



# State Medical Board of Ohio

770 High Street, Columbus, Ohio 43260-1227 • 614-466-9300 • Fax 614-466-9301 • www.smb.ohio.gov

April 12, 2006

Allen B. Young, M.D.  
1910 Fortside Circle  
Ft. Mitchell, KY 41011-1847

Dear Doctor Young:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on April 12, 2006.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

A handwritten signature in cursive script that reads "Lance A. Talmage, M.D.".

Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

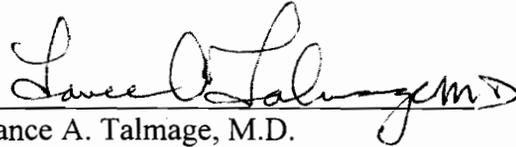
CERTIFIED MAIL NO. 7003 0500 0002 4332 6098  
RETURN RECEIPT REQUESTED

*Mailed 4-13-06*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on April 12, 2006, constitutes a true and complete copy of the Findings, Order and Journal Entry in the matter of Allen B. Young, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

April 12, 2006

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

\*

\*

ALLEN B. YOUNG, M.D.

\*

FINDINGS, ORDER AND JOURNAL ENTRY

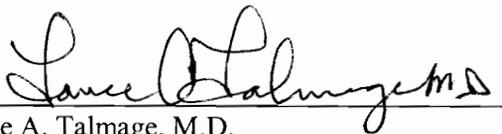
By letter dated January 11, 2006, notice was given to Allen B. Young, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in the State of Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, on January 12, 2006, to the address of record of Dr. Young, that being 1897 Harmony Hill Drive, Union, Kentucky 41091. A duplicate copy of the notice was sent via certified mail, return receipt requested, on January 12, 2006, to 1910 Fortside Circle, Ft. Mitchell, Kentucky 41011. Both documents were returned to the Board offices unclaimed.

On February 17, 2006, an investigator for the Medical Board personally served a copy of the notice on Dr. Young. A signed acknowledgement of receipt was returned to the Medical Board documenting proper service of the notice. However, no hearing request has been received from Dr. Young and more than thirty (30) days have now elapsed since the service of that notice.

WHEREFORE, having reviewed the January 11, 2006, Notice of Opportunity for Hearing, including the Guilty Plea, Judgment of Guilt on Guilty Plea, Final Judgment and Sentence of Imprisonment in Case No. 05-CR-00293 in the Commonwealth of Kentucky vs. Allen B. Young, and the May 19, 2005, Complaint and Emergency Order of Restriction and October 31, 2005, Agreed Order of Surrender of the Commonwealth of Kentucky, Board of Medical Licensure, in regard to Dr. Young, and the affidavit of Debra L. Jones, Continuing Medical Education and Renewal Officer, which are attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the notice of opportunity for hearing issued on January 11, 2006. Further, the Board hereby ORDERS that the license of Allen B. Young, M.D., to practice medicine and surgery in the State of Ohio be PERMANENTLY REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 12th day of April 2006, and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

April 12, 2006  
Date

AFFIDAVIT

The State of Ohio  
Franklin County, SS

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say that:

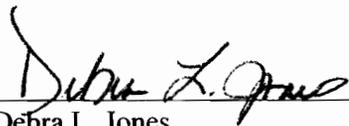
- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) I serve the Board in the position of Continuing Medical Education and Renewal Officer.
- 3) In such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to Allen B. Young, M.D.
- 5) Based on such examination, I have found the address of record of Dr. Young at the time the Board issued a Notice of Immediate Suspension and Opportunity for Hearing on January 11, 2006, was:

1897 Harmony Hill Drive  
Union, Kentucky 41091

- 6) Following personal service on February 17, 2006, by a Board Investigator of the Notice of Immediate Suspension and Opportunity for Hearing on Dr. Young, the Board updated Dr. Young's address to the following at his request:

1910 Fortside Circle  
Ft. Mitchell, Kentucky 41011-1847

- 7) Further, Affiant Sayeth Naught.

  
\_\_\_\_\_  
Debra L. Jones  
Continuing Medical Education and Renewal  
Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this  
22nd day of March, 2006.

  
\_\_\_\_\_  
Notary Public

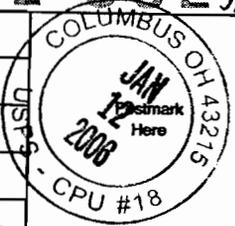
7003 0500 0002 4330 3495

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE** JAN

<i>CITE</i> Postage	\$ 2.07
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.32



Sent To **Allen B. Young, M.D.**

Street, Apt. No., or PO Box No. **1897 Harmony Hill Drive**

City, State, ZIP+4 **Union, Kentucky 41091**

PS Form 3800, June 2002 See Reverse for instructions

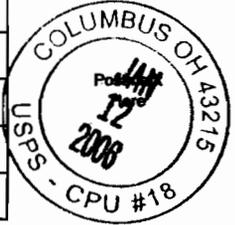
7003 0500 0002 4333 3324

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE** JAN

<i>CITE</i> <i>PUB</i> <i>MG</i> Postage	\$ 2.07
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.32



Sent To **Allen B. Young, M.D.**

Street, Apt. No., or PO Box No. **1910 Fortside Circle**

City, State, ZIP+4 **Ft. Mitchell, Kentucky 41011**

PS Form 3800, June 2002 See Reverse for instructions

State Medical Board of Ohio  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215-6127



7003 0500 0002 4333 3324

OHIO STATE MEDICAL BOARD

FEB 1 2006

OHIO STATE MEDICAL BOARD

FEB 1 2006

11/14/05  
HNOCS

INSUFFICIENT ADDRESS  
 ATTEMPTED, NOT KNOWN  
 NO SUCH NUMBER/STREET  
 NOT DELIVERABLE AS ADDRESSED  
 UNABLE TO FORWARD  
 OTHER

**RTS**  
RETURN TO SENDER

12-1

State Medical Board Of Ohio  
77 S. High Street 17<sup>th</sup> Floor  
Columbus, OH 43215



7003 0500 0002 4330 3495

YOUN897 410913058 1305 07 01/17/06  
NOTIFY SENDER OF NEW ADDRESS  
YOUNG  
1910 PORTSIDE CIR  
FT MITCHELL KY 41011-1847

