

2. The license to practice medicine of the Respondent in the State of Kentucky was revoked by the Kentucky State Board of Medical Licensure on October 27, 1988 based upon acts by Dr. Kennedy at the Army's Aeromedical Center Fort Rucker, Alabama which constituted unprofessional conduct;

3. The Respondent committed acts at the Army's Aeromedical Center Fort Rucker, Alabama which constituted unprofessional by the Respondent.

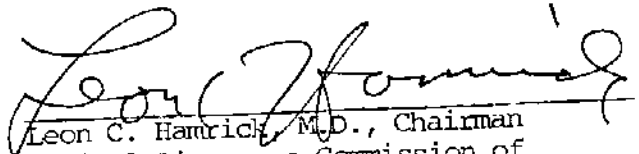
Based upon the foregoing findings of fact, the Medical Licensure Commission makes the following conclusions of law:

A. The Respondent, Joseph H. Kennedy, M.D. had his license to practice medicine in another state revoked based upon acts by him similar to acts prohibited in the State of Alabama and, therefore, is guilty of violating §34-24-360(15), Code of Alabama 1975;

B. The Respondent, Joseph H. Kennedy, M.D. engaged in unprofessional conduct as defined in the Rules and Regulations of the Medical Licensure Commission of Alabama and, therefore, is guilty of violating §34-24-360(2), Code of Alabama 1975.

Based upon the foregoing, the Medical Licensure Commission of Alabama ORDERS that the license to practice medicine of Joseph H. Kennedy, M.D., license certificate number 13041, be and is hereby revoked.

ENTERED this 27th day of September, 1989.


Leon C. Harrick, M.D., Chairman
Medical Licensure Commission of
Alabama

that there exists probable cause to believe that the Respondent, Joseph H. Kennedy, M.D., has committed the following violations of §34-24-360, Code of Alabama 1975:

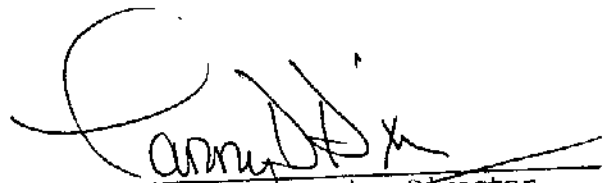
- a. The revocation by another state of the license to practice medicine, based upon acts by the licensee similar to acts prohibited in the State of Alabama, a violation of §34-24-360(15), Code of Alabama 1975;
- b. Immoral, unprofessional or dishonorable conduct as defined in the Rules and Regulations of the Medical Licensure Commission, a violation of §34-24-360(2), Code of Alabama 1975.

4. In support of the allegations of violations set forth above, the Alabama State Board of Medical Examiners hereby adopts by reference and charges the Respondent, Joseph H. Kennedy, M.D., with each of the findings of fact set forth in the Findings of Fact and Order to Show Cause of the Kentucky Board of Medical Licensure dated April 5, 1988, the Findings of Fact, Conclusions of Law, and Order recommended by the Hearing Officer, Greg Holmes, for the Kentucky Board of Medical Licensure, and dated August 25, 1988, and the Order of Revocation of the Kentucky Board of Medical Licensure dated October 27, 1988. A copy of said documents are attached hereto as Exhibit "A" and made a part hereof.

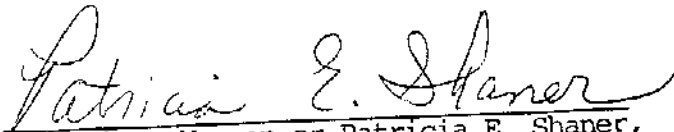
5. Wherefore, the foregoing premises considered, the Alabama State Board of Medical Examiners requests that the Medical Licensure Commission set a hearing upon this Administrative Complaint and order that the Respondent, Joseph H. Kennedy, M.D., appear and answer the allegations of this Complaint and that, at the conclusion of the hearing, the Medical Licensure Commission revoke the license to practice medicine of the Respondent, Joseph H. Kennedy, M.D., for the protection of the public in the manner prescribed by law and assess an administrative fine in the manner prescribed by law.

This Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director, pursuant to the instructions of the Board as contained in its resolution of May 17, 1989, a copy of which is attached hereto and incorporated herein.

EXECUTED this 13th day July, 1989.



