

DEC 08 2014

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COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1628

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY ANTHONY V. DALLAS, M.D., LICENSE NO. 21888, 119 CUMBERLAND PLACE, HENDERSONVILLE, TENNESSEE 37075

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and ANTHONY V. DALLAS, 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, Anthony V. Dallas, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Family Medicine.
3. The licensee was also licensed by the Mississippi State Board of Medical Licensure to practice medicine in the state of Mississippi.
4. On or about September 4, 2014, the Mississippi State Board of Medical Licensure issued a Consent Order on the medical license of the licensee. The Mississippi Board concluded that the licensee violated the Mississippi Medical Practice Act by violating the "Rules Pertaining to Prescribing, Administering and Dispensing of Medication" and is guilty of unprofessional conduct which includes being

guilty of dishonorable or unethical conduct likely to deceive, defraud, or harm the public; and has administered, dispensed or prescribed drugs having addiction-forming or addiction sustaining liability otherwise than in the course of legitimate professional practice.

5. The Mississippi Consent Order suspended the licensee for a period of three (3) months, subject to the following probationary terms during a one (1) year probationary period:

- a. The licensee shall attend and successfully complete courses designated as American Medical Association approved, Category I Continuing Medical Education (CME) in the following areas: (i) proper prescribing of medications; and (ii) medical ethics; with said courses approved in advance by the Executive Director of the Board.
- b. The licensee shall successfully pass the Board's Juris Prudence Examination, based solely on his knowledge of the Board's Administrative Code (formerly Rules and Regulations), without benefit of assistance of any physical, digital, or other form or representation of the Administrative Code available for his access at the time Licensee sits for the Examination.
- c. Licensee shall obey federal, state and local laws, and shall comply with all rules and regulations of the Board governing the practice of medicine, including:
  - i. Licensee shall maintain a complete record of his examination, evaluation and treatment of patients, including documentation of

- diagnosis and reason for prescribing, dispensing or administering any legend drug; the name, strength, dosage, quantity of the legend drug, number of refills authorized, and the date the legend drug was prescribed, dispensed or administered.
- ii. The licensee shall not delegate his authority to prescribe, dispense, or administer medications to patients treated in Mississippi under his direction.
- d. The licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with the rules and regulations of the Board as well as this Consent Order.
  - e. The licensee shall notify the Board within ten (10) days of any change in his practice location and/or change in employment, including initiation or termination of any practice location with the State of Mississippi.
  - f. ...[T]he licensee shall pay all such investigative costs as are allowed by law, with said amount not to exceed \$10,000.
  - g. The suspension of license shall remain in effect for a period of three (3) months upon formal acceptance by the Board.
6. The licensee did not report the disciplinary action taken by the Mississippi State Board of Medical Licensure within ten days of the September 4, 2014 Consent Order as required by 201 KAR 9:081(9)(1)(e). Further, the licensee did not provide this Board a copy of the order issued by the Mississippi Board.

### 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. The Board's regulation, 201 KAR 9:081 Section 9(1)(g), provides that a licensee's failure to report action taken by another licensing board in another state, shall constitute a violation of KRS 311.595(9) and (12) and that the Panel shall impose a fine of \$5,000 if a licensee fails to report an action by another licensing board in any other state within ten (10) days.
3. The Board's regulation, 201 KAR 9:081 Section 9(4)(c) provides,
  - If a licensee has had disciplinary action taken against or sanctions imposed upon the licensee's license to practice medicine or osteopathy in any state, the appropriate panel:
    - 1a. Shall, at a minimum, impose the same substantive sanctions as a disciplinary sanction against the licensee's Kentucky license; and
    - b. May take any appropriate additional disciplinary action against the licensee; or
    2. Shall revoke the license, based upon the facts available to the Panel at the time of action.
4. 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(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
5. 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 ANTHONY V. DALLAS, 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. The licensee SHALL NOT perform any act which would constitute the "practice of medicine," as that term is defined in KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities for a period of three (3) months from September 4, 2014;
  - b. During the one (1) year probationary period beginning September 4, 2014, the licensee SHALL maintain a complete record of his examination, evaluation and treatment of patients, including documentation of diagnosis and reason for prescribing, dispensing or administering any legend drug; the name, strength, dosage, quantity of the legend drug, number of refills authorized, and the date the legend drug was prescribed, dispensed or administered.
  - c. Within six (6) months of the filing of this Agreed Order, the licensee SHALL submit proof of successful completion of the CME courses required by the Mississippi State Board of Medical Licensure as satisfaction of the requirement that he complete said courses.

- d. Within six (6) months of the filing of this Agreed Order, the licensee SHALL submit proof of successful completion of the Mississippi Board's Juris Prudence Examination.
  - e. Pursuant to KRS 311.565(1)(v) and 201 KAR 9:081 Section 9(1)(g)(2)(a), the licensee SHALL submit payment of a FINE in the amount of five-thousand dollars (\$5,000) to the Board within six months from the date of entry of this Agreed Order;
  - 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 8<sup>th</sup> day of December, 2014.


FOR THE LICENSEE:

  
ANTHONY V. DALLAS, M.D.

  
CHARLES K. GRANT  
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

  
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