OHIO STATE MEDICAL BOARD

FEB 1 0 2006

- A
- C
- S
- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD

**RIS**  
RETURN TO SENDER

*2/15/06  
Per conversation Supervisor should  
for contact with Postal Inspector  
with the Postal Inspector have  
be caused by young doctor  
Other*

*[Handwritten signature]*



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

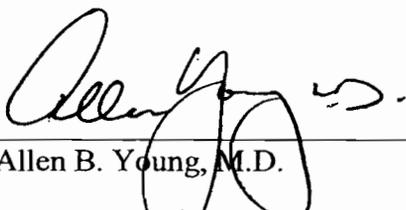
## ACKNOWLEDGMENT OF RECEIPT

I, Allen B. Young, M.D., do acknowledge that on or about 2-17-06,  
(Date)

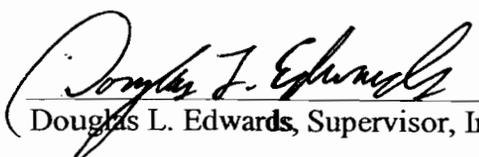
I received a copy of the January 11, 2006 Notice of Immediate Suspension and Opportunity for

Hearing in the matter of Allen B. Young, M.D. Dr. Young was served at

1910 FORTSIDE CIRCLE FT. MITCHELL, KY 41011-1847  
(Location and Address)

  
Allen B. Young, M.D.

2/17/06  
Date

  
Douglas L. Edwards, Supervisor, Investigations

2-17-06  
Date

*Please address all mail to this address*  




# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-5959 • Website: www.ohio.gov

## NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

January 11, 2006

Allen B. Young, M.D.  
1897 Harmony Hill Drive  
Union, Kentucky 41091

Dear Doctor Young:

In accordance with Sections 2929.42 and/or 3719.12, Ohio Revised Code, the Office of the Commonwealth Attorney for Boone and Gallatin Counties, Kentucky, reported that on or about November 4, 2005, in the Boone Circuit Court, Commonwealth of Kentucky Unified Court of Justice, you were convicted of one felony count of Possession of Controlled Substance in the First Degree, in violation of KRS 218A.1415.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about May 19, 2005, the Kentucky Board of Medical Licensure [Kentucky Board] filed an Emergency Order of Restriction [Emergency Order] which restricted your license to practice medicine in Kentucky and prohibited you from prescribing, dispensing or otherwise professionally utilizing controlled substances to yourself, your wife, or your family members in Kentucky until resolution of the Kentucky Board Complaint filed on or about May 19, 2005 [Complaint]. Copies of the Kentucky Board Complaint and Emergency Order are attached hereto and incorporated herein.
- (2) On or about September 22, 2005, in the Boone Circuit Court, Commonwealth of Kentucky Unified Court of Justice, you entered pleas of guilty to one felony count of Possession of Controlled Substance in the First Degree, in violation of KRS 218A.1415; one misdemeanor count of Possession of Marijuana, in violation of KRS 218A.1422; and

*Mailed 1-13-06*

one misdemeanor count of Possession of Drug Paraphernalia, in violation of KRS 218A.500(2). Subsequently, you were found guilty, sentenced, and placed on probation. Copies of the Indictment, Commonwealth's Offer on a Plea of Guilty, Motion to Enter Guilty Plea, Judgment of Guilt on Guilty Plea, and Final Judgment and Sentence of Imprisonment are attached hereto and incorporated herein.

Pursuant to Rule 4731-13-24, Ohio Administrative Code, a certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court of competent jurisdiction is conclusive proof of the commission of all of the elements of that crime.

- (3) On or about November 10, 2005, the Kentucky Board filed an Agreed Order of Surrender [Surrender Order] of your Kentucky medical license effective immediately upon the filing of the Surrender Order. A copy of the Surrender Order is attached hereto and incorporated herein.

The Kentucky Board Emergency Order as alleged in paragraph (1) above constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, your plea of guilty or the judicial finding of guilt to a felony as alleged in paragraph (2) above, individually and/or collectively, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, the Kentucky Board Surrender Order as alleged in paragraph (3) above constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 3495  
RETURN RECEIPT REQUESTED

Duplicate Mailing:  
1910 Fortside Circle  
Ft. Mitchell, Kentucky 41011

CERTIFIED MAIL # 7003 0500 0002 4333 3324  
RETURN RECEIPT REQUESTED

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1006

FILED OF RECORD

MAY 19 2005

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY ALLEN B. YOUNG, M.D., LICENSE NO. 26902, 309  
11<sup>TH</sup> STREET, CARROLLTON, KENTUCKY 41008

**EMERGENCY ORDER OF RESTRICTION**

The Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, considered this matter at its April 21, 2005 meeting. At that meeting, Inquiry Panel B considered a memorandum prepared by Betty Prater, Medical Investigator; and correspondence from Kim Dees, CEO, Carroll County Hospital, dated November 12, 2004.

Having considered all of this information and being sufficiently advised, Inquiry Panel B ENTERS the following EMERGENCY ORDER OF RESTRICTION, in accordance with KRS 311.592(1) and 13B.125(1):

**FINDINGS OF FACT**

Pursuant to KRS 13B.125(2) and based upon the information available to it, Inquiry Panel B concludes there is probable cause to make the following Findings of Fact, which support its Emergency Order of Restriction:

1. At all relevant times, Allen B. Young, M.D., (hereafter "the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Emergency Medicine.
3. Kim Dees, CEO Carroll County Hospital (CCH), provided correspondence dated November 12, 2004 reporting that the licensee wrote prescriptions on the CCH prescription pads without their permission. A scheduled drug prescription was

written over one year after the licensee's employment as a contracted emergency room physician had ended and was written for the licensee's wife.

