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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2066

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY PATRICK C. FINNEY, M.D., LICENSE NO. 35073, 2501 KENTUCKY AVENUE, PADUCAH, KENTUCKY 42003

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (“the Board”), by and through its Inquiry Panel A, and Patrick C. Finney, 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, Patrick C. Finney, M.D. (“the licensee”), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Internal Medicine.
3. On or about June 13, 2022, the licensee entered into a civil settlement agreement with the United States of America in Civil Action Number 5:22-CV-00075-BJB whereby the licensee agreed to pay the United States of America \$561,800.
4. In a Stipulation and Order entered on or about June 13, 2022, the licensee stipulated to 1) knowingly causing the submission of false or fraudulent claims to Medicare, 2) knowingly making, using, or causing to be made or used, false records and statements to obtain payment from Medicare, and 3) conspiring to

defraud Medicare by causing the submission and payment of false or fraudulent claims.

5. In summary, the Stipulation and Order explains that the licensee entered into financial arrangements with and received payments from locum tenens and telehealth companies for referring Medicare beneficiaries for the furnishing of durable medical equipment and genetic testing. As a result, the Medicare program paid \$3,675,029.48 for 10,556 claims that were false as they were tainted by kickback and were not medically necessary. In addition, the licensee did not engage in treatment of the Medicare beneficiaries involved in these claims, had no physician-patient relationship with the beneficiaries, and often did not speak with the beneficiaries for who he prescribed goods and services.
6. On or about July 14, 2022, through counsel, the licensee self-reported the civil settlement to the Board.

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(9) and (10). 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 matter 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 in the Commonwealth of Kentucky held by PATRICK C. FINNEY, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation to become effective 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 OF RESTRICTION/LIMITATION until further order of the Board:
 - a. Within twenty (20) days of the filing of this Agreed Order, the licensee SHALL make all necessary arrangements to enroll in the *ProBe* Program offered through the Center for Personalized Education for Professionals (CPEP), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232, at the earliest time;
 - i. The licensee SHALL complete and "unconditionally pass" the *ProBe* Program at the time and date(s) scheduled, at his expense and as directed by CPEP's staff;
 - ii. The licensee SHALL provide the Board's staff with written verification that he has completed and "unconditionally passed" CPEP's *ProBe* Program, promptly after completing the program;
 - iii. The licensee SHALL take all steps necessary, including signing any waiver and/or consent forms required to ensure that CPEP will

provide a copy of any evaluations, reports or essays from the *ProBe* Program to the Board's Legal Department promptly after their completion; and


- b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee understands that the Panel is concerned about the licensee's lapse in judgment and that the resulting financial consequences could cause him to drift into questionable practice areas. The licensee understands and agrees that while the Panel is not placing a condition of "work location approval" upon his medical license, the licensee will be mindful of the Panel's expectation that he only engage in lawful, reputable and evidence-based medical practices within the scope of his education, training and experience in his medical specialty of internal medicine.
4. The licensee understands and agrees that the Panel shall not consider a request by the licensee to modify or terminate this Agreed Order unless and until he has satisfied item 2(a) as listed above.
5. 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 1st day of September, 2022.

FOR THE LICENSEE:



PATRICK C. FINNEY, M.D.

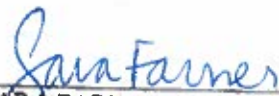


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