

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF PODIATRY  
AGENCY CASE NO. 2006-01

KENTUCKY BOARD OF PODIATRY

COMPLAINANT

V.

RUSSELL McKINLEY, D.P.M.  
(LICENSE NO. 280)

RESPONDENT

**AGREED ORDER**

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

(1) McKinley is a licensed podiatrist in the Commonwealth of Kentucky, having been issued Podiatry License No. 280.

(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 McKinley acted in a willful manner that was inconsistent with the scope of the practice of podiatry in June of 2006 by prescribing medications for himself and others for the treatment of conditions not related to the practice of podiatry.

(4) McKinley admits the allegations of paragraph 3 of this agreed order.



(5) McKinley 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 McKinley, IT IS HEREBY AGREED AND ORDERED:

(a) McKinley is FINED the sum of \$1,000, payable by certified check made out to the Kentucky State Treasurer on or before November 30, 2006.

(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 McKinley's license pursuant to KRS 311.480(10).

(8) By entering into this agreed order, McKinley 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.

(9) The Agreed Order, when executed, shall be presented to the Board with a recommendation for approval from the Board's counsel. McKinley 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. McKinley 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 McKinley shall not be regarded as evidence against him at any subsequent disciplinary hearing. McKinley 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.

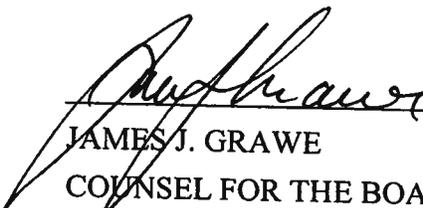
So ORDERED this 2<sup>nd</sup> day of December, 2006.

KENTUCKY STATE BOARD OF  
PODIATRY

  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
RUSSELL MCKINLEY

10-12-2006  
\_\_\_\_\_  
DATE SIGNED

  
\_\_\_\_\_  
JAMES J. GRAWE  
COUNSEL FOR THE BOARD

12/2/06  
\_\_\_\_\_  
DATE SIGNED



CERTIFICATE OF SERVICE

I hereby certify that a copy of the AGREED ORDER was mailed by regular mail, on this 19<sup>th</sup> day of December, 2006, to:

Russell McKinley, DPM  
708 Westport Road, Suite 102  
Elizabethtown, Kentucky 42701

James J. Grawe  
Assistant Attorney General  
Capitol Building  
700 Capitol Avenue  
Frankfort, Kentucky 40601-3449

  
Beverley White, Executive Director

