

SEP 19 2024

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2079

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH OF KENTUCKY HELD BY JASON STAMPER, D.O., LICENSE NO. 02798, 35 FLORA STREET, PIKEVILLE, KENTUCKY 41501

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Hearing Panel B, and Jason Stamper, D.O. (“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, Jason Stamper, D.O. (“the licensee”), was licensed by the Board to practice osteopathy in the Commonwealth of Kentucky.
2. The licensee’s osteopathic specialty is psychiatry.
3. In or around August 2022, in *Commonwealth v. Stamper*, Case No. 22-M-00653 (Floyd District Court), the licensee was charged, with Operating a Motor Vehicle Under the Influence of a Substance; Failure to or Use of Improper Signal; Improper Display of Registration Plates; Failure to Produce Insurance Card; Careless Driving; and Resisting Arrest, based upon the following facts noted by a Prestonsburg Police Officer:

I observed the listed vehicle traveling at a high rate of speed while coming up on my bumper on US23. I observed the vehicle to change lanes several times without using a turn signal. At this time I conducted a traffic stop on the vehicle. Upon contact with the operator, later identified as Jason Stamper, I noticed his eyes to be pinpoint sized. When asked why his driving was careless, he responded “I’m tired of being pulled over.” The license plate on

the vehicle was not the correct one that was supposed to be on it. At this time I asked Stamper to step out of the vehicle and performed SFST's which showed horizontal gaze nystagmus tests indicate equal pupil size and equal tracking. Operator did not show resting nystagmus. Officer observed lack of smooth pursuit present in both left and right eyes and onset of nystagmus at angle prior to 45 degrees in both left and right eyes. Operator showed 4 of 6 clues on HGN. Vertical gaze nystagmus was present. Walk and turn tests indicate operator did not touch heel to toe, stepped off the line, made improper turn, and took incorrect number of steps. Operator showed 4 of 8 clues on the WAT. Once I advised Stamper he was under arrest, he stated "You can't take me to jail" and started to back away from Officer Hutchison, Officer Spriggs and myself. Once I got one cuff on one of Stamper's wrists, he began to tense up and pull away. Stamper was transported to ARH where he was read implied consent. Stamper consented to a blood test, refused a test of his own and did contact an attorney.

4. On or about December 15, 2022, a search warrant was executed on the licensee's residence during which the following were recovered:
 - a baggie containing a white substance consistent with methamphetamine
 - bags of the Attention Deficit/Hyperactivity Disorder drug Vyvanse
 - scales, pipes, a container and baggies in the same area containing residue.
5. On or about December 15, 2022, the licensee was arrested and booked into the Pike County Detention Center under charges of first-offense trafficking in a controlled substance, first-degree possession of a controlled substance and possession of drug paraphernalia.
6. On or about December 16, 2022, the Board's Inquiry Panel A Chair issued an emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued a complaint, on or about February 16, 2023.
7. In or around February 2023, the charge of Operating a Motor Vehicle Under the Influence of a Substance was dismissed in *Commonwealth v. Stamper*, Case No. 22-M-00653 (Floyd District Court).

8. In or around April 2023, the licensee was found guilty on charges of Failure to or Use of Improper Signal; Improper Display of Registration Plates; Failure to Produce Insurance Card; Careless Driving; and Resisting Arrest, in *Commonwealth v. Stamper*, Case No. 22-M-00653 (Floyd District Court).
9. On or about May 25, 2023, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), a federal grand jury returned an indictment against the licensee charging him with four (4) counts of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and note for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).
10. On or about May 30, 2023, the Board's Inquiry Panel A Chair issued an amended complaint and an amended emergency order of restriction against the licensee's license to practice osteopathy in the Commonwealth of Kentucky.
11. On or about July 18, 2023, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee was released from detention pending trial on a number of conditions including that he refrain from violating federal, state, or local law while on release and that he "not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a medical practitioner." The licensee then commenced supervision in the Middle District of Tennessee where he resided with his mother.
12. On or about October 25, 2023, the licensee's Probation Officer in the Middle of District of Tennessee reported that the licensee tested positive for the use of unprescribed methamphetamine, a controlled substance.

