

FILED OF RECORD

MAY 16 2024

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2160

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY JEREMY LUCKETT, M.D., LICENSE NO. 44246,
3805 FAIRVIEW DRIVE, OWENSBORO, KENTUCKY 42303

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and Jeremy Lockett, M.D. (hereafter "the licensee"), and, based upon their mutual desire to resolve two pending investigations, the parties 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, Jeremy Lockett, M.D., 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 May 6, 2021, the licensee completed an application to supervise Julie Anne Salisbury, PA-C. On his application at No. 19(C), he attested that he accepts responsibility for any care given by Ms. Salisbury.
4. On or about June 1, 2021, the licensee signed a Physician Assistant Initial Application for Prescriptive Authority For Controlled Substances with Ms. Salisbury. On this application, he attested:
 - a. I acknowledge that the physician assistant is my agent in performing medical services and procedures described in the initial application and this supplemental application and that physician assistant may not practice independently.

- b. I authorize that the physician assistant may only prescribe and administer Schedule III, IV and V controlled substances to the extent delegated by me.

[...]

5. On or about September 16, 2021, the Board, acting on recommendation from the Physician Assistant Advisory Committee, approved the licensee's application to supervise Ms. Salisbury.
6. Ms. Salisbury treated a patient with a history of substance abuse and prescribed the patient controlled substances. On or about June 12, 2022, the patient died of an apparent overdose. The Board learned that the licensee was the supervising physician for Ms. Salisbury and Panel A requested that an investigation concerning the licensee's supervision of Ms. Salisbury be conducted.
7. On or about February 10, 2023, the Board opened a separate investigation on the licensee after receiving a grievance from an OBGYN physician in Owensboro who had concerns about Patient A after reviewing a KASPER report. The KASPER report documented a prescription that was filled every 30 days for Endocet 325mg/10mg. The quantity of prescription was 360 pills for 30 days. However, the grievant expressed concerns that Patient A may be diverting narcotics. Patient A reported that she only takes 1-2 tablets per day, while the pharmacy reported to the grievant that Patient A fills the prescription every 30 days like clockwork and pays cash for the name brand, declining the insurance-covered generic.
8. The OIG was contacted, and a review of the licensee's prescribing was requested. On or about July 27, 2023, the OIG completed a report, indicating concerns in the licensee's prescribing and recommending a review of 18 patient charts, including Patient A.

9. A subpoena was delivered to the licensee for the patient charts identified by the OIG.
10. A Board Consultant was provided the grievance, OIG report, medical charts, and the licensee's response to the grievance. After a detailed review, the Board Consultant found the licensee to be below the minimum standard in four (4) of the eighteen (18) patient charts reviewed.
11. On or about January 12, 2024, the licensee, through counsel, responded to the Board Consultant's review, stating in part,

Dr. Lockett has already implemented certain of [the Board Consultant's] recommended changes or improvements to his practice patterns where appropriate, including:

- Re-emphasizing with staff to obtain KASPER reports every three months;
- Re-emphasizing with staff to look for instances where patients fill prescriptions for controlled drugs in more-than-one-month quantities;
- Re-emphasizing with staff that urine drug screens must be performed on patients receiving prescriptions for controlled drugs no less than every six months;
- Strengthening documentation of follow-up performed when UDS results are inconsistent with a patient's prescriptions;
- Placing urine drug screen cups in patient rooms as a reminder to obtain urine samples when appropriate;
- Generating a report of all patients with current opioid prescriptions to determine which patients were due to be prescribed naloxone and writing additional naloxone prescriptions for patients identified during this review;
- Generally utilizing naloxone more frequently where indicated (at least every six months for patients on long-term prescriptions for opioids);
- Strengthening documentation in instances of prescribing multiple controlled substances; and

- Strengthening documentation of discussions with toxicologists and other providers.

Dr. Lockett already had addressed some of [the Board Consultant's] suggestions in the normal course of his practice. For example, [the Board Consultant] seemed unaware of whether patients had signed medication consents, but those consents are all documented and part of the patients' record. [The Board Consultant] also suggested that Dr. Lockett seek advice from a mental health provider regarding the simultaneous prescribing of a stimulant and a depressant. As Dr. Lockett discussed in his initial response letter, he has evaluated this issue with and taken guidance from more than one psychiatrist, and he continues to evaluate this issue on a patient-by-patient basis.

12. After reviewing the licensee's response, the Board Consultant changed her opinion on three (3) of the charts, no longer finding them below the minimum standard; however, she did not change her opinion in regard to Patient A, maintaining her opinion that the care was below minimum standards.
13. The licensee agreed to enter into this Agreed Order in lieu of the issuance of a Complaint.

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. Pursuant to KRS 311.858(2), a "physician assistant shall be considered an agent of the supervising physician in performing medical services and procedures described in the initial application or any supplemental application received by the board under KRS 311.854."
3. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(9) as illustrated by KRS 311.597(4), and

(12). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.

4. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve these pending matters without evidentiary hearings 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 resolve the pending investigations, the parties hereby ENTER INTO the following AGREED ORDER:

1. The license to practice medicine in the Commonwealth of Kentucky held by JEREMY LUCKETT, 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 medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- a. Beginning immediately, the licensee SHALL maintain a "controlled substances log" for all controlled substances prescribed, dispensed or otherwise utilized. The controlled substances log SHALL include date, patient name, patient complaint, medication prescribed, when it was last prescribed and how much on the last visit. Note: All log sheets shall be consecutively numbered, legible i.e. printed or typed, and must reflect "call-in" and refill information. Prescriptions shall be maintained in the following manner: 1) patient; 2) chart; and 3) log;
 - i. The licensee SHALL permit the Board's agents to inspect, copy and/or obtain the controlled substance log and other relevant records, upon request, for review by the Board's agents and/or consultants;
 - ii. The licensee SHALL reimburse the Board fully for the costs of each consultant review performed pursuant to this Agreed Order. Once

the Board receives the invoice from the consultant(s) for each review, it will provide the licensee with a redacted copy of that invoice, omitting the consultant's identifying information. The licensee SHALL pay the costs noted on the invoice within thirty (30) days of the date on the Board's written notice. The licensee's failure to fully reimburse the Board within that time frame SHALL constitute a violation of this Agreed Order; and

- iii. The licensee understands and agrees that at least two (2) favorable consultant reviews must be performed, on terms determined by the Panel or its staff, before the Panel will consider a request to terminate this Agreed Order;
- b. Within thirty (30) days of the entry of this Agreed Order, the licensee shall enroll in the next available Proper Prescribing Course (RX-21) administered by Professional Boundaries, Inc. ("PBI") Education, <https://pbieducation.com/>, Tel. (904) 800-1237;
 - i. The licensee SHALL successfully complete and pass all components of the course, including pre-course components, at his own expense and as directed by PBI; and
 - ii. Prior to commencing the course, the licensee shall execute all necessary waivers to allow PBI Education to release information of the licensee's participation with PBI Education directly to the Board's Legal Department, including a copy of the Certificate of Completion and an Accomplishments, Impressions and Recommendations (AIR) Letter. Said information provided directly from PBI Education to the Board's Legal Department shall constitute the necessary proof of the licensee's completion and passing of the course;
 - c. Within thirty (30) 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; and

- 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;
 - d. Within one (1) year from the date of entry of this Agreed Order, the licensee SHALL reimburse the amount of \$1,050.00 to the Board pursuant to KRS 311.565(1)(v); and
 - e. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
 3. 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 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.


4. 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 14th day of May, 2024.

FOR THE LICENSEE:



JEREMY LUCKETT, M.D.




MICHAEL C. MERRICK
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



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



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