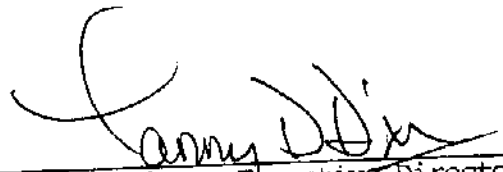
Larry D. Dixon, Executive Director
Alabama State Board of Medical
Examiners



Wendell R. Morgan or Patricia E. Shaner,
Attorneys for the Alabama State Board of
Medical Examiners
848 Washington Avenue
Post Office Box 946
Montgomery, Alabama 36102-0946
(205) 261-4739

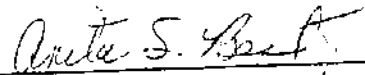
STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama State Board of Medical Examiners, has examined the contents of the foregoing Administrative Complaint and affirms that the contents thereof are true and correct at the best knowledge, information and belief.



Larry D. Dixon, Executive Director
Alabama State Board of Medical
Examiners

SWORN TO AND SUBSCRIBED before me this 13th day of July, 1989.



Notary Public
My Commission Expires: 5/15/93

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

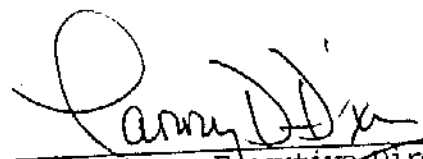
A F F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners' session on May 17, 1989, a quorum of the members of the Board being present, conducted an investigation into the medical practice of Joseph H. Kennedy, M.D., and, at the conclusion of the discussion, the Board adopted the following resolution:

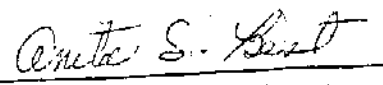
JOSEPH H. KENNEDY, M.D. After consideration of information from the Kentucky Board relative to action taken against Dr. Kennedy's Kentucky license, the Credentials Committee recommended a Petition and Complaint be filed with the Medical Licensure Commission. The Motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 17th May, 1989.



Larry D. Dixon, Executive Director
Alabama State Board of Medical
Examiners

SWORN TO AND SUBSCRIBED before me this 13th day of July, 1989.



Notary Public
My Commission Expires: 5/15/89

ROYCE F. DAWSON
PRESIDENT



(502) 896 1516

KENTUCKY BOARD OF MEDICAL LICENSURE

THE MALL OFFICE CENTER
400 SHERBURN LANE, SUITE 222
LOUISVILLE, KENTUCKY 40207

CERTIFICATION

I, C. William Schmidt, Executive Director and custodian of the records for the Kentucky Board of Medical Licensure, hereby certify that the enclosed copies concerning Joseph H. Kennedy, M.D. are true and exact copies of the original documents on file with this office.


C. WILLIAM SCHMIDT


BOARD SEAL

STATE OF KENTUCKY

COUNTY OF JEFFERSON

Subscribed and sworn to before me this 7th day of April, 1989,
by C. William Schmidt, Executive Director, Kentucky Board of Medical
Licensure.

My commission expires: 5-12-92


NOTARY PUBLIC

RECORD
K.S.M.L. 13
4-5-88

COMMONWEALTH OF KENTUCKY
STATE BOARD OF MEDICAL LICENSURE
CASE NO. SC-44

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY JOSEPH H. KENNEDY, M.D. (LICENSE # 24593)
ADDRESS OF RECORD: 9204 FOX RUN COURT, MOBILE, AL, 36609

FINDINGS OF FACT AND ORDER TO SHOW CAUSE

Comes now the Kentucky Board of Medical Licensure, by and through its Inquiry Panel (B), having reviewed an investigative report on Dr. Kennedy and otherwise being sufficiently advised, hereby FINDS:

1. That Joseph Henry Kennedy, M.D. is licensed to practice medicine in the Commonwealth of Kentucky and is therefore subject to review and discipline by the Board pursuant to KRS 311.530, et seq.

2. That on or about April 8, 1987, the Department of the Army summarily suspended Dr. Kennedy's medical and clinical privileges at the Army's Aeromedical Center, Fort Rucker, Alabama, for unprofessional conduct, professional incompetence and/or malpractice, to-wit:

a) Dr. Kennedy propositioned a female patient, followed her to her car and attempted to hold her hand, hug her, kiss her and sexually fondle her;

b) Dr. Kennedy had several unexplained absences from the hospital emergency room;

c) Dr. Kennedy's patient assessments were superficial, lacking in content and many times lacked appropriate disposition; and,

d) Dr. Kennedy prescribed an inappropriate dosage of

136
Actified to a 19-month old infant.

3. That after due process hearings on these charges before the Credentials Committee (May 8, 1987) and a Special Credentials Committee (June 29, 1987), the Deputy Commander for Clinical Services approved of both committee recommendations that Dr. Kennedy's medical and clinical privileges at Fort Rucker be revoked. Dr. Kennedy was notified of this revocation on or about July 15, 1987, and failed to reply, therefore waiving his right to appeal and making this a final action.

