



September 10, 2025

Case number: 25-CRF-0153

Christopher M. Smith, M.D.
13402 Creekview Rd.
Prospect, KY 40059
msmith3305@hotmail.com

Dear Doctor Smith:

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 or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or 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 March 24, 2025, the Kentucky Board of Medical Licensure [Kentucky Board] issued a Default and Final Order against your license [March 2025 Kentucky Decision]. The March 2025 Kentucky Decision was based on findings that you had been ordered to submit to an evaluation to determine whether you were unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition that adversely affects cognitive, motor or perceptive skills or may otherwise be dangerous to the public. The March 2025 Kentucky Decision found that you failed to submit to the full evaluation as ordered by the Kentucky Board. You were placed on indefinite restriction and were prohibited from engaging in the practice of medicine unless and until approved to do so by the Kentucky Board. A copy of the March 2025 Kentucky Decision is attached hereto and incorporated herein.

The March 2025 Kentucky Decision as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or 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.

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to

Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, 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 service 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 service 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 or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or 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 or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or 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 license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in blue ink, reading "Kim G. Rothermel M.D.", is positioned above the printed name and title.

Kim G. Rothermel, M.D.
Secretary

KGR/VIH
Enclosures

Via email: msmith3305@hotmail.com

FILED OF RECORD

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2183

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY CHRISTOPHER M. SMITH, M.D., LICENSE NO. 43824,
13402 CREEKVIEW ROAD, PROSPECT, KENTUCKY 40059

DEFAULT AND FINAL ORDER

On March 20, 2025, the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Inquiry Panel B, took up this case to consider the licensee's failure to submit to an examination as ordered pursuant to KRS 311.599. At that meeting, Inquiry Panel B considered a memorandum from John Lewis, Medical Investigator, dated February 13, 2025; Panel B Meeting Minutes for Christopher M. Smith, M.D., dated January 16, 2025; Order to Submit to Evaluation, Case No. 2183, filed of record January 17, 2025; and e-mail correspondence from the Kentucky Physicians Health Foundation, dated February 3, 2025. The licensee was given notice of the March 20 meeting and an opportunity to be heard; he did not appear.

Having considered all of the relevant information available to it and being sufficiently advised, the Panel makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. At all relevant times, Christopher M. Smith, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Emergency Medicine.
3. On or about August 5, 2009, the licensee entered into an Agreed Order, Case No. 1217, pursuant to which he stipulated to the following facts:
 - On December 8, 2008, James T. Jennings, M.D., Medical Director, Kentucky Physicians Health Foundation (hereafter "the Foundation"), advised the Board's staff that the licensee was on administrative leave and that the Foundation had recommended that he enter residential treatment. Another member of the

Foundation staff reported that the licensee had been arrested on felony charges for brandishing a weapon during an alcohol-induced blackout. He had been evaluated by Metro Atlanta Recovery Residences (MARR).

- The licensee was evaluated by MARR during the period December 1-4, 2008. The Axis I diagnosis was Alcohol Dependence. Based upon the evaluation, MARR recommended that the licensee enter into a comprehensive residential treatment program for medical professionals.
- The licensee was admitted to MARR on December 29, 2008 and discharged on April 14, 2009. His Axis I diagnosis on discharge was the same, Alcohol Dependence.
- On December 30, 2008, at the request of the Panel's Chair, the licensee entered into an Interim Agreed Order, under which he agreed not to perform any act which would constitute the practice of medicine, unless and until approved to do so by the Panel.

- The Board's investigation revealed the following:

On the evening of November 17, 2008, the licensee consumed about $\frac{3}{4}$ of a fifth of liquor. At one point, he blacked out. He had a 1911 45-caliber pistol with him while he was drinking. He fired a round into the windshield of his car. According to the licensee, some neighbors approached him after he fired the pistol. Again according to him, he waved the pistol in their direction. Police arrived on the scene and arrested him, charging him with five (5) counts of Wanton Endangerment, one count for each neighbor threatened.

- On April 16, 2009, the licensee pled guilty to the amended charge of Carrying a Concealed Deadly Weapon. The felony Wanton Endangerment charges were dismissed/merged as part of the plea agreement. The licensee was sentenced to 12 months in jail, but the sentence was conditionally discharged for a period of two (2) years. He was given credit for the 2 days he had served in jail.
 - On May 11, 2009, the Panel Chair approved the licensee to resume the practice of medicine under conditions similar to those included in this Agreed Order of Probation.
4. The terms and conditions of the Agreed Order of Probation in Case No. 1217 limited the licensee's practice of medicine to his approved residency program; prohibited him from moonlighting; prohibited him from possessing or having access to any firearm; and required that he maintain and comply with the terms of his contract with the Foundation.

