

JUL 12 2022

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. IAO(T)-103

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY MICHAEL R. HEILIG, M.D., LICENSE NO. 37035, 318
HIGHLAND PARK DRIVE, RICHMOND, KENTUCKY 40475

INTERIM AGREED ORDER (TREATMENT)

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel B, and Michael R. Heilig, M.D. (“the licensee”), and, based upon their mutual desire to ensure that the public is fully protected while the Board is completing its investigation, hereby ENTER INTO the following INTERIM AGREED ORDER:

1. The licensee shall not engage in 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” – from the date of filing of this Interim Agreed Order until approved to do so by the Inquiry Panel;
2. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597;
3. If there is information satisfactory to the Panel or the Panel Chair that the licensee has failed to comply with any condition of this Interim Agreed Order, the Panel or the Panel Chair may immediately terminate this Interim Agreed Order and issue a Complaint and, if deemed appropriate, an Emergency Order;
4. While this Interim Agreed Order does not constitute final action on this matter, federal regulations require that it be reported to the National Practitioner’s Data Bank.

Furthermore, it is subject to release upon request pursuant to the Open Records Act;
and

5. The licensee understands and agrees that any violation of the terms and conditions of this Interim Agreed Order shall constitute a separate violation and may result in disciplinary action against his Kentucky medical license, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 12th day of July, 2022.

FOR THE LICENSEE:




MICHAEL R. HEILTG, M.D.

COUNSEL FOR LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B



SARA FARMER
Assistant General Counsel
Kentucky Board of Medical Licensure
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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1876

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MICHAEL R. HEILIG, M.D., LICENSE NO. 37035, 404 SHOPPERS DRIVE, WINCHESTER, KENTUCKY 40391

AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure ("the Board"), by and through its Inquiry Panel B, and MICHAEL R. HEILIG, M.D. ("the licensee"), and, based upon the licensee's request to resume the practice of medicine, hereby enter into the following **AMENDED AGREED ORDER**:

STIPULATIONS OF FACT

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

1. At all relevant times, Michael R. Heilig, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Orthopedic Surgery.
3. On or about May 14, 2018, the Board received a report from Robert Parker, hospital administrator for Clark Regional Medical Center, stating that the licensee was placed on leave and his privileges were suspended due to concerns of possible impairment in the hospital's operating room.
4. During an interview with a Board investigator, Mr. Parker stated that he received a call on May 10th that the staff had concerns about the licensee being impaired in the operating room. He stated that the licensee had completed two (2) surgeries and was about to begin the third. Mr. Parker stated he met with the licensee and felt he was impaired. He stated

that the licensee submitted to a drug screen, was sent home and was advised his privileges were suspended pending the result of a referral to the Kentucky Physicians Health Foundation ("the Foundation").

5. A copy of the licensee's drug screen showed the presence of alpha-hydroxy-alprazolam, noroxycodone, oxycodone, and oxymorphone. The lab report result states the licensee submitted a prescription for Oxycodone from 2009.
6. In a written statement provided by Brenda Turner, OR circulating Nurse, who worked with the licensee in the operating room on May 10, 2018, Ms. Turner described that the licensee "almost fell like he lost his balance" and "was talking a little weird" on the first surgery. Ms. Turner described the licensee as "losing his balance" and "not acting like himself" on the second surgery. Ms. Turner described that on the third surgery, the licensee "was walking backwards like stumbling with his eyes closed and mumbling" and that he "went to sit on a stool and almost missed the stool." Ms. Turner concluded by stating that "He tried to put the Esmarch on prior to draping, and I told him, 'Dr. Heilig, we need to drape first.' He was saying, 'we do, we do,' like he was confused on the order of what we do. We aborted the case when he had the drapes in his hand."
7. The licensee was practicing as a partner at Kentucky Orthopedic Associates along with Greg Grau, M.D. and James Rice, M.D.
8. During an interview with a Board investigator, Greg Grau, M.D. and the practice manager, Pat Smith, provided the following information. They stated that in light of the incident at the hospital, they reviewed some records and noticed that the licensee appeared to be self-prescribing Ambien, as well as phoning in prescriptions for Ambien for himself under Dr. Grau's and Dr. Rice's DEA registrations. It was also observed that the licensee had

prescribed Ambien to his wife (seventeen times) and to his brother (twenty-four times). They stated the licensee had prescribed Tramadol once to his brother. Mr. Smith stated that neither the licensee's wife or brother are patients of the practice and there are no charts to verify the prescriptions. Drs. Grau and Rice provided written statements that they did not provide or have knowledge of any prescriptions to the licensee or his family.