4. That the information contained in paragraphs Two (2) and Three (3) of this Order constitutes sufficient grounds for disciplinary action to be taken against Dr. Kennedy pursuant to KRS 311.595(8), 311.595(20), 311.597(3) and 311.597(4).

WHEREFORE, it is hereby ORDERED pursuant to KRS 311.591(1) that Dr. Kennedy show cause why his license to practice medicine in the Commonwealth of Kentucky should not be disciplined. Dr. Kennedy is directed to appear before the Board's Hearing Officer, Hon. B. Frank Radmacher, III, on the following date, time and location:

Wednesday, July 6, 1988, 1:00
Kentucky Board of Medical Licensure
400 Sherburn Lane, Suite 222
Louisville, Ky 40207
(502) 896-1516

Dr. Kennedy may appear with counsel and may submit any written response he may wish prior to the show cause hearing. Failure to appear at this hearing may be taken by this Board as an admission of the charges.

This notice shall also inform Dr. Kennedy that the original of any pleadings he may wish to make should be mailed or

hand-delivered to the Board's Executive Director as noted below:

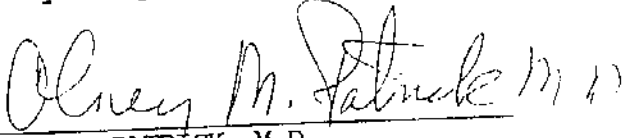
Mr. C. William Schmidt
Executive Director
Kentucky Board of Medical Licensure
400 Sherburn Lane, Suite 222
Louisville, KY 40207

Copies of any pleadings should be mailed or hand-delivered to the Board's counsel and Hearing Officer as delineated below:

Hon. David W. Carby
General Counsel
Kentucky Board of Medical Licensure
400 Sherburn Lane, Suite 222
Louisville, KY 40207

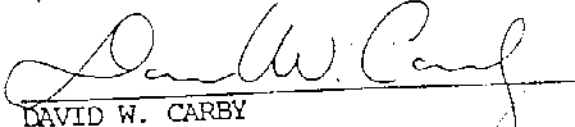
Hon. B. Frank Radmacher, III
Hearing Officer
Kentucky Board of Medical Licensure
730 W. Main St., Suite 490
Louisville, KY 40202

So ORDERED this 5TH day of April, 1988


OLNEY M. PATRICK, M.D.
Chairman
Board Inquiry Panel (B)

CERTIFICATE

This is to certify that the original of the foregoing Findings of Fact and Order to Show Cause was hand-delivered to Mr. C. William Schmidt, Executive Director for the Kentucky Board of Medical Licensure, and a copy was mailed, postage prepaid, to Hon. B. Frank Radmacher, III, Hearing Officer, 730 W. Main St., Suite 490, Louisville, Ky, 40202, and to Dr. Joseph H. Kennedy, 9204 Fox Run Road, Mobile, AL, 36609, on this the 5TH day of April, 1988.


DAVID W. CARBY
General Counsel
Kentucky Board of Medical Licensure

FILED IN RECORDS
K.S.B.M.L. 138
10/20/88

COMMONWEALTH OF KENTUCKY
STATE BOARD OF MEDICAL LICENSURE
CASE NO. SC-44

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOSEPH H. KENNEDY, M.D. (LICENSE #24593) ADDRESS OF RECORD: 9204 FOX RUN COURT, MOBILE, ALABAMA 36609

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing on July 6, 1988 at the hour of 1:00 p.m. before the Board's hearing officer, the Honorable Greg Holmes, Assistant Attorney General, pursuant to a show cause order entered by the State Board of Medical Licensure's (hereinafter the "Board") Inquiry Panel (B) dated April 5, 1988. At the show cause hearing the Board was represented by its General Counsel, the Hon. David W. Carby. Dr. Joseph H. Kennedy failed to appear at the show cause hearing.