5. On or about February 9, 2010, the licensee's Agreed Order in Case No. 1217 was amended and the licensee stipulated to the additional following facts:
- By letter received December 7, 2009, the licensee asked the Panel to remove any restriction against his ability to moonlight. He noted that he had the support of the Foundation and of his program director.
 - In a letter dated January 5, 2010, Mary Nan Mallory, M.D., Professor and Residency Director, University of Louisville Department of Emergency Medicine, advised the Panel, "The department's core faculty and chair are in unanimous support of Dr. Matt Smith's request for moonlighting privileges as a next-step endeavor toward his successful autonomous practice of emergency medicine."
 - In a letter dated December 7, 2009, Dr. Jennings advised the Panel, "Specifically, we are asking the Board to remove restriction 2b from his current Order, which prohibits Dr. Smith from working outside of his residency program . . . We support Dr. Smith's request based on the quantity and quality of his recovery."
6. On or about June 3, 2010, the licensee requested termination of his Amended Agreed Order in case No. 1217. The Foundation supported his request, contingent upon his continuing to work with the Foundation.
7. At its July 22, 2010 meeting, the Board, through its Inquiry Panel B, granted the licensee's request and terminated the Amended Agreed Order, effective August 2, 2010.
8. On or about November 17, 2024, the Board received a grievance from the daughter of a patient of the licensee alleging receipt of inappropriate text messages from the licensee.
9. On or about November 29, 2024, the Board's medical investigator spoke to the licensee regarding the grievance. The licensee admitted that he had been drinking and sent inappropriate text messages.
10. On or about January 17, 2025, the Board issued an Order to Submit to Evaluation pursuant to KRS 311.599, to determine whether he has been unable or is unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition that adversely affects cognitive, motor or perceptive skills or may

otherwise be dangerous to patients or to the public. Terms and conditions of said examination were set forth in the Order to Submit to Evaluation.

11. The licensee failed to meet with the Kentucky Physicians' Health Foundation ("the Foundation") within ten (10) days of his receipt of the Order to Submit to Evaluation.
12. The licensee later met with the Foundation but declined to submit to the examinations/evaluations deemed necessary by the Foundation to complete its assessment.
13. The licensee failed to comply with the terms and conditions set forth in the Order to Submit to Evaluation and failed to demonstrate that his failure to do so was due to circumstances beyond his control.
14. The licensee's failure to submit to the full evaluation as ordered pursuant to KRS 311.599 constitutes an admission that he has developed such a physical or mental disability or other condition that continued practice is dangerous to patients or to the public.

CONCLUSIONS OF LAW

1. KRS 311.599 provides, in part,
 - (1) When a hearing or inquiry panel has probable cause to believe a physician is suffering from a physical or mental condition that might impede his ability to practice competently, the panel may order the physician to undergo a physical or mental examination by persons designated by the panel.
 - (2) Failure of a physician to submit to such an examination when directed, unless the failure was due to circumstances beyond his control, shall constitute an admission that the concerned physician has developed such a physical or mental disability, or other conditions, that continued practice is dangerous to patients or to the public; said failure shall constitute a default and a final order may be entered without the taking of testimony or presentation of evidence.

[...]

2. When the Panel issued the Order to Submit to Evaluation in January 2025, it made the requisite findings under KRS 311.599 that there was probable cause to believe that the

licensee is suffering from a physical or mental condition that might impede his ability to practice competently.

3. The licensee received notice of the Order to Submit to Evaluation and was aware of the terms and conditions for scheduling and completing those evaluations and assessments.
4. The licensee's failure to timely schedule and fully comply with the comprehensive assessment pursuant to the Order to Submit to Evaluation was not due to circumstances beyond the licensee's control.
5. Pursuant to KRS 311.599, by failing to successfully complete the impairment assessment as directed, the licensee has developed such a physical or mental disability, or other condition that continued practice is dangerous to patients or to the public.
6. Pursuant to KRS 311.599, the licensee's failure to successfully complete an impairment assessment as directed by the Board constitutes a default and this final order may be entered without additional testimony or without presentation of additional evidence.

ORDER OF INDEFINITE RESTRICTION

Based upon the Findings of Fact and Conclusions of Law, Inquiry Panel B hereby

ORDERS:

1. The license to practice medicine in the Commonwealth of Kentucky held by Christopher M. Smith, M.D., is hereby RESTRICTED FOR AN INDEFINITE PERIOD OF TIME to begin immediately upon the date of filing of this Order and continuing until further Order of the Panel;
2. During the effective period of restriction, the licensee SHALL 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 – unless and until approved to do so by the Panel; and

3. The licensee SHALL be afforded the opportunity at reasonable intervals to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients and the burden of persuasion on that issue rests solely upon the licensee. The Panel shall not consider any request by the licensee to resume the active practice of medicine unless he has successfully completed the evaluation as directed by the Foundation and SHALL submit to any and all examinations/evaluations at his expense (including a 96-hour inpatient evaluation at a Foundation-approved facility) deemed necessary by the Foundation in order for it to complete its assessment, and the Board has received a copy of the written report from the Foundation-approved facility. The decision whether to grant a request to resume the active practice of medicine lies solely within the Board's discretion.

SO ORDERED this 24th day of March, 2025.



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

CERTIFICATE OF SERVICE

I certify that the original of this Default and Final Order was delivered to Mr. Michael S. Rodman, 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 Christopher M. Smith, M.D., License No. 43824, 13402 Creekview Road, Prospect, Kentucky 40059, on this 24th day of March, 2025.



NICOLE A. KING
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, KY 40222
Tel. (502) 429-7150

EFFECTIVE DATE AND APPEAL RIGHTS

Pursuant to KRS 311.593(1) and 13B.120, this order shall be effective immediately. The licensee may appeal from this order, pursuant to KRS 311.593 and 13B.140-.150, by filing a petition for judicial review in Jefferson Circuit Court within thirty (30) days after this order is mailed or delivered by personal service. Copies of the petition shall be served by the licensee upon the Board and its General Counsel. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested, along with a copy of this order.