

FILED OF RECORD

MAR 28 2023

K.B.M.L

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2102

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY TERRY GENE SANDERS, II, M.D., LICENSE NO.
57908, 1373 GOOD HOPE ROAD, CROWN CITY, OHIO 45623

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), and Terry Gene Sanders, II, M.D. (hereafter "the applicant"), and, based upon their mutual desire to grant the applicant a license to practice medicine in the Commonwealth of Kentucky, 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, Terry Gene Sanders, II, M.D., was an applicant for a medical license within the Commonwealth of Kentucky.
2. The applicant's medical specialty is Emergency Medicine.
3. The licensee is also licensed by the West Virginia Board of Medicine ("West Virginia Board").
4. On or about March 14, 2022, the applicant was arrested in Wayne County, West Virginia, Case No. 22-M50M-00338, following a motor vehicle accident. The applicant was charged with five misdemeanors in the Magistrate Court of Wayne County, West Virginia, arising from the accident as follows: (1) Driving Under the Influence Causing Bodily Injury; (2) Leaving the Scene Causing Injury; (3)

Leaving the Scene with Property Damage; (4) Failure to Render Aid; and (5) Failure to Obey Traffic Control Device (the "Wayne County Complaint").

5. Following his arrest, the applicant was transported by the police to an emergency room at a hospital located in Huntington, West Virginia, for the purpose of obtaining a blood draw. The applicant was combative with emergency room medical staff during the course of the blood draw. As a result, he was charged with eight (8) misdemeanors in the Magistrate Court of Cabell County, West Virginia, Case No. 22-M06M-00917, as follows: seven (7) counts of malicious assault of a government representative, healthcare worker or emergency service personnel; and one (1) count of obstructing officer. The Cabell County charges were dismissed.
6. On or about June 1, 2022, in the Wayne County Complaint, the applicant pled guilty to one count of driving under the influence, causing misdemeanor bodily injury and one count of failure to obey a traffic control device. All remaining charges were dismissed.
7. On or about March 24, 2022, the Complaint Committee of the West Virginia Board initiated a complaint to investigate the applicant's conduct in March 2022.
8. The applicant was referred to Pavillon in Mill Spring, North Carolina for a four-day professional assessment. He stayed in the residential setting at Pavillon from July 11, 2022 to July 14, 2022.
9. Upon completing the assessment, his Pavillon evaluating team did not find that he met the criteria for alcohol use or cannabinoid use disorder but "remained[ed] concerned that a DSM-5 substance use disorder might be present especially concerning alcohol and the cannabinoid class." They recommended:

- Diagnostic monitoring by, and compliance with, the West Virginia Medical Professionals Health Program (“WVMPHP”) for a minimum of one year, including random toxicology screening.
 - Individual counseling with a provider approved by WVMPHP to address his anxiety, marital distress, sleep difficulties, recent substance use, and compliance with the diagnostic monitoring requirements of WVMPHP toward improved coping. We recommend that the frequency of his individual counseling should average one time per week and continue throughout the duration of his monitoring with WVMPHP.
 - Dr. Sanders is safe to practice at this time as long as he demonstrates compliance with our recommendations and the monitoring requirements of WVMPHP.
10. On or about July 29, 2022, the applicant entered into a Participant Agreement and Letter of Understanding for a period of one year with WVMPHP. The components of that agreement include random, observed drug and alcohol determinations and individual counseling.
11. On or about October 20, 2022, WVMPHP wrote the Kentucky Physicians Health Foundation (“KPHF”) to inform it of the applicant’s agreement with WVMPHP and his current compliance in preparation for the applicant’s plans to apply for a Kentucky license.
12. On or about November 1, 2022, Tina F. Simpson, M.D., Medical Director of KPHF, met with the applicant and obtained a detailed history of the events that led to his involvement with WVMPHP.
13. On or about December 8, 2022, the applicant submitted an application for a license to practice medicine in the Commonwealth of Kentucky.
14. The applicant answered “Yes” to Question No. 3, Category I, which asked:
- Have you ever had any license, certificate, registration or other privilege as a health care professional denied, revoked, suspended, probated, restricted or limited, or subjected to any other disciplinary action, by a State medical/osteopathic licensing board, or Federal, or International authority?

15. The applicant answered "Yes" to Question No. 9, Category I, which asked:

Have you ever been or are you currently under investigation by any State, Federal or International licensure authority or any drug licenses/enforcement authority?

16. The applicant answered "Yes" to Question No. 11, Category I, which asked:

Have you ever been convicted of a felony or misdemeanor by any State, Federal or International court?

17. On or about December 14, 2022, the West Virginia Board entered a Consent Order that placed the applicant's West Virginia medical license on probationary status until such time as he satisfactorily completed his one-year diagnostic contract with WVMPPH.

18. On or about January 23, 2023, Dr. Simpson informed the Board that should the applicant's application be approved, he would be expected to enter into a piggyback contract with KPHF, ensuring it would receive quarterly compliance reports from WVMPPH (his primary monitor).

19. The applicant was given notice of the Board meeting on March 16, 2023. The applicant did not appear. The Board voted to grant the applicant's application, contingent upon the applicant entering into this Agreed Order.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. By submitting his Application for Medical/Osteopathic License to the Board, the licensee's medical license is subject to regulation and discipline by the Board.

2. KRS 311.571 provides that the Board may deny licensure to an applicant without a prior evidentiary hearing upon a finding that the applicant has violated any provision of KRS 311.595 or 311.597 or is otherwise unfit to practice.
3. Based upon the Stipulations of Fact, the applicant has engaged in conduct which violates the provisions of KRS 311.595(4), (6), (7) and (17). 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 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, as an express condition of the Board approving Dr. Terry Gene Sanders, II's Application for License to Practice Medicine in the Commonwealth of Kentucky, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky to be held by TERRY GENE SANDERS, II, M.D., is hereby PLACED ON PROBATION effective immediately upon the filing of this Agreed Order and continuing until July 30, 2023.
2. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. Before or simultaneous to the filing of this Agreed Order, the licensee SHALL enter into a contractual relationship with the Kentucky Physicians Health Foundation;
 - b. The licensee SHALL maintain his contractual relationship with the Kentucky Physicians Health Foundation and shall fully comply with all

requirements of that contractual relationship until the expiration of this Agreed Order;

- c. The licensee SHALL completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. The licensee SHALL ensure that any such medical treatment and prescribing is reported directly to the Board in writing by the treating/prescribing physician within ten (10) days after the date of treatment. The licensee SHALL inform the treating/prescribing physician of this responsibility and ensure timely compliance. The licensee's failure to inform the treating/prescribing physician of this responsibility shall be considered a violation of this Agreed Order;
 - d. The licensee SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, and under the conditions specified by the Board's testing agent, the purpose being to ensure that the licensee remain drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports SHALL be paid by the licensee, and the licensee SHALL pay those costs under the terms fixed by the Board's agent for testing. The licensee's failure to fully reimburse the Board's agent within that time frame SHALL constitute a violation of this Agreed Order; 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 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.

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) and may provide a legal basis for criminal prosecution for practicing medicine without a license.

SO AGREED on this 28th day of March, 2023.

FOR THE LICENSEE:

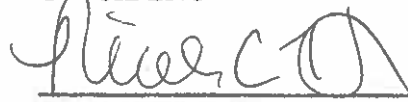

TERRY GENE SANDERS, II, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



WILLIAM C. THORNBURY, JR., M.D.
PRESIDENT



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