



Department of Obstetrics
and Gynecology
800 Rose Street, Room C375
Lexington, KY 40536-0293
859 323-6434
fax 859 257-1305
www.uky.edu

February 10, 2015

Paul Kearney, M.D.
c/o Bernard Pafunda, Esq.
Pafunda Law Office
175 E. Main Street, Ste. 600
Lexington, Kentucky 40507

Re: Professional Review Action taken by the Medical Staff Executive Committee and Notice
of Right to Hearing

Dear Dr. Kearney:

As Acting President of the Medical Staff, I am writing pursuant to Article 10.3.1 of the UK Healthcare Medical Staff Bylaws to give you notice of the Professional Review Action taken by the Medical Staff Executive Committee ("MSEC") concerning your January 26, 2015 summary suspension. The MSEC initiated an investigation of this matter on January 29, 2015 pursuant to Article 9.4.2. The results of that investigation were presented to the full MSEC at a meeting held on February 5, 2015, upon which the MSEC unanimously voted to uphold your summary suspension.

