical Examiners.
7. On or about June 8, 2023, the Arkansas State Medical Board expanded an investigation into the licensee's controlled substance prescribing practices in the State of Arkansas.
8. On or about July 10, 2023, the Virginia Department of Health Professions issued an Order of Mandatory Suspension against the licensee's license to practice medicine in the Commonwealth of Virginia.
9. On or about July 20, 2023, the Maine Board of Licensure in Medicine suspended the licensee's license to practice medicine in the State of Maine.
10. Also in July 2023, the licensee reported to this Board that he had voluntarily surrendered his license while under investigation in Wyoming.
11. On or about August 3, 2023, the licensee reported to this Board that he had voluntarily surrendered his license while under investigation in the following states: Maine, Wisconsin, Michigan, Illinois, Arkansas, Virginia and Alabama.
12. The licensee enters into this Agreed Order of Surrender to effectuate the voluntary surrender of his license to practice medicine in the Commonwealth of Kentucky, in lieu of the issuance of a Complaint and Emergency Order of Suspension.

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(17). 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 pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

AGREED ORDER OF SURRENDER

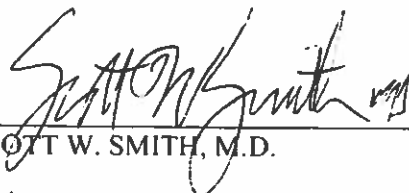
Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, the parties hereby ENTER INTO this **AGREED ORDER OF SURRENDER** with the following terms and conditions:

1. The licensee, Scott William Smith, M.D., HEREBY SURRENDERS, in lieu of revocation, his license to practice medicine 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 the 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 expressly agrees that he SHALL NOT petition and the Board SHALL NOT consider a petition for reinstatement of his license unless:
 - a. A minimum period of two (2) years from the date of filing of this Agreed Order of Surrender has passed;

- b. The licensee has had his license reinstated, without restriction, in the following states: Alabama, Arkansas, Illinois, Maine, Michigan, North Dakota, Virginia, Wisconsin and Wyoming;
 - c. The licensee holds an unrestricted license to prescribe controlled substances from the Drug Enforcement Administration (DEA), effective in every state in which the licensee is then-licensed to practice medicine;
4. If the licensee should in the future petition for reinstatement, 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 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 reinstate his 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 shall 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 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 of Surrender.
6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender may provide a legal basis for additional disciplinary action or criminal prosecution.

SO AGREED on this 15th day of September, 2023.

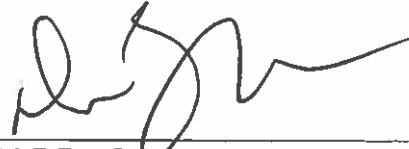
FOR THE LICENSEE:



SCOTT W. SMITH, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



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



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