4. Lynn Witter, R.Ph., CVS Pharmacy Manager, was interviewed and she stated that the licensee always picked up the prescriptions for his wife. Ms. Witter had never seen his wife come into the pharmacy. Ms. Witter had contacted CCH on November 8, 2004 because she needed additional information. She recalled that the licensee appeared nervous and fidgety when she questioned him about using a CCH prescription pad and that he mentioned that he was thinking about opening a practice and the prescription pads were hard to obtain. Since that occasion, the licensee has begun to cross out the CCH address at the top of the pad and enter his home address. Ms. Witter checked the licensee's wife's prescription profile and she had only one prescription filled by another physician, a urologist in Kenton County.
5. Dave Hamberg, R.Ph., Walgreens Pharmacy Manager, stated he was not familiar with either the licensee or his wife. The licensee is the only physician on his wife's prescription profile. The licensee wrote all prescriptions on the CCH pad.
6. A KASPER report was obtained for prescriptions written by the licensee from June 1, 2001 through December 31, 2004. The report reveals that the licensee's wife received monthly prescriptions from her husband for Alprazolam #90 throughout the entire four-year period. The licensee also prescribed his wife Oxycodone #30 on five occasions between December 2002 and July 2003, and Oxycodone #30 on four occasions from December 2003 until December 2004. The licensee wrote his wife sixteen (16) prescriptions for Endocet #30 in a

thirteen-month period beginning September 2003 and ending October 2004. He also prescribed his wife #30 Percocet on February 14, 2004 and #30 Hydrocodone on January 22, 2004.

7. The licensee was interviewed and provided the following information

His wife has taken Alprazolam for her panic disorder as long as he has known her, over 15 years. A Cincinnati psychiatrist, who had treated her for over ten years before he left the area, originally prescribed this medication. The psychiatrist had tried multiple medications but Alprazolam seemed to work the best. His wife saw the psychiatrist who took over the practice but she did not interact well with him. She has frequent visits to a psychotherapist, Wanda Sucher, two times a month or more frequently. The licensee has prescribed the Alprazolam for his wife for at least the past ten years after the original prescribing psychiatrist left the area.

The licensee prescribed hydrocodone in combination with Flexeril, ibuprofen and Toradol for his wife's back pain in 2004. She had injured her back while lifting her 84-year-old mother. His wife prefers holistic therapy and only takes pain medication when absolutely necessary. She also had a corneal laceration in 2004, which he took care of with antibiotics and a patch until it healed. The eye pain may have been the reason he prescribed oxycodone 10mg #30 in August and October for his wife. His wife has seen a chiropractor for over twenty years. Depending on her problems, she typically sees her once a month for an adjustment. The licensee stated his wife is only taking ibuprofen for her back pain at this time.

His wife was between doctors and was trying to find one but was not comfortable around many physicians.

The licensee stated that he has never self prescribed or taken any of the medication that he had prescribed for his wife. He had written prescriptions for his wife's family only three to four times in the past 15 years. He keeps no formal medical records on family and friends but he has not prescribed for any family member who he has not examined.

The licensee owns his own business, Bluegrass Emergency Services, Inc., which subcontracts with Emergency Rooms; he is the only employee. He also works as an Expert Witness and is licensed in Ohio and Kentucky and is Board certified in both Forensic and Emergency Medicine. The licensee uses his home address as his business address. He currently has several contracts with large emergency room companies in Ohio and works PRN. He has worked only several emergency room shifts in the last six months and he did not practice medicine from September 2003 until mid 2004. He is involved with financial matters and

rental properties and plans to stay in the area working PRN, not full time. He stated that it was an oversight on his January 2004, medical license renewal form when he listed CCH's address as his current address, despite the renewal form instructing him to advise of any address change.

The licensee worked as an Emergency Room physician at CCH for approximately 10 years. The licensee has not worked at any other hospital in KY in the past twelve years. He came to CCH because the position of ER Director allowed him to write his own schedule and therefore have a more regular family life. Inspire, owned by Dr. Jeff Jones, bid on the ER contract and took over the services in July 2002. Dr. Young tendered his resignation in August 2003.

The licensee had used the CCH prescription pad because he has been unable to find out how to purchase another one. On November 8, 2004, he forgot to scratch out the CCH telephone number and put his own number. His wife had taken the prescription to the pharmacy and returned upset when it was not filled. The licensee believes the pharmacist made a routine call to verify the information. The licensee insists that the pharmacist was not suspicious until CCH identified the patient as his wife. He believes CCH should have contacted him if they had any concerns about his use of the prescription pad instead of rushing to judgment. He is shocked that CCH sent correspondence to the Board and didn't contact him first with their concerns.

8. Current Opinion 8.19 of the American Medical Association (AMA)'s Code of Ethics provides, in part,

Physicians generally should not treat themselves or members of their immediate families....

It would not always be inappropriate to undertake self-treatment or treatment of immediate family members. In emergency settings or isolated where there is no other qualified physician available, physicians should not hesitate to treat themselves or family members until another physician becomes available. In addition, while physicians should not serve as a primary or regular care provider for immediate family members, there are situations in which routine care is acceptable for short-term, minor problems.

Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

## CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to it, Inquiry Panel B finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Restriction:

1. The licensee's Kentucky medical license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(9) as illustrated by 311.597(4).
4. Current Opinion 8.19 of the American Medical Association (AMA)'s Code of Ethics provides, in part,

Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

5. The Panel concludes there is probable cause to believe this physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
6. The Board may draw logical and reasonable inferences about a physician's practice by considering certain facts about a physician's practice. If there is proof that a physician has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the physician will similarly violate the

Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a physician's practice presents representative proof of the nature of that physician's practice in general.

Accordingly, probable cause to believe that the physician has committed certain violations in the recent past presents probable cause to believe that the physician will commit similar violations in the near future, during the course of the physician's medical practice.

7. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

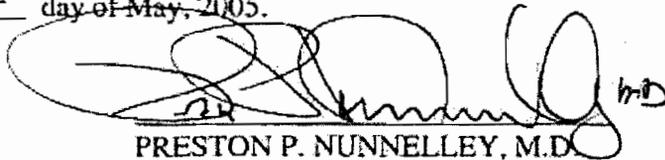
#### EMERGENCY ORDER OF RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, Inquiry Panel B hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by ALLEN B. YOUNG, M.D., is RESTRICTED and Dr. Young is

prohibited from prescribing, dispensing or otherwise professionally utilizing controlled substances to himself, his wife, Jennifer Young, or his family members in the Commonwealth of Kentucky until the resolution of the Complaint setting forth the allegations discussed in this pleading or until such further Order of the Board.

Inquiry Panel B further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

SO ORDERED this 19<sup>th</sup> day of May, 2005.



PRESTON P. NUNNELLEY, M.D.  
CHAIR, INQUIRY PANEL B

**CERTIFICATE OF SERVICE**

I certify that the original of this Emergency Order of Restriction was delivered to Mr. C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and a copy was mailed via certified mail return-receipt requested to Allen B. Young, M.D., 1897 Harmony Hill Drive, Union, Kentucky 41091 on this 19<sup>th</sup> day of May, 2005.



