

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF PODIATRY
ADMINISTRATIVE ACTION NO. 00-KBD-0354

KENTUCKY BOARD OF PODIATRY

COMPLAINANT

V.

GERARDO ULFE, D.P.M.
(LICENSE NO. 219)

RESPONDENT

AGREED ORDER

The Kentucky State Board of Podiatry (hereinafter "the Board") and the Respondent, Gerardo Ulfe ("Ulfe"), in person and by counsel, and both parties, being fully advised and informed, state as follows:

- (1) Ulfe is a licensed podiatrist in the Commonwealth of Kentucky, having been issued Podiatry License No. 219.
- (2) Pursuant to Kentucky Revised Statutes ("KRS") Chapter 311, the Board is authorized to regulate and to control all matters related to podiatrists and podiatry, not delegated to another agency of the Commonwealth of Kentucky, and this matter has not been delegated to another agency of the Commonwealth.
- (3) The Board alleges that Ulfe acted in a willful manner that was inconsistent with the scope of the practice of podiatry by issuing prescriptions on five occasions during a period from August, 1999 and January, 2000 for treatment of conditions not related to the practice of podiatry. The medicines at issue consisted of antibiotics and topical anesthetics for respiratory, urinary tract and ear infections. Ulfe states that, on four of the occasions he was renewing

prescriptions for the respiratory and ear infections that had already been prescribed by the patient's medical doctors.

(4) Ulfe neither admits nor denies the allegations of paragraph 3 of this agreed order; rather, he acknowledges that the Board has sufficient evidence to prove the allegations.

(5) Ulfe and the Board agree to address this matter by entering into this agreed order in lieu of a formal hearing before the Board.

(6) Following a review by the Board of the facts and circumstances associated with the case against Ulfe, **IT IS HEREBY AGREED AND ORDERED:**

(a) Ulfe's podiatry license is **SUSPENDED** for thirty days, from October 15, 2000 through November 14, 2000; and

(b) Ulfe is **FINED** the sum of \$1,000, payable by certified check made out to the Kentucky State Treasurer on or before March 1, 2001.

(7) Failure to comply with any term of this agreed order shall constitute a violation of a Board order and shall provide grounds to take disciplinary action against Ulfe's license pursuant to KRS 311.480(10).

(8) By entering into this agreed order, Ulfe expressly acknowledges that he was fully and completely informed by his counsel of the due process rights afforded to him under KRS Chapters 13B and 311, that he fully understands those rights, and that he knowingly, voluntarily, and willingly agrees to waive those rights and to enter into this agreed order.

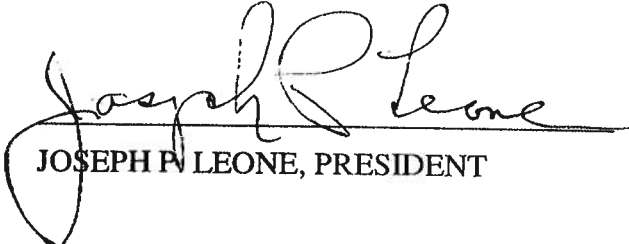
(8) The Agreed Order, when executed, shall be presented to the Board with a recommendation for approval from the Board's counsel. Ulfe understands the Board is free to accept or reject this Agreed Order, and if rejected by the Board, a formal disciplinary hearing may be scheduled by the Board with proper Notice. Ulfe agrees to waive any right he might have to challenge the impartiality of the Board to hear the case if, after review by the Board, this Agreed Order is rejected.

If the Agreed Order is not accepted by the Board, it shall be regarded as null and void. Any admissions made by Ulfe shall not be regarded as evidence against him at any subsequent disciplinary hearing. Ulfe will be free to defend himself and no inferences against him will be made from his willingness to enter into this Agreed Order. The Agreed Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

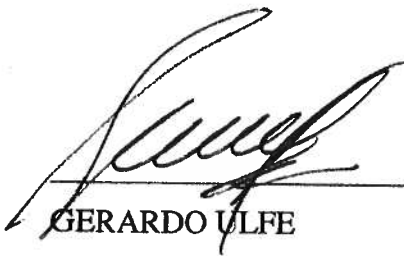
(10) This agreed order is subject to disclosure under the Kentucky Open Records Act.

So ORDERED this 8th day of September, 2000.

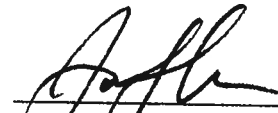
KENTUCKY STATE BOARD OF
PODIATRY



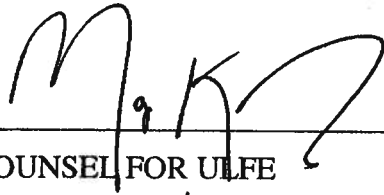
JOSEPH P. LEONE, PRESIDENT


GERARDO ULFE

9/13/00.
DATE SIGNED


JAMES J. GRAWE
COUNSEL FOR THE BOARD

9/8/00
DATE SIGNED


COUNSEL FOR ULFE

9/13/00
DATE SIGNED

CERTIFICATE OF SERVICE

I hereby certify that a copy of the AGREED ORDER was mailed by regular mail, on this 20 day of September, 2000, to:

Gerardo Uife
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Frankfort, Kentucky 40601-8204


Stuart Naulty, Board Secretary

10/20/00