13. On or about November 1, 2023, during a hearing before U.S. Magistrate Judge Atkins, the licensee stipulated to the use of amphetamine and conceded that his conduct constituted a violation of the conditions of his release. Magistrate Judge Atkins expressed serious concern with respect to the licensee's history of methamphetamine use and his apparent dishonesty to probation officers during his bond interview and when initially confronted with the suspected bond violation. Ultimately, the Magistrate Judge determined, based on Stamper's past drug usage, his present conduct, and his untruthfulness, that release was not appropriate under 18 U.S.C. § 3148. The licensee was then taken into custody and detained pending trial.
14. On or about March 14, 2024, in *USA v. Stamper*, Case No. 7:23-CR-9-DCR (U.S. District Court, Eastern District of Kentucky), the licensee (a.k.a. "Defendant") entered a guilty plea to one (1) count of having knowingly and intentionally distributed and dispensed, outside the scope of professional practice and not for a legitimate medical purpose, amphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), based upon the following admitted facts:

Between April 15, 2022, and September 27, 2022, a DEA Task Force Officer (the "UC") made 6 undercover patient visits at Defendant's clinic, where he was the sole doctor. In those visits, Defendant prescribed Schedule II (Ritalin and Adderall) controlled substances outside the usual course of professional practice and without a legitimate medical purpose. For instance, at the initial visit, the Defendant prescribed the UC Ritalin after the UC said he wanted something to give him a "kick in the britches." Other than cursory blood-pressure and lung-sound checks (on a few, but not all of the visits), Defendant performed no medical examinations, did not inquire into legitimate medical need for the prescriptions, took no action when the UC failed to secure blood work as directed for 5 straight visits, increased doses and/or switched between controlled substances (Ritalin to Adderall) without explanation.

During the June 7, 2022, visit, the UC advised Defendant that the Ritalin he was prescribed during the prior visit had no effect. Without further inquiry,

the Defendant advised he would increase the UC's Adderall dose to 10 mg twice per day (the equivalent of 8 times the original dose of Ritalin) and advised that he would then up that dose to 30 mg twice per day at a subsequent visit without any explanation of medical justification for the increased dosage or switch to the more potent stimulant.

15. On or about July 15, 2024, the licensee was sentenced to a term of imprisonment for thirty-two (32) months. Upon release from prison, the licensee will be under supervision of the U.S. Probation Office for three (3) years.

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 osteopathic 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), (9) [as illustrated by KRS 311.597(4)] and (12). 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, Jason Stamper, D.O., 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. Stamper*, Case No. 7:23-CR-9-DCR (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 \$562.50;
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 Board SHALL require him to successfully complete a 96-hour inpatient impairment evaluation at a Kentucky Physicians Health Foundation-approved facility, 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;
 - d. 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

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Jason Stamper
Chad Elder

required to allow him to resume the practice of medicine/osteopathy in the Commonwealth of Kentucky; and

- e. The licensee understands and agrees that in the event that the Board should allow him to resume the active practice of medicine/osteopathy at any time in the future it SHALL do so conditioned upon the licensee 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/osteopathy without a license.

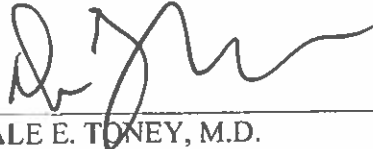
SO AGREED on this 8th day of August, 2024.

FOR THE LICENSEE:

Jason Stamper D.O.
 JASON STAMPER, D.O.

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

FOR THE BOARD:



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



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WAIVER OF RIGHTS

I, Jason Stamper, D.O., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 2079. 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 8th day of August, 2024.



JASON STAMPER, D.O.
RESPONDENT

L. CHAD ELDER, ESQ.
COUNSEL FOR THE RESPONDENT