L. CHAD ELDER  
Assistant General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1006

FILED OF RECORD

MAY 19 2005

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWALTH OF  
KENTUCKY HELD BY ALLEN B. YOUNG, M.D., LICENSE NO. 26902, 309  
11<sup>TH</sup> STREET, CARROLLTON, KENTUCKY 41008

COMPLAINT

Comes now the Complainant Preston P. Nunnelley, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on April 21, 2005, states for its Complaint against the licensee, Allen B. Young, M.D., as follows:

1. At all relevant times, Allen B. Young, M.D., (hereafter "the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Emergency Medicine.
3. Kim Dees, CEO Carroll County Hospital (CCH), provided correspondence dated November 12, 2004 reporting that the licensee wrote prescriptions on the CCH prescription pads without their permission. A scheduled drug prescription was written over one year after the licensee's employment as a contracted emergency room physician had ended and was written for the licensee's wife.
4. Lynn Witter, R.Ph., CVS Pharmacy Manager, was interviewed and she stated that the licensee always picked up the prescriptions for his wife. Ms. Witter had never seen his wife come into the pharmacy. Ms. Witter had contacted CCH on November 8, 2004 because she needed additional information. She recalled that the licensee appeared nervous and fidgety when she questioned him about using a CCH prescription pad and that he mentioned that he was thinking about opening a

practice and the prescription pads were hard to obtain. Since that occasion, the licensee has begun to cross out the CCH address at the top of the pad and enter his home address. Ms. Witter checked the licensee's wife's prescription profile and she had only one prescription filled by another physician, a urologist in Kenton County.

5. Dave Hamberg, R.Ph., Walgreens Pharmacy Manager, stated he was not familiar with either the licensee or his wife. The licensee is the only physician on his wife's prescription profile. The licensee wrote all prescriptions on the CCH pad.
6. A KASPER report was obtained for prescriptions written by the licensee from June 1, 2001 through December 31, 2004. The report reveals that the licensee's wife received monthly prescriptions from her husband for Alprazolam #90 throughout the entire four-year period. The licensee also prescribed his wife Oxycodone #30 on five occasions between December 2002 and July 2003, and Oxycodone #30 on four occasions from December 2003 until December 2004. The licensee wrote his wife sixteen (16) prescriptions for Endocet #30 in a thirteen-month period beginning September 2003 and ending October 2004. He also prescribed his wife #30 Percocet on February 14, 2004 and #30 Hydrocodone on January 22, 2004.
7. The licensee was interviewed and provided the following information

His wife has taken Alprazolam for her panic disorder as long as he has known her, over 15 years. A Cincinnati psychiatrist, who had treated her for over ten years before he left the area, originally prescribed this medication. The psychiatrist had tried multiple medications but Alprazolam seemed to work the best. His wife saw the psychiatrist who took over the practice but she did not interact well with him. She has frequent visits to a psychotherapist, Wanda Sucher, two times a month or more frequently. The licensee has prescribed the

Alprazolam for his wife for at least the past ten years after the original prescribing psychiatrist left the area.

The licensee prescribed hydrocodone in combination with Flexeril, ibuprofen and Toradol for his wife's back pain in 2004. She had injured her back while lifting her 84-year-old mother. His wife prefers holistic therapy and only takes pain medication when absolutely necessary. She also had a corneal laceration in 2004, which he took care of with antibiotics and a patch until it healed. The eye pain may have been the reason he prescribed oxycodone 10mg #30 in August and October for his wife. His wife has seen a chiropractor for over twenty years. Depending on her problems, she typically sees her once a month for an adjustment. The licensee stated his wife is only taking ibuprofen for her back pain at this time.

His wife was between doctors and was trying to find one but was not comfortable around many physicians.

The licensee stated that he has never self prescribed or taken any of the medication that he had prescribed for his wife. He had written prescriptions for his wife's family only three to four times in the past 15 years. He keeps no formal medical records on family and friends but he has not prescribed for any family member who he has not examined.

The licensee owns his own business, Bluegrass Emergency Services, Inc., which subcontracts with Emergency Rooms; he is the only employee. He also works as an Expert Witness and is licensed in Ohio and Kentucky and is Board certified in both Forensic and Emergency Medicine. The licensee uses his home address as his business address. He currently has several contracts with large emergency room companies in Ohio and works PRN. He has worked only several emergency room shifts in the last six months and he did not practice medicine from September 2003 until mid 2004. He is involved with financial matters and rental properties and plans to stay in the area working PRN, not full time. He stated that it was an oversight on his January 2004, medical license renewal form when he listed CCH's address as his current address, despite the renewal form instructing him to advise of any address change.

The licensee worked as an Emergency Room physician at CCH for approximately 10 years. The licensee has not worked at any other hospital in KY in the past twelve years. He came to CCH because the position of ER Director allowed him to write his own schedule and therefore have a more regular family life. Inspire, owned by Dr. Jeff Jones, bid on the ER contract and took over the services in July 2002. Dr. Young tendered his resignation in August 2003.

The licensee had used the CCH prescription pad because he has been unable to find out how to purchase another one. On November 8, 2004, he forgot to scratch out the CCH telephone number and put his own number. His wife had

taken the prescription to the pharmacy and returned upset when it was not filled. The licensee believes the pharmacist made a routine call to verify the information. The licensee insists that the pharmacist was not suspicious until CCH identified the patient as his wife. He believes CCH should have contacted him if they had any concerns about his use of the prescription pad instead of rushing to judgment. He is shocked that CCH sent correspondence to the Board and didn't contact him first with their concerns.

8. Current Opinion 8.19 of the American Medical Association (AMA)'s Code of Ethics provides, in part,

Physicians generally should not treat themselves or members of their immediate families....

It would not always be inappropriate to undertake self-treatment or treatment of immediate family members. In emergency settings or isolated where there is no other qualified physician available, physicians should not hesitate to treat themselves or family members until another physician becomes available. In addition, while physicians should not serve as a primary or regular care provider for immediate family members, there are situations in which routine care is acceptable for short-term, minor problems.

Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

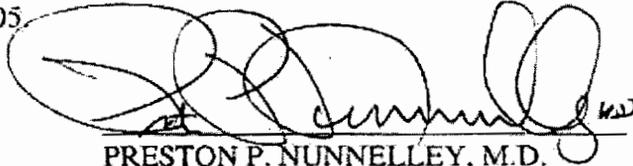
9. By his conduct, the licensee has violated KRS 311.595(9) as illustrated by 311.597(4). Accordingly, legal grounds exist for disciplinary action against his Kentucky medical license.
10. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:
- (a) His failure to respond may be taken as an admission of the charges;
  - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.

11. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for November 9 & 10, 2005 at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway,

Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine held by Allen B. Young, M.D..

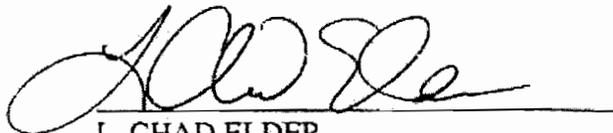
This 19<sup>th</sup> day of May, 2005



PRESTON P. NUNNELLEY, M.D.  
CHAIR, INQUIRY PANEL B

**CERTIFICATE OF SERVICE**

I certify that the original of this Complaint was delivered to Mr. C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Division of Administrative Hearings, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204; and a copy was mailed via certified mail return-receipt requested to Allen B. Young, M.D., 1897 Harmony Hill Drive, Union, Kentucky 41091 on this 19<sup>th</sup> day of May, 2005.



L. CHAD ELDER  
Assistant General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
502/429-7150



COMMONWEALTH'S OFFER  
ON A PLEA OF GUILTY

Case No. 05-CR-293  
Court Circuit  
County Boone

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

*Allan Young*

SEP 22 2005  
*JH*

DEFENDANT

1. Charges and Penalties:

Charge Traffic Related Subst pt UOR Code \_\_\_\_\_  
Penalty 5-10 yrs  
Charge Speeding UOR Code \_\_\_\_\_  
Penalty fine  
Charge Failure to Produce Driver's License UOR Code \_\_\_\_\_  
Penalty fine  
Charge Poss of Marijuana UOR Code \_\_\_\_\_  
Penalty 1 yr  
Charge Poss of Drug Paraph UOR Code \_\_\_\_\_  
Penalty 1 yr  
Charge \_\_\_\_\_ UOR Code \_\_\_\_\_  
Penalty \_\_\_\_\_

2. Amended Charges (if any):

Amended Charge Poss of Cst. Subst pt UOR Code \_\_\_\_\_  
Penalty 1-5  
Amended Charge \_\_\_\_\_ UOR Code \_\_\_\_\_  
Penalty \_\_\_\_\_  
Amended Charge \_\_\_\_\_ UOR Code \_\_\_\_\_  
Penalty \_\_\_\_\_



MOTION TO ENTER  
GUILTY PLEA

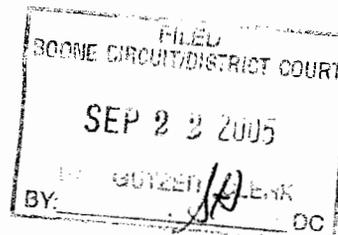
Case No. 05CR293  
Court Circuit  
County Boone

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

*Alex Young*



DEFENDANT

Comes the Defendant, in person and with aid of counsel, and respectfully moves this Court to allow him/her to withdraw his/her former plea of "NOT GUILTY" and enter a plea of "GUILTY" as set forth below. In support of this motion, the Defendant states as follows:

1. My full name is Alex Young  
I am the same person named in the indictment.
2. My judgment is not now impaired by drugs, alcohol or medication.
3. I have reviewed a copy of the indictment and told my attorney all the facts known to me concerning my charges. I believe he/she is fully informed about my case. We have fully discussed, and I understand, the charges and any possible defenses to them.
4. I understand that I may plead "NOT GUILTY" or "GUILTY" to any charge against me.
5. I further understand the Constitution guarantees to me the following rights:
  - (a) The right not to testify against myself;
  - (b) The right to a speedy and public trial by jury at which I would be represented by counsel and the Commonwealth would have to prove my guilt beyond a reasonable doubt;
  - (c) The right to confront and cross-examine all witnesses called to testify against me;
  - (d) The right to produce any evidence, including attendance of witnesses, in my favor;
  - (e) The right to appeal my case to a higher court.

I understand that if I plead "GUILTY," I waive these rights.

5. I understand that if I plead "GUILTY," the Court may impose any punishment within the range provided by law and that although it may consider the Commonwealth's recommendation, the Court may reject it. The legal penalty ranges are set forth on the attached "Commonwealth's Offer on a Plea of Guilty (AOC-491.1)" which I have reviewed and signed.
6. I understand that if the Court rejects the plea agreement, it must so inform me. If this occurs, I may either persist in my guilty plea and possibly receive harsher treatment than I bargained for or I may withdraw my guilty plea and proceed to trial. I further understand the Court shall not impose a sentence for a felony, other than a capital offense, without first ordering a presentence investigation. The Court will consider a written report of the presentence investigation before it informs me whether it will accept the plea agreement.

COMMONWEALTH OF KENTUCKY  
UNIFIED COURT OF JUSTICE  
BOONE CIRCUIT COURT  
CASE 05-CR-00293

ENTERED  
BOONE CIRCUIT/DISTRICT COURT  
OCT - 6 2005  
BY PAT GUTZEIT CLERK DC

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

JUDGMENT OF GUILT  
ON GUILTY PLEA

ALLEN B. YOUNG  
DOB: [REDACTED]  
SS#: [REDACTED]

DEFENDANT

The Defendant at arraignment having entered a plea of not guilty to the charges included within the indictment, namely, Trafficking in a Controlled Substance in the First Degree, First Offense (Complicity), Speeding 18 MPH Over (L/A), Failure to Produce Insurance Card, Possession of Marijuana, and Possession of Drug Paraphernalia, First Offense, which offenses occurred when the defendant was 45 years old.

On September 21, 2005, the Defendant appeared in open Court with his/her attorney, Honorable Michael J. McMains, and by agreement with the Attorney for the Commonwealth withdrew the plea of not guilty and entered a plea of guilty to the following charges: (Count 1 having been amended by separate Order, which Order is incorporated herein by reference.)