FINDINGS OF FACT

1. Evidence was adduced at the show cause hearing establishing that Dr. Joseph H. Kennedy had been notified of the show cause order and the date of the show cause hearing. Despite this notification, Dr. Kennedy failed to appear for the hearing.

2. The Findings of Fact and Order to Show Cause issued by the Board's Inquiry Panel (B) on April 5, 1988 was introduced into evidence at the show cause hearing; a copy of said document is incorporated by reference as if fully stated herein.

CONCLUSIONS OF LAW

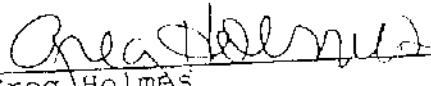
The foregoing findings of fact constitute sufficient grounds for disciplinary action to be taken against Dr. Kennedy

pursuant to KRS 311.595(8), KRS 311.595(20), KRS 311.597(3), and KRS 311.597(4).

ORDER

Because of the foregoing findings of fact and conclusions of law, it is hereby ordered that the license to practice medicine in Kentucky, #245932 held by Dr. Joseph H. Kennedy ~~be~~ and the same hereby is revoked.

Recommended by:


Greg Holmes
Assistant Attorney General
Hearing Officer

This 25th day of August, 1988.

10/27/88

140

COMMONWEALTH OF KENTUCKY
STATE BOARD OF MEDICAL LICENSURE
CASE NO. SC-44

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY JOSEPH H. KENNEDY, M.D. (LICENSE #24593)

ORDER OF REVOCATION

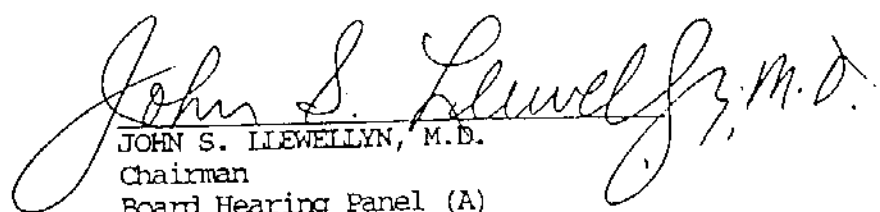
The above-styled action came before the Kentucky Board of Medical Licensure's Hearing Panel (A) on October 20, 1988, for final action. The Panel considered the Hearing Officer's Findings of Fact and Conclusions of Law dated August 25, 1988, prior to rendering a final action in this matter. It should be noted that no exceptions to the Hearing Officer's Findings of Fact and Conclusions of Law were ever filed of record by Dr. Kennedy.

The Panel, having considered the above-referenced information, and otherwise being sufficiently advised, hereby FINDS that sufficient grounds exist for the Panel to discipline Dr. Kennedy's license to practice medicine in the Commonwealth of Kentucky. These grounds are delineated in the Hearing Officer's Findings of Fact and Conclusions of Law dated August 25, 1988. This Panel adopts the Hearing Officer's Findings of Fact and Conclusions of Law as their own and incorporates such by reference into this Order. A copy of the Hearing Officer's Findings of Fact and Conclusions of Law is attached hereto.

WHEREFORE, it is ORDERED that the license to practice medicine in the Commonwealth of Kentucky held by Joseph H. Kennedy, M.D. is hereby REVOKED. This Order shall become effective pursuant to the provisions of KRS 311.593.

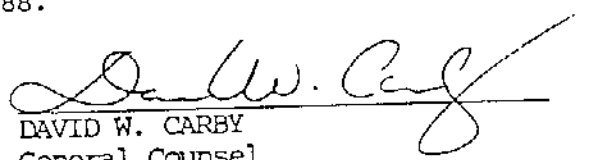
This Order is also appealable pursuant to the provisions of
KRS 311.593.

So ORDERED this 27TH day of ~~November~~, 1988.
OCTOBER


JOHN S. LLEWELLYN, M.D.
Chairman
Board Hearing Panel (A)

CERTIFICATE

This is to certify that the original of the foregoing Order of Revocation was hand-delivered to Mr. C. William Schmidt, Executive Director for the Kentucky Board of Medical Licensure, and a copy was mailed, postage prepaid, to Hon. Greg Holmes, Hearing Officer, Office of Attorney General, Room 116, State Capitol, Frankfort, KY, 40601, and to Joseph H. Kennedy, M.D., 9204 Fox Run Court, Mobile, AL, 36609, on this 27TH day of ~~November~~, 1988.
OCTOBER


DAVID W. CARBY
General Counsel
Kentucky Board of Medical Licensure