

JUN 29 2023

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2108

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY RUBYEE DEE WASHINGTON-MOORE, M.D., LICENSE NO. 53899, P.O. BOX 786, NORTON, VIRGINIA 24273

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, and Rubye Dee Washington-Moore, M.D., (“the licensee”), and, based upon their mutual desire to fully and finally resolve the pending investigation 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, Rubye Dee Washington-Moore, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is obstetrics/gynecology.
3. In or around April 2022, several of the licensee’s cases were referred to the CHI Saint Joseph-London Medical Staff for peer review regarding variances from standards of care.
4. Between April 17 and July 11, 2022, six (6) cases were taken up for peer review and the licensee was continually contacted and engaged in the review process.
5. On or before July 11, 2022, and prior to completion of the investigation, the licensee resigned her hospital privileges at CHI Saint Joseph-London and separated from London Women’s Care.

6. In or around January 2023, the licensee submitted to a clinical skills assessment specific to the specialty of obstetrics and gynecology at LifeGuard.
7. On or about April 12, 2023, LifeGuard issued its Final Report which included, in part, the following summary of findings:
 - There are neurocognitive concerns. Her CNS Vital Signs computerized neurocognitive assessment results were mixed. Results ranged from high average to abnormal. She struggled most with processing speed and executive function as well as verbal memory ask. Hearing may have played a role.
 - Dr. Washington-Moore's overall performance on her oral case presentations was unsatisfactory. She had a general understanding of the medical components of the cases but lacked detail or sufficient depth for a competent obstetrics and gynecology practitioner.
 - Washington-Moore's NBME scores were 77, which is 1 below the mean score of 78 and within the accepted standard deviation of 9.
8. LifeGuard recommended a remediation plan to include in the following order: (1) completion of a comprehensive hearing assessment evaluation and a comprehensive OB/Gyn board review course; (2) completion of a simulation session to focus on her abilities to communicate with team members in an OR suite/delivery room setting and her processing speed and executive functioning; (3) re-testing with oral case presentations; and (4) a period of proctoring within any privilege-granting organization to ensure appropriateness of care, treatment and communications.
9. On or about June 15, 2023, the licensee offered to resolve the pending investigation, in lieu of issuance of a Complaint and Emergency Order of Suspension, by entering into 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. The licensee has engaged in conduct which violates the provisions of KRS 311.595(9) (as illustrated by KRS 311.597(4)), and KRS 311.595(21). 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

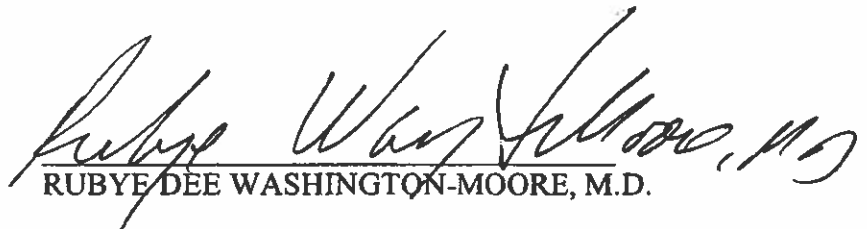
Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon the licensee's desire to retire from the practice of medicine, the parties hereby ENTER INTO this **AGREED ORDER OF SURRENDER** with the following terms and conditions:

1. The licensee, Rubye Dee Washington-Moore, M.D., HEREBY SURRENDERS, in lieu of revocation, her 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 the surrender of her 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 she SHALL NOT petition and the Board SHALL NOT consider a petition for reinstatement of her license unless:
 - a. A minimum period of two (2) years from the date of filing of this Agreed Order of Surrender has passed; and
 - b. The licensee has completed the remediation plan outlined by LifeGuard in its Final Report (April 12, 2023), including retesting by LifeGuard and a verifiable period of successful preceptorship;

4. If the licensee should in the future petition for reinstatement, she 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 her to satisfy the Board that she 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 her patients or the public;
 - b. The licensee understands and agrees that the decision whether to permit her 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 her license. However, 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 she shall 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 she 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 29th day of June, 2023.

FOR THE LICENSEE:


RUBY DEE WASHINGTON-MOORE, M.D.



ANTHONY E. COLLINS, ESQ.
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



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



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