

FILED OF RECORD

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2086

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY CLAY E. STALCUP, M.D., LICENSE NO. 50390, 3834
JACKSON BEND DRIVE, LOUISVILLE, TENNESSEE 37777

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and CLAY E. STALCUP, 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, Clay E. Stalcup, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Family Medicine.
3. The licensee is also licensed by the Tennessee Board of Medical Examiners ("Tennessee Board").
4. On or about November 1, 2022, the Tennessee Board entered a Consent Order regarding the medical license held by the licensee.
5. The Tennessee Board found that the licensee violated Tennessee statutes based upon the licensee being a Medical Director of an unregistered medical spa.
6. The Tennessee Consent Order imposed the following conditions:
 - a. The license held by the licensee was REPRIMANDED effective the date of the entry of the Consent Order.

- b. The licensee shall pay five (5) Type C civil penalties in the amount of fifty dollars (\$50.00) each for a total of two hundred and fifty dollars (\$250.00), representing the number of months the licensee was the medical director of an unregistered medical spa. Penalties shall be paid within thirty (30) days of the effective date of the Consent Order.
 - c. The licensee shall pay the actual and reasonable costs of prosecuting the Tennessee case to the extent allowed by law and are due in full within thirty (30) days of the issuance of the Assessment of Costs. The maximum amount of costs shall be one thousand, five hundred dollars (\$1,500.00).
7. The Board received notice of the Tennessee Board action via a report from the Federation of State Medical Boards. The licensee did not report the disciplinary action taken by the Tennessee Board within ten days of the November 1, 2022 Consent 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 Tennessee Board within ten days of the November 1, 2022 Consent Order.
8. 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) and (17). 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 5 day of February, 2023.


FOR THE LICENSEE:


CLAY E. STALCUP, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


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


NICOLE A. KING
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150