9. On or about May 14, 2018, the licensee met with Greg L. Jones, M.D., Medical Director of the Kentucky Physicians Health Foundation ("the Foundation"). Based upon information gathered during that interview, Dr. Jones recommended that the licensee undergo further evaluation at a facility with expertise in working with healthcare professionals.
10. The licensee was assessed at Hazelden Betty Ford Foundation on or about June 3, 2018 and was subsequently diagnosed with Axis I diagnoses of Ambien Use Disorder, Mild and Percocet use Disorder, Mild.
11. Hazelden did not recommend inpatient treatment, however, it recommended documented abstinence from all substances of abuse, individual therapy, and an evaluation with an addiction psychiatrist.
12. The licensee signed a five-year contract with the Foundation on June 25, 2018, which includes a provision that the licensee will not return to the clinical practice of medicine until such time as he has accrued three (3) consecutive months of documented sobriety.
13. On or about June 22, 2018, the licensee provided a written response to the Board. The licensee stated that he performed orthopedic surgeries on his mother and his sister-in-law and believed medical records substantiated the need for prescription medication. He pledged that he will not treat or prescribe any medications to himself or his family members

ever again, unless in an emergency situation. The licensee stated he has enrolled in the "Prescribing Controlled Drugs" course offered by Vanderbilt University. The licensee further acknowledged that he had a problem with Zolpidem and outlined the steps he is taking to address his problem.

14. On August 3, 2018, the licensee entered into an Agreed Order which prohibited the licensee from engaging in the practice of medicine in the Commonwealth of Kentucky until further order of the Panel (requiring at least ninety days of documented sobriety).
15. The licensee completed the *Proper Prescribing of Controlled Substance Prescription Drugs* at Vanderbilt University on August 15-17, 2018.
16. On September 20, 2018, the licensee submitted a request to resume the practice of medicine.
17. In a letter dated September 25, 2018, Dr. Jones, Medical Director for the Foundation, stated that the licensee has remained in compliance with the Foundation's directives and that it is his belief that granting the licensee's request to resume the practice of medicine would not pose any undue risk to the public nor place his personal recovery in jeopardy.
18. On November 15, 2018, the Panel approved the licensee's request to resume the practice of medicine, pursuant to terms and conditions set forth in this Amended Agreed Order.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Amended 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(6), (9), as illustrated by KRS 311.597(4), and (21). Accordingly, there are legal grounds for the parties to enter into this Amended 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 Amended Agreed Order.

AMENDED AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and based upon the parties' mutual desire to fully and finally address this pending investigation, without an evidentiary hearing, the parties hereby enter into the following **AMENDED AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by **MICHAEL R. HEILIG, 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 Order, the licensee's Kentucky medical license **SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS** until further order of the Board:
 - a. The licensee shall maintain his contractual relationship with the Kentucky Physicians Health Foundation and shall fully comply with all requirements of that contractual relationship;
 - b. The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. The licensee must ensure that any such medical treatment and prescribing is reported directly to the Board in writing by my treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely


compliance. The licensee's failure to inform the treating physician of this responsibility shall be considered a violation of this Amended Agreed Order;

- c. The licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, and under the conditions specified by the Board's testing agent, the purpose being to ensure that the licensee remain drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports will be paid by the licensee, and the licensee will pay those costs under the terms fixed by the Board's agent for testing. The licensee's failure to fully reimburse the Board's agent within that time frame SHALL constitute a violation of this Amended Agreed Order; and
 - d. The licensee SHALL NOT violate any provision of KRS 311.595 or 311.597.
3. The licensee expressly agrees that if he should violate any term or condition of this Amended Agreed Order, the licensee's practice SHALL 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 Amended 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 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 Amended Agreed Order; and
 4. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 20th day of November, 2018.