<u>CHARGES</u>	<u>KRS</u>	<u>PENALTY</u>
Ct. 1: Possession of Controlled Substance, First Degree	KRS 218A, 1415 (UOR 42203)	Class D Felony (1 - 5 Years)
Ct. 2: Speeding 18 MPH Over( L/A)	KRS 189.390 (UOR 00100)	Violation
Ct. 3: Failure to Produce Insurance Card	KRS 304.39-117 (UOR 00519)	Violation
Ct. 4: Possession of Marijuana	KRS 218A.1422 (UOR 42331)	Class A Misd. (12 Mos./Fine)
Ct. 5: Possession of Drug Paraphernalia First Offense	KRS 218A.500(2) (UOR 42075)	Class A Misd. (12 Mos./Fine)

Finding that the Defendant understands the nature of the charges against him/her, including the possible penalties, and the Defendant knowingly and voluntarily having waived his/her rights to plead innocent, to be tried by a jury, to compel the attendance of witnesses in his/her behalf, and to confront and cross-examine

witnesses, and finding further that the Defendant understands and voluntarily waives his/ her right not to incriminate himself/ herself, his/her right to be represented by an attorney at each stage of the proceedings and to have an attorney appointed to represent him/her, and finding that the plea is voluntary and knowing, the Court accepts the plea, and finds the above-named Defendant guilty of the above charges.

The Clerk shall cause a copy of the foregoing Order to be mailed to the Officer with the Department of probation and Parole for preparation of a Pre-Sentence Investigation Report.

**The Defendant and counsel shall be present before this Court for Sentencing on Wednesday, October 19, 2005 at 9:00 a.m.**

The Clerk shall give notice of entry as set forth in CR 77.

ENTERED on this the 6 day of ~~September~~ <sup>October</sup>, 2005.

*Stan Billingsley*  
JUDGE STANLEY BILLINGSLEY  
BOONE CIRCUIT COURT

cc: Hon. Deborah M. Vaughn, Assistant Commonwealth's Attorney  
Hon. Michael J. McCain, Counsel for Defendant  
Department of Probation and Parole

STATE OF KENTUCKY

COUNTY OF BOONE

I, PAT GUTZEIT, Clerk of the  
Circuit/District Courts, do hereby certify that  
the foregoing is a true and correct copy of the  
original as recorded in my office.

This 26th day of December 2005

PAT GUTZEIT

By: [Signature] D.C.

**CERTIFICATE**

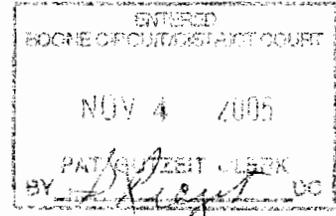
I, PAT GUTZEIT, Clerk of the Boone District/Circuit Court, hereby certify that I have mailed a copy of the foregoing order and notice to all parties hereto at their last known addresses or their counsel of record this 6th day of Oct 2005

PAT GUTZEIT  
BOONE DISTRICT/CIRCUIT COURT  
[Signature] D.C.

OHIO STATE MEDICAL BOARD

DEC 28 2005

COMMONWEALTH OF KENTUCKY  
UNIFIED COURT OF JUSTICE  
BOONE CIRCUIT COURT  
CASE NO. 05-CR-00293



COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

FINAL JUDGMENT AND  
SENTENCE OF IMPRISONMENT

ALLEN B. YOUNG

DEFENDANT

Date of Birth: [REDACTED]

Social Security No.: [REDACTED]

\*\* \*\* \* \*\* \*\*

On September 21, 2005, the Defendant, Allen B. Young, with counsel, the Honorable Michael J. McMains, appeared in Court and a Judgment of Guilt on a Guilty Plea was entered by this Court accepting the Defendant's plea of guilty.

The Defendant appeared in open Court on October 19, 2005, for sentencing with counsel, Honorable Michael J. McMains, and the Commonwealth was represented by its attorney.

The Court inquired of the Defendant and his/her counsel whether they had a legal cause to show why judgment should not be pronounced, and afforded the Defendant and her counsel the opportunity to make statements in the Defendant's behalf and to present any information in mitigation of punishment, and the court being sufficiently advised; and.

The Court having given due consideration to the nature and circumstances of the crimes, and to the history, character, and condition of the Defendant, and no sufficient cause having been shown why judgment should not be pronounced, and the Defendant having been found guilty heretofore,

**NOW, THEREFORE, THE COURT HEREBY ORDERS AND ADJUDGES** as follows:

1. On the Defendant's plea of guilty to **Count 1: Possession of Controlled Substance in the First Degree** in violation of KRS 218A.1415 (UOR 42203), a Class D Felony, Defendant is sentenced to a term of imprisonment of three (3) years and court costs in the amount of \$151.00.

2. On the Defendant's plea of guilty to **Count 4: Possession of Marijuana** in violation of KRS 218A.1422 (UOR 42331), a Class A Misdemeanor, Defendant is sentenced to a term of imprisonment of twelve (12) months and court costs in the amount of \$151.00.

OHIO STATE MEDICAL BOARD

DEC 28 2005

3. On the Defendant's plea of guilty to **Count 5: Possession of Drug Paraphernalia, First Offense**, in violation of KRS 218A.500(2) (UOR 42075), a Class A Misdemeanor, Defendant is sentenced to a term of imprisonment of twelve (12) months and court costs in the amount of \$151.00.

All counts are to run concurrently for a total sentence of three (3) years and one (1) court costs in the amount of \$151.00.

4. Defendant's Motion for Probation is hereby **GRANTED** in accordance with the Order of Probation Setting Conditions.

5. Defendant is hereby credited with the time spent in custody prior to the commencement of sentence as set forth in the Documentation Custody Time Credit Sheet, which shall be filed immediately with the Circuit Clerk and a copy attached to this Final Judgment as if incorporated herein.

The Clerk shall give notice of entry as set forth in CR 77.

ENTERED on this the 3 day of Nov., 2005.

*Stan Billingsley*

JUDGE STANLEY BILLINGSLEY  
BOONE CIRCUIT COURT

cc: Hon. Deborah M. Vaughn, Assistant Commonwealth's Attorney  
Hon. Michael J. McMinn, Counsel for the Defendant  
Department of Probation and Parole

STATE OF KENTUCKY

COUNTY OF BOONE

I, **PAT GUTZEIT**, Clerk of the  
Circuit/District Courts, do hereby certify that  
the foregoing is a true and correct copy of the  
original as recorded in my office.

This 20th day of December, 2005

**PAT GUTZEIT**

By: [Signature] D.C.

