

AUG 21 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2116

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOEL D. TALLEY, M.D., LICENSE NO. 21377, 300 WOODHAVEN LANE, NICHOLASVILLE, KENTUCKY 40356-8183

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel A, and JOEL D. TALLEY, M.D., (hereafter “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:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Joel D. Talley, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is cardiovascular disease.
3. On or about October 19, 2022, the licensee was noted to smell of alcohol while at Jackson Purchase Medical Center (“JPMC”). He was directed to submit to a laboratory test and relieved of clinical duties. After results of the laboratory test indicated the licensee’s blood alcohol level to be above the limit set by JPMC policy, his privileges were terminated.
4. On or about November 30, 2022, the licensee met with Tina F. Simpson, M.D., Medical Director of the Kentucky Physicians Health Foundation (“KPHF”). Based upon information gathered during that interview, Dr. Simpson recommended that the

licensee undergo a comprehensive evaluation at a facility with expertise in working with healthcare professionals and the licensee chose to undergo that evaluation at Florida Recovery Center (“FRC”).

5. On or about January 3-5, 2023, the licensee participated in a multi-day evaluation at FRC, the results of which indicated an Axis I diagnosis of Alcohol Use Disorder, Moderate. FRC recommended that the licensee refrain from the practice of medicine and enter into treatment at a residential or PHP level of care at an institution with expertise in treating healthcare professionals.
6. Between February 3 and May 11, 2023, the licensee actively participated in and successfully completed treatment at FRC. Upon discharge, FRC recommended that the licensee enter into a monitoring contract with the KPH, to include toxicology testing; participate in individual therapy and follow up with a psychiatrist for medication management; and engage in mutual-aid meetings. FRC endorsed the licensee’s return to the practice of medicine contingent upon him being under a monitoring contract with KPHF.
7. On or about May 17, 2023, the licensee entered into an aftercare monitoring contract with the KPHF.

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(7) and (21). 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 the 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 matter without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. The license to practice medicine held by Joel D. Talley, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF 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. The licensee SHALL maintain his contractual relationship with the Kentucky Physicians Health Foundation and SHALL fully comply with all requirements of that contractual relationship;
 - b. 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 his treating physician within ten (10) days after the date of treatment. The licensee SHALL inform the treating physician of this responsibility and ensure timely compliance. The licensee's failure to inform the treating physician of this responsibility SHALL be considered a violation of this Agreed Order.


- c. 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
 - d. 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).

SO AGREED on this 20 day of August, 2023.

FOR THE LICENSEE:



JOEL D. TALLEY, M.D.




BRIAN R. GOOD, ESQ.
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



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



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