MICHAEL R. HEILIG, M.D.




THOMAS D. BULLOCK
COUNSEL FOR DR. HEILIG

FOR THE BOARD:



SANDRA R. SHUFFETT, M.D.
CHAIR, INQUIRY PANEL B



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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1876

FILED OF RECORD

AUG 03 2018

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AGREED ORDER

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STIPULATIONS OF FACT

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

1. At all relevant times, Michael R. Heilig, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
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8. During an interview with a Board investigator, Greg Grau, M.D. and the practice manager, Pat Smith, provided the following information. They stated that in light of the incident at the hospital, they reviewed some records and noticed that the licensee appeared to be self-prescribing Ambien, as well as phoning in prescriptions for Ambien for himself under Dr. Grau's and Dr. Rice's DEA registrations. It was also observed that the licensee had

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9. On or about May 14, 2018, the licensee met with Greg L. Jones, M.D., Medical Director of the Kentucky Physicians Health Foundation ("the Foundation"). Based upon information gathered during that interview, Dr. Jones recommended that the licensee undergo further evaluation at a facility with expertise in working with healthcare professionals.
10. The licensee was assessed at Hazelden Betty Ford Foundation on or about June 3, 2018 and was subsequently diagnosed with Axis I diagnoses of Ambien Use Disorder, Mild and Percocet use Disorder, Mild.
11. Hazelden did not recommend inpatient treatment, however, it recommended documented abstinence from all substances of abuse, individual therapy, and an evaluation with an addiction psychiatrist.
12. The licensee signed a five-year contract with the Foundation on June 25, 2018, which includes a provision that the licensee will not return to the clinical practice of medicine until such time as he has accrued three (3) consecutive months of documented sobriety.
13. On or about June 22, 2018, the licensee provided a written response to the Board. The licensee stated that he performed orthopedic surgeries on his mother and his sister-in-law and believed medical records substantiated the need for prescription medication. He pledged that he will not treat or prescribe any medications to himself or his family members

ever again, unless in an emergency situation. The licensee stated he has enrolled in the "Prescribing Controlled Drugs" course offered by Vanderbilt University. The licensee further acknowledged that he had a problem with Zolpidem and outlined the steps he is taking to address his problem.

14. On July 19, 2018, the Board's Inquiry Panel B reviewed the investigation and the licensee, with counsel, appeared before and was heard by the Panel before it deliberated. The Panel and the licensee agreed to enter into this Agreed Order, in lieu of the issuance of a Complaint and Emergency Order of Suspension.

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(6), (9), as illustrated by KRS 311.597(4), and (21). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve 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 the parties' mutual desire to fully and finally address 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 MICHAEL R. HEILIG, 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 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 - unless and until approved to do so by the Panel;
 - b. The licensee SHALL NOT petition to resume the practice of medicine, unless such petition is accompanied by a favorable recommendation by the Medical Director of the Foundation, which shall include:
 - i. A copy of his contract with the Foundation;
 - ii. An attestation that the licensee has maintained and complied with his contractual relationship with the Foundation, including documented abstinence from unapproved mood-altering substances, for at least ninety (90) days immediately prior to the submitting his petition for reinstatement of his license or to resume the practice of medicine;
 - iii. An assessment that the licensee may safely resume the active practice of medicine without undue risk or danger to patients or the public; and
 - iv. A statement of the licensee's specific plans for his return to medical practice, including prospective employer and practice descriptions; and
 - c. 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 the Agreed Order, the licensee's practice SHALL 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 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; and

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

SO AGREED on this 3rd day of August, 2018.




MICHAEL R. HEILIG, M.D.




THOMAS D. BULLOCK
COUNSEL FOR DR. HEILIG

FOR THE BOARD:



RANDEL C. GIBSON, D.O.
CHAIR, INQUIRY PANEL B



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