**CERTIFICATE**

I, **PAT GUTZEIT**, Clerk of the Boone District/Circuit Court, hereby certify that I have mailed a copy of the foregoing order and notice to all parties hereto at their last known addresses or their counsel of record this 7 day of Nov., 2005.

**PAT GUTZEIT**  
BOONE DISTRICT/CIRCUIT COURT

[Signature] D.C.

OHIO STATE MEDICAL BOARD

DEC 28 2005

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1006  
ADMINISTRATIVE ACTION 05-KBML-0242

FILED OF RECORD

NOV 18 2005

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWALTH OF  
KENTUCKY HELD BY ALLEN B. YOUNG, M.D., LICENSE NO. 26902-309  
11<sup>TH</sup> STREET, CARROLLTON, KENTUCKY 41008

KENTUCKY STATE MEDICAL BOARD

DEC 23 2005

**AGREED ORDER OF SURRENDER**

Comes now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Allen B. Young, M.D., ("the licensee"), and, based upon their mutual desire to fully and finally resolve this pending Amended Complaint without an evidentiary hearing, hereby ENTER INTO the following

**AGREED ORDER OF SURRENDER:**

**STIPULATIONS OF FACT**

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

1. At all relevant times, Allen B. Young, M.D., (hereafter "the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Emergency Medicine.
3. Kim Dees, CEO Carroll County Hospital (CCH), provided correspondence dated November 12, 2004 reporting that the licensee wrote prescriptions on the CCH prescription pads without their permission. A scheduled drug prescription was written over one year after the licensee's employment as a contracted emergency room physician had ended and was written for the licensee's wife.
4. Lynn Witter, R.Ph., CVS Pharmacy Manager, was interviewed and she stated that the licensee always picked up the prescriptions for his wife. Ms. Witter had never

DEC 23 2005

seen his wife come into the pharmacy. Ms. Witter had contacted CCH on November 8, 2004 because she needed additional information. She recalled that the licensee appeared nervous and fidgety when she questioned him about using a CCH prescription pad and that he mentioned that he was thinking about opening a practice and the prescription pads were hard to obtain. Since that occasion, the licensee has begun to cross out the CCH address at the top of the pad and enter his home address. Ms. Witter checked the licensee's wife's prescription profile and she had only one prescription filled by another physician, a urologist in Kenton County.

5. Dave Hamberg, R.Ph., Walgreens Pharmacy Manager, stated he was not familiar with either the licensee or his wife. The licensee is the only physician on his wife's prescription profile. The licensee wrote all prescriptions on the CCH pad.
6. A KASPER report was obtained for prescriptions written by the licensee from June 1, 2001 through December 31, 2004. The report reveals that the licensee's wife received monthly prescriptions from her husband for Alprazolam #90 throughout the entire four-year period. The licensee also prescribed his wife Oxycodone #30 on five occasions between December 2002 and July 2003, and Oxycodone #30 on four occasions from December 2003 until December 2004. The licensee wrote his wife sixteen (16) prescriptions for Endocet #30 in a thirteen-month period beginning September 2003 and ending October 2004. He also prescribed his wife #30 Percocet on February 14, 2004 and #30 Hydrocodone on January 22, 2004.
7. The licensee was interviewed and provided the following information

DEC 28 2005

His wife has taken Alprazolam for her panic disorder as long as he has known her, over 15 years. A Cincinnati psychiatrist, who had treated her for over ten years before he left the area, originally prescribed this medication. The psychiatrist had tried multiple medications but Alprazolam seemed to work the best. His wife saw the psychiatrist who took over the practice but she did not interact well with him. She has frequent visits to a psychotherapist, Wanda Sucher, two times a month or more frequently. The licensee has prescribed the Alprazolam for his wife for at least the past ten years after the original prescribing psychiatrist left the area.

The licensee prescribed hydrocodone in combination with Flexeril, ibuprofen and Toradol for his wife's back pain in 2004. She had injured her back while lifting her 84-year-old mother. His wife prefers holistic therapy and only takes pain medication when absolutely necessary. She also had a corneal laceration in 2004, which he took care of with antibiotics and a patch until it healed. The eye pain may have been the reason he prescribed oxycodone 10mg #30 in August and October for his wife. His wife has seen a chiropractor for over twenty years. Depending on her problems, she typically sees her once a month for an adjustment. The licensee stated his wife is only taking ibuprofen for her back pain at this time.

His wife was between doctors and was trying to find one but was not comfortable around many physicians.

The licensee stated that he has never self prescribed or taken any of the medication that he had prescribed for his wife. He had written prescriptions for his wife's family only three to four times in the past 15 years. He keeps no formal medical records on family and friends but he has not prescribed for any family member who he has not examined.

The licensee owns his own business, Bluegrass Emergency Services, Inc., which subcontracts with Emergency Rooms; he is the only employee. He also works as an Expert Witness and is licensed in Ohio and Kentucky and is Board certified in both Forensic and Emergency Medicine. The licensee uses his home address as his business address. He currently has several contracts with large emergency room companies in Ohio and works PRN. He has worked only several emergency room shifts in the last six months and he did not practice medicine from September 2003 until mid 2004. He is involved with financial matters and rental properties and plans to stay in the area working PRN, not full time. He stated that it was an oversight on his January 2004, medical license renewal form when he listed CCH's address as his current address, despite the renewal form instructing him to advise of any address change.

The licensee worked as an Emergency Room physician at CCH for approximately 10 years. The licensee has not worked at any other hospital in KY in the past twelve years. He came to CCH because the position of ER Director

DEC 28 2005

allowed him to write his own schedule and therefore have a more regular family life. Inspire, owned by Dr. Jeff Jones, bid on the ER contract and took over the services in July 2002. Dr. Young tendered his resignation in August 2003.

The licensee had used the CCH prescription pad because he has been unable to find out how to purchase another one. On November 8, 2004, he forgot to scratch out the CCH telephone number and put his own number. His wife had taken the prescription to the pharmacy and returned upset when it was not filled. The licensee believes the pharmacist made a routine call to verify the information. The licensee insists that the pharmacist was not suspicious until CCH identified the patient as his wife. He believes CCH should have contacted him if they had any concerns about his use of the prescription pad instead of rushing to judgment. He is shocked that CCH sent correspondence to the Board and didn't contact him first with their concerns.

8. Current Opinion 8.19 of the American Medical Association (AMA)'s Code of Ethics provides, in part,

Physicians generally should not treat themselves or members of their immediate families....

