

FILED OF RECORD

MAY 16 2024

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2156

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH
OF KENTUCKY HELD BY VENU VEMURI, D.O., LICENSE NO. 03034,
6420 DUTCHMANS PARKWAY, SUITE 160, LOUISVILLE, KY 40205

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and Venu Vemuri, 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, Venu Vemuri, D.O. ("the licensee"), was licensed by the Board to practice osteopathy within the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is Orthopaedic Surgery.
3. The Board opened an investigation upon receiving a report filed by Baptist Health Louisville. The complaint alleges the licensee allowed his privileges to expire while under a Focus Review for quality of care.
4. On or about April 19, 2021, Baptist Health Louisville notified the licensee by letter that the Medical Executive Committee (MEC) considered his application for reappointment at its April 13, 2021 meeting and recommended his reappointment not be approved. The letter stated, in pertinent part,

The MEC's recommendation was based on quality of care concerns identified by the Surgery Patient Care Committee ("PCC") immediately before and during a Focused Review of your cases which has been in effect

since April, 2019. Those concerns, as exemplified by specific cases, included poor patient selection, misdiagnoses, poor operative decision-making, and technical complications during surgery resulting in multiple post-operative complications such as infection, neurologic deficit, epidural hematoma, and cerebrospinal fluid leaks which were compounded by delay in recognition, diagnosis, and treatment of the complications which resulted in multiple reoperations and readmissions. In addition to these quality concerns, the PCC's ability to conduct the Review was made much more difficult by your refusal to respond in writing to requests for information, and by your essentially discontinuing surgery at the Hospital shortly after commencement of the Focused Review.

5. On or about May 19, 2021, the licensee responded to Baptist Health Louisville's letter stating he found the reasons "highly dubious" but that he was not seeking a hearing.
6. Medical records for fourteen (14) patients identified by Baptist Health Louisville were obtained by subpoena.
7. A Board consultant in Orthopedic Surgery reviewed the medical records and the report submitted by Baptist Health Louisville. He was unable to make any determination concerning the licensee's standard of care for these patients due to a lack of complete medical records and/or any specific complaints by patients or other physicians concerning the care provided by the licensee.
8. On or about November 13, 2023, the licensee entered into an Interim Agreed Order (Diversion). The Order stipulated the licensee schedule and complete a clinical skills assessment at LifeGuard.
9. The licensee presented to LifeGuard in February 2024, submitting to various tests and interviews including a neurocognitive screening, medical records and encounter review, oral case presentation, LifeGuard physician reviewer interview, completing the Adult Spine Scored and Recorded Self-Assessment Examination administered by the American Academy of Orthopaedic Surgeons, findings, Team

case meeting, recommendation and remediation plan, summary, and report from its neuropsychologist.

10. On or about March 15, 2024, LifeGuard issued its Final Report noting the following:

- The neuropsychologist noted that the licensee is struggling with some “emotional distress appropriate to his circumstances.” He went on to explain that “[i]t will be important for [the licensee] to maintain his medical psychotherapeutic treatment for stress and anxiety. He is encouraged to identify individuals on the job [...] who he can bring issues to.”
- Dr. Vemuri scored a 93% on the Adult Spine Scored and Recorded Self-Assessment Examination administered by the American Academy of Orthopaedic Surgeons.
- LifeGuard also conducted a Records and Encounter Review. LifeGuard’s overall observations and impressions were that,

Dr. Vemuri appears to have an understanding of spine pathology. However, several things raise concern, even from our limited view/outlet for inspection, about his application of this knowledge via his surgical indications and safe execution of surgical plans.

Reviewing five surgical cases pulled by random selection, [the reviewer] had concerns/questions in four of the five charts reviewed regarding surgical indications and/or plans. This warrants further review of his records for a period of time.

- LifeGuard conducted a physician reviewer interview with the licensee. It was recommended that Dr. Vemuri “might benefit from a professional ethics program and possibly a professional coaching program.”
- At LifeGuard’s Team Case Meeting, it was noted that the licensee “has an adequate knowledge base” but questioned whether “some choices that he made and actions that he took may not have been the most appropriate course of treatment.”
- The Recommendations and Remediation Plan in the LifeGuard report includes medical and psychotherapeutic treatment for stress and anxiety, a medical documentation course CME, educational courses for professional communication/ethics, Focused Peer Practice Evaluation, and practice monitoring for at least twelve months.

