

MAY 13 2024

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2154

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY HOWARD R. BROMLEY, M.D., LICENSE NO. 56023,  
694 CENTER DRIVE, MEMPHIS, TENNESSEE 38112

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, and Howard R. Bromley, M.D. (“the licensee”), and, based upon their mutual desire to fully and finally 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, Howard R. Bromley, M.D. (“the licensee”), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Pain Management.
3. The licensee is also licensed by the Tennessee Board of Medical Examiners (“the Tennessee Board”).
4. On or about March 6, 2024, the licensee entered into a Consent Agreement with the Tennessee Board, in lieu of formal proceedings based upon the licensee’s violation of Tennessee law.
5. In the Consent Agreement, the licensee stipulated. In part, as follows:

At all times relevant, [the licensee] was employed by NorthStar Pain Management Clinic (“NorthStar”) - which previously operated as Cordova Pain Specialists - in Cordova, Tennessee, where he served as Medical Director from March 2016 through the end of 2020. From in or around March 2016 to March 22, 2019, [the licensee] served as the

collaborating physician for Ashley Pennington, R.N., A.P.R.N. ("Ms. Pennington"), who provided treatment to multiple patients as an A.P.R.N., including prescribing controlled substances, at NorthStar. As Ms. Pennington's collaborating physician, [the licensee] was responsible for ensuring that she complied with the applicable standard of care for prescribing controlled substances. [The licensee] was responsible for personally reviewing Ms. Pennington's patient medical records, including those in which she prescribed controlled substances. [The licensee] reviewed and signed the medical records of the 19 patients, including prescriptions for controlled substances, on a daily basis and saw the 19 patients in-person at least four times a year. Additionally, Respondent communicated with Ms. Pennington and other A.P.R.N.s daily, as needed.

When Ms. Pennington began practicing at NorthStar in May of 2016, she was assigned the 19 patients, among many other patients. These 19 patients had very high MEDDs, because prior providers had placed them on high dosages of various controlled substances, such as Methadone, Fentanyl, oxycodone, and hydrocodone, for a lengthy period of time. The 19 patients felt their medication regimen effectively managed their pain with acceptable side effects and resisted making any of the changes to their medication regimen. Under [the licensee's] direction, Ms. Pennington quickly weaned the 19 patients off medications, such as Methadone and Fentanyl, because those medications were no longer considered acceptable for the 19 patients based on their diagnosed conditions.

In trying to keep the 19 patients engaged in treatment and avoid patients self-treating with street drugs, Respondent and Ms. Pennington worked with the 19 patients to further reduce their MEDDs by reducing prescriptions for their controlled substances and offering alternate measures. Their efforts were met with great resistance and complaints of poor quality of life. When [the licensee] and Ms. Pennington proceeded with reducing the controlled substances by small amounts, the resistance continued even to the point of physical aggression. Because [the licensee] or other providers continued efforts to reduce the 19 patient's MEDDs by reducing their controlled substances, most of them left the clinic to go to other providers or were dismissed for non-compliance issues. [The licensee] believed he and Ms. Pennington were complying with the standard of care for the 19 patients under the circumstances they faced. None of the 19 patients experienced any adverse outcomes due to Ms. Pennington and [the licensee's] care and treatment.

[During the relevant time], NorthStar chang[ed] record keeping systems four times in three years, and the records NorthStar could not produce caused or contributed the [Tennessee Board's allegations against the licensee]. [The licensee] worked with NorthStar's owner and administrative staff to obtain more clinical staff and purchase a better electronic medical record system. [The licensee] was never advised by the

owner or administrative staff that they were destroying paper medical records and servers storing electronic medical records. [The licensee] only discovered that paper medical records and servers storing electronic records were destroyed when he requested copies of full medical records on the 19 patients in connection with the [Tennessee Board's] investigation.

Based on the available documentation, the [Tennessee Board] alleged that while [the licensee] served as Ms. Pennington's collaborating physician, Ms. Pennington was not aggressive enough in reducing the 19 patients' controlled substance prescriptions to lower their MEDD at a faster pace; Ms. Pennington's and [the licensee's] documentation of diagnosis, treatment plans and medical rationale was "too general"; and Ms. Pennington's documentation of how she addressed noncompliant patients was inadequate.

6. Pursuant to the Consent Agreement, the licensee's license to practice in Tennessee was reprimanded and he was ordered to complete continuing medical education (CME) and to pay costs and a civil fine.
7. The licensee neither reported nor provided a copy of his Consent Agreement with the Tennessee Board to this Board within ten days as required by 201 KAR 9:081.

#### 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. The license to practice medicine held by Howard R. Bromley, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF UP TO FIVE (5) YEARS, with that period of probation beginning immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS until further order of the Board:
  - a. Within one (1) year of the effective date of this Agreed Order and pursuant to KRS 311.565(1)(v), the licensee SHALL submit payment of a FINE in the amount of \$1,000.00;
  - b. Within one (1) year of the effective date of this Agreed Order, the licensee SHALL provide documentation of his successful completion of the continuing medical education (CME) courses required by his Consent Agreement with the Tennessee Board; and
  - c. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. Upon completion of the terms and conditions set forth in ¶2 above, the licensee may request and the Panel Chair may approve termination of this Agreed Order prior to the expiration of five (5) years.
4. 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.

5. 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 13<sup>th</sup> day of May, 2024.

FOR THE LICENSEE:

  
HOWARD R. BROMLEY, M.D.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:

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



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