It would not always be inappropriate to undertake self-treatment or treatment of immediate family members. In emergency settings or isolated where there is no other qualified physician available, physicians should not hesitate to treat themselves or family members until another physician becomes available. In addition, while physicians should not serve as a primary or regular care provider for immediate family members, there are situations in which routine care is acceptable for short-term, minor problems.

Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

9. On May 19, 2005, the Board, through Inquiry Panel B, filed a Complaint against the licensee. Following the filing of the Complaint, the Board discovered that on May 3, 2005, the licensee had been indicted by the Boone County Grand Jury for Trafficking in a Controlled Substance, Possession of Marijuana and Possession of Drug Paraphernalia, Speeding and Failure to Produce Insurance Card.
10. The arrest citation from the incident reports that on February 1, 2005, that during a search of the licensee's vehicle a small black box containing approximately 15

grams of cocaine, a blue pill bottle of approximately 1.75 grams of rock white substance and marijuana were discovered.

11. On September 21, 2005, the licensee pled guilty to an amended charge of Possession of a Controlled Substance in the First Degree, a Class D Felony. The licensee also pled guilty to Possession of Marijuana and Possession of Drug Paraphernalia, both Class A Misdemeanors. The charges of Speeding and Failure to Produce Insurance Card were dismissed. The recommended sentence was three (3) years probated for three (3) years on the possession of controlled substances and twelve (12) months on each charge of possession of marijuana and possession of drug paraphernalia. Sentencing was scheduled for October 19, 2005.
12. On October 19, 2005, the licensee was sentenced pursuant to the aforementioned plea agreement. The licensee was sentenced to three (3) years on the possession of controlled substances and twelve (12) months on each charge of possession of marijuana and possession of drug paraphernalia. Each sentence was set to run concurrently for a total of three (3) years confinement. The licensee was granted probation. The sentence was set at (3) years probated for three (3) years.
13. The licensee was asked why he did not report the February 1, 2005 arrest on his 2005 medical license renewal form, which was submitted to the Board on February 28, 2005. Dr. Young stated he did not report the charges because he "was not guilty."
14. On August 26, 2005, the licensee submitted to a psychiatric evaluation by Dr. Walter Butler. During the evaluation, the licensee failed to disclose his pending criminal indictment for drug related offenses and his use of illegal drugs. This

DEC 28 2005

information was later conveyed to Dr. Butler from Dr. Burns Brady, Medical Director, Kentucky Physicians Health Foundation. Dr. Butler opined in his September 15, 2005 report that,

“if the underlying charges are true, it would suggest a pattern of abuse of and possible dependence on illegal substances which would lend some credence to the allegations of potential abuse noted in the Board’s interviews.

More troubling is Dr. Young’s deliberate effort to conceal these facts from the interviewers. Even when confronted with direct questions about substance use or abuse, Dr. Young on multiple occasions during the interview denied having any history of problems in that regard.”

15. Dr. Burns Brady, Medical Director, Kentucky Physicians Health Foundation, began an impairment evaluation of the licensee on September 8, 2005. Dr. Brady provided a letter dated September 28, 2005 stating that the licensee failed to complete the impairment evaluation with his refusal to do required testing and evaluations necessary for the impairment evaluation. Dr. Brady noted that the information regarding the licensee’s pending criminal charges was provided to him before his meeting with the licensee. During the interview, the licensee admitted to use of marijuana and cocaine from January until his arrest on February 1, 2005. The licensee denied use of drugs since that time. The licensee refused to submit to urine, blood and hair sample screening. Additionally, the licensee refused to submit to a residential evaluation as directed by Dr. Brady.

#### STIPULATED CONCLUSIONS OF LAW

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

1. The licensee’s 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(1), (4) and 311.595(9) as illustrated by 311.597(4). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending Amended Complaint without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

**AGREED ORDER OF SURRENDER**

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 Amended Complaint without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER:**

1. The licensee shall SURRENDER his Kentucky medical license, in lieu of revocation, with that surrender to become effective immediately upon the filing of this Agreed Order of Surrender, and continuing until further Order of the Panel.
2. Following the effective date of the surrender of his license, the licensee may not engage in any act which would constitute the "practice of medicine" as that term is defined by 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 – until approved to do so by the Panel.

DEC 28 2005

3. The Panel will not consider a petition to resume the active practice of medicine unless it is accompanied by a favorable recommendation by the Medical Director, Kentucky Physicians Health Foundation (the Foundation), which shall include:
  1. a copy of his contract with the Foundation, if applicable;
  2. a copy of the discharge summary from a residential treatment facility and any reports of other evaluations performed;
  3. if not included in that discharge summary, a statement of all aftercare requirements for the licensee, and;
  4. an assessment that the licensee may safely resume the active practice of medicine without undue risk or danger to patients or the public;
4. The Panel will not consider a request by the licensee for approval to resume the active practice of medicine for a minimum period of two years from the date of filing of this Agreed Order of Surrender. The provisions of KRS 311.607 shall apply to any request for reinstatement filed by the licensee. The burden shall be upon the licensee to satisfy the Panel that he is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine, without undue risk or danger to his patients or the public. If the Panel should permit the licensee to resume the active practice of medicine, it will do so by appropriate order, which shall include all terms and conditions deemed appropriate by the Panel following their review of the information available.
5. The licensee expressly agrees that if he should violate any term or condition of the Agreed Order of Surrender, 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 of Surrender, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or

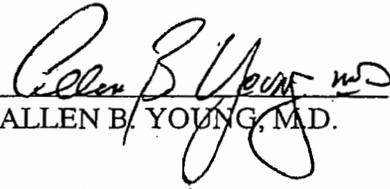
DEC 23 2005

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 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 of Surrender.

6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender 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 3<sup>rd</sup> day of Oct, 2005.

FOR THE LICENSEE:

  
ALLEN B. YOUNG, M.D.

\_\_\_\_\_  
COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

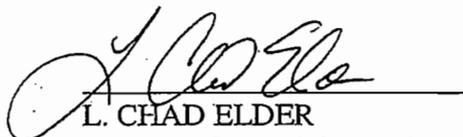
CONFIDENTIAL

DEC 23 2005

FOR THE BOARD:



LANDEL C. GIBSON, D.O.  
ACTING CHAIR, INQUIRY PANEL B



L. CHAD ELDER  
Assistant General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150