11. The licensee submitted a letter to LifeGuard expressing concerns regarding its findings and potential inaccuracies stating the LifeGuard physician reviewer was

not given certain medical records for review. LifeGuard completed a secondary review of the licensee's assessment. Its physician reviewer acknowledged that his initial comments were "certainly limited" due to "no imaging able to be provided" and that "Dr. Vemuri's comments do provide more thoughtful insight into his knowledge and decision-making." The licensee also took exception to LifeGuard's finding that his documentation skills were lacking. On or about April 12, 2024, it issued a Final Report Addendum withdrawing its recommendation for a document course (but encouraging him to pay greater attention to documenting more complete descriptions of all steps in his surgical procedures) and stood by all other recommendations in its Final Report.

12. On April 25, 2024, the licensee appeared before Inquiry Panel A and stated that he did not appeal Baptist Health Louisville's action on the advice of counsel. However, due to the impact of the hospital's action on his license, he stated that he has applied to Baptist Health Floyd to finish the focused review. His application is pending. He continues to perform complex surgeries and informed the panel he had one scheduled for the following day.
13. The licensee agreed to enter into this Agreed Order, in lieu of the issuance of a Complaint and Emergency Order of Restriction.

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 osteopathic license is subject to regulation and discipline by the Board.
 2. Based upon the Stipulations of Fact, the licensee engaged in conduct which violates
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the provisions of KRS 311.595(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 this matter 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 resolve the pending matter without an evidentiary hearing, the parties hereby ENTER INTO the following AGREED ORDER:

1. The license to practice osteopathy in the Commonwealth of Kentucky held by VENU VEMURI, D.O., 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 osteopathic license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. The licensee SHALL NOT perform any surgical procedures within any setting unless
 - i. The surgical procedure is for the purpose of the licensee's engagement in a structured Focused Peer Practice Evaluation (FPPE) within a Kentucky-licensed hospital or surgery center; or
 - ii. The licensee is proctored on-site during the procedure by an ABMS-Board-Certified and KY-licensed physician peer;
 - b. The licensee SHALL engage in medical or psychotherapeutic treatment for stress and anxiety on at least a quarterly basis;
 - c. Within thirty (30) days of the entry of this Agreed Order, the licensee SHALL enroll, at his expense, in PBI Education's course, "Elevating Civility and Communication in Healthcare (CC-30)" for the immediate next available date;
 - i. Once enrolled, the licensee shall participate in and successfully

complete the course, at his expense and as directed by PBI Education;

- ii. The licensee SHALL also take all necessary steps to enroll in any recommended post-course or extended program;
 - iii. The licensee SHALL provide the Board's staff with written verification that he has successfully completed the course and any recommended post-course or extended program promptly after completion;
 - iv. The licensee SHALL take all steps necessary, including signing any waiver and/or consent forms required to ensure that course providers may provide a copy of any evaluations from the course to the Board's Legal Department promptly after their completion; and
 - d. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee understands and agrees that the Board shall not consider a request to terminate or modify this Agreed Order unless and until the licensee has successfully completed a structured Focused Peer Practice Evaluation (FPPE) within a Kentucky-licensed hospital and been proctored by an ABMS-Board-Certified and KY-licensed physician peer for a specified number of cases determined by the hospital.
 4. The licensee understands and agrees that, if within five (5) years of the date of entry of this Agreed Order, the licensee has not completed a structured Focused Peer Practice Evaluation (FPPE) within a Kentucky-licensed hospital and has not been proctored by an ABMS-Board-Certified and KY-licensed physician peer, the licensee SHALL immediately cease the "practice of medicine," as that term is defined in KRS 311.550(10), until further order of the Board. His failure to do so, shall constitute a violation of this Agreed Order and shall be grounds for immediate suspension of his license to practice medicine in the Commonwealth of Kentucky.
 5. The licensee expressly agrees that if he should violate any term or condition of this
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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 the licensee 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.

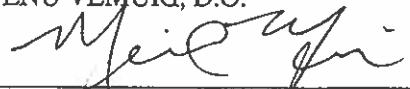
6. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this 15 day of May, 2024.

FOR THE LICENSEE:



VENU VEMURI, D.O.

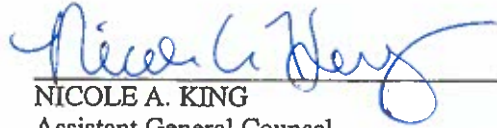


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FOR THE BOARD:



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