

FEB 15 2024

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2140

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY BRETT T. WAHLGREN, M.D., LICENSE NO. 53134, 619 SOUTH 19TH STREET, BIRMINGHAM, ALABAMA 35249-6810

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, and Brett T. Wahlgren, 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, Brett T. Wahlgren, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Anesthesiology.
3. The licensee is also licensed to practice medicine in the State of Alabama.
4. Between March and May 2022, after referral from the Alabama Physicians Health Program (“ALPHP”), the licensee participated in 10-weeks of residential treatment for alcohol use disorder at Bradford Health Services. Upon discharge, it was noted that the licensee’s recovery prognosis was rated poor to fair if he followed all recommendations.
5. On or about July 13, 2022, the licensee entered into a monitoring contract with the ALPHP which required, in part, that he abstain from the use of alcohol.

6. On or about December 22, 2022, the licensee entered into a piggyback contract, mirroring the terms of his ALPHP contract, with the Kentucky Physicians Health Foundation (“KPHF”).
7. Between December 22, 2022 and January 1, 2023, the licensee relapsed to use of alcohol.
8. On or about February 6-9, 2023, and upon referral from the ALPHP, the licensee submitted to a multidisciplinary clinical fitness for duty evaluation at Acumen Assessments (“Acumen”).
9. Acumen determined, with a reasonable degree of psychological/medical certainty, that the licensee “is unfit for duty and at risk for relapse and future depressive episodes that have the potential of generating suicidal ideations.” Acumen made the following diagnoses:
 - Persistent Depressive Disorder, Moderate
 - Alcohol Use Disorder, Moderate
 - Borderline Personality Traits with Narcissistic and Masochistic Features

10. According to Acumen

[The licensee’s] relapse, and his marital and professional difficulties can be attributed to the borderline, narcissistic, and self-defeating aspects of his personality that intermix with a moderate alcohol use disorder and a core conflict of defiance and stubbornness that limit his chances of managing distress and negative affect as well as maintaining abstinence. [The licensee] has internalized beliefs that he is “not good enough,” which fuels a tendency to be harsh with himself that in turn causes him to be harsh with those he depends on for support. He can also grow resentful and at times rageful, when he does not receive attention and empathy from others, which can cause him to act out defiantly. He wants others to mirror his feelings of specialness and can become angered when this is not received. If he has a regulatory authority placing demands on him (i.e., they are not responding to his specialness), his core conflict of stubbornness and defiance become activated making it difficult for him to comply with what is asked. This can lead to sulking and immature and passive aggressive behavior. He may begin to make a large production out of small matters, while insisting his feelings are understood and his needs are met. He also has a tendency to experience his emotions very rapidly, which makes it difficult for him to maintain sound judgment and think reasonably. When under these conditions, he can grow impulsive

and at risk for misperceiving his environment. If he is under extreme duress, he becomes at risk for suicidal ideations.

[The licensee] presents with a moderate alcohol use disorder that he is yet to fully come to terms with. The narcissistic side of his personality (i.e. his vulnerable self-esteem) results in him wrestling with the idea that he experiences an addiction and has kept him from embracing his recovery. He needs to understand that his use of alcohol increases his chance of becoming depressed and is detrimental to his success. ...

[The licensee] also experiences a persistent depressive disorder that periodically develops into major depressive episodes. His use of alcohol perpetuates this cycle and increases his probability of becoming depressed. Going forward, it will be imperative that he maintains a healthy routine that allows for balance and self-care. He needs to tend to his depressive symptoms when they arise and understand how his use of substances makes it more difficult to do so. He should not use his depression as an excuse to justify his immature behavior. He has historically tried to divert his treatment provider's focus from his alcohol use to his depression, not understanding how the two are intertwined....

...

[The licensee] did not inform the assessment team he is under monitoring with the Kentucky Physician Health Foundation (KPHF) and from our understanding, he did not disclose to KPHF he was here for an assessment. This is information that should have been openly communicated. His license was also delayed in Alabama for failing to report that he had been placed on probation during his residency training due to issues regarding punctuality and professional attitude. While he states this was a misunderstanding and that he did not intentionally omit this information, these are examples of how his mind will twist/omit information/situations so that they align with his preferred self-image. This becomes problematic because it creates the perception that he is intentionally trying to be dishonest and causes others to question his integrity. This is an aspect of his personality that will need to be addressed through a formalized treatment process, as will the impulsive, immature, entitled, naive, and narcissistic elements of his personality. He needs to be able to manage negative affect, distressing situations, and interpersonal conflict appropriately without relying on substances or engaging in self-defeating behavior. He also needs to learn to better manage his depressive symptoms when they arise and not use them as an excuse to use substances or be self-defeating. He struggles to maintain sound judgment when under duress and his core conflict of defiance and stubbornness will continue to limit his chances of success until they are properly addressed. Engaging in professional's treatment would be the most effective avenue for ameliorating these areas of vulnerability. Without this intervention, he remains at risk for relapse, depression, anxiety and suicidal ideation. Collateral reports include additional examples of [the licensee's] lack of

professionalism and maturity. Sources note that he tends to feel entitled to assert his opinion in situations where it is inappropriate to do so, and that he has demonstrated a pattern of disruptive behavior that led to being placed on probation during his residency training. Collateral documents indicate UAB did not want to offer [the licensee] a position due to concerns regarding his unprofessional behavior. We considered this information to be further justification for the need to engage in a professional's treatment process.

...

11. The licensee became scheduled to enter into the recommended professional's level residential treatment program at Florida Recovery Center on March 20, 2023.
12. On or about March 19, 2023, the licensee committed an alleged action of domestic violence against his spouse in Birmingham, Alabama, prior to his entrance into the residential treatment program at Florida Recovery Center. The licensee then attempted suicide.
13. The licensee was arrested and charged with misdemeanor third-degree domestic violence assault and first-degree domestic violence. A grand jury later indicted him for attempted murder and first-degree domestic violence assault.
14. In or around July 2023, the licensee pleaded guilty to the misdemeanor charge and received a one-year suspended sentence.
15. On or about September 22, 2023, a jury convicted the licensee of first-degree domestic violence and he was sentenced to twenty (20) years in the penitentiary. However, in accordance with Alabama law, the sentence was split with four (4) years to be served in a jail type institution or penitentiary, with the possibility of the remainder of the sentence to be suspended contingent on good behavior, followed by five (5) years probation.
16. The licensee is appealing his conviction.
17. On or about October 13, 2023, the licensee entered into a voluntary surrender of his license to practice medicine in the State of Alabama.

18. The licensee voluntarily surrenders his license to practice medicine in the Commonwealth of Kentucky pursuant to this Agreed Order of Surrender.

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), (7), (8) and (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, Brett T. Wahlgren, 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 State of Alabama;
 - c. The licensee has completed a professional's level residential treatment program at a KPHF-approved facility and a multidisciplinary clinical fitness for duty re-evaluation at Acumen Assessments ("Acumen"); and
 - d. The licensee has completed a re-entry clinical skills assessment at either Center for Personalized Education for Professionals ("CPEP"), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232 or LifeGuard, 400 Winding Creek Boulevard, Mechanicsburg, Pennsylvania, 17050, Tel. (717) 909-2590;
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; and

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 26 day of January, 2024.

FOR THE LICENSEE:



DENNIS WAHLGREN
Power of Attorney for Licensee,
Brett T. Wahlgren, M. D.

COUNSEL FOR THE LICENSEE
(If Applicable)

FOR THE BOARD:



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



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