IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOEL C. STEPHENSON, M.D., LICENSE NO. 24775, 509 STONE CREEK DRIVE, LEXINGTON, KENTUCKY 40503

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel B, and JOEL C. STEPHENSON, M.D., (hereafter “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, Joel C. Stephenson, 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. In May 2015, while employed with the Department of Veterans Affairs Medical Center (“VA”) in Lexington, Kentucky, the licensee attended a conference in Nashville, Tennessee along with three other staff members.

4. One of the female staff members, C.B., alleged that the licensee engaged in sexual activity with her without her consent while at the conference. C.B. stated that while the group was out for dinner one night after the conference, she became intoxicated and the licensee engaged in sexual contact with her in her hotel room.
without her consent. C.B. submitted to a sexual assault examination and reported the event to the Nashville Police Department.

5. In a written response to the Board, through counsel, the licensee acknowledged that C.B. was intoxicated and after he and the group escorted C.B. to her room, he went back to her room to return some of her personal belongings. The licensee acknowledged that he kissed C.B..

6. On or about May 8, 2015, the licensee was placed on administrative leave from the VA pending the criminal investigation.

7. On or about December 4, 2015, the licensee was Indicted in Davidson County, Tennessee under case number 2015-D-2735 and charged with Sexual Battery for intentionally engaging in unlawful sexual contact with C.B., without her consent.

8. On or about April 17, 2016, the licensee’s VA privileges became indefinitely suspended.

9. On or about May 13, 2016, the licensee entered a plea of guilty in case number 2015-D-2735 to the amended charge of Assault by Offensive Contact, a misdemeanor. As part of the plea agreement, the licensee agreed not to work at the VA Medical Center in Lexington, Kentucky.

10. On July 21, 2016, the Board's Inquiry Panel B reviewed the investigation. The Panel and 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. 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 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 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 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 JOEL C. STEPHENSON, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this 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 contact the Acumen Institute, 730 New Hampshire, Suite 222,
Lawrence, Kansas, 66044; Tel: (785) 856-0473, Fax: (785) 841-3781, to schedule an evaluation/assessment for the earliest dates available to both Acumen Institute and the licensee;

b. Both parties may provide relevant information to Acumen Institute for consideration as part of the evaluation/assessment. In order to permit the Board to provide such relevant information, the licensee shall immediately notify the Board’s Legal Department of the assessment dates once the assessment is scheduled;

c. The licensee shall travel to Acumen Institute and complete the evaluation/assessment as scheduled, at his expense;

d. The licensee shall complete any necessary waiver/release so that the Board may receive directly from the Acumen Institute a copy of any and all evaluation/assessment reports for review. Copies of reports sent to the Board via the licensee’s counsel shall not be accepted;

e. The licensee SHALL implement and comply with any and all therapeutic and/or treatment recommendations of Acumen Institute based upon the evaluation/assessment;

i. If Acumen Institute recommends that the licensee be supervised or chaperoned to any extent or in any setting related to his practice of medicine, the licensee SHALL immediately enter into an Amended Agreed Order with terms and conditions consistent with those recommendations and any other terms deemed appropriate by the Panel or Panel Chair based upon information available at that time. The licensee’s failure to enter into said Amended Agreed Order within ten (10) days of the Board’s request shall constitute a violation of this Agreed Order and shall constitute grounds for an emergency order against his license;

f. 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.

SO AGREED on this 11th day of [Month], 2016.

FOR THE LICENSEE:

JOEL C. STEPHENSON, M.D.

LISA ENGLISH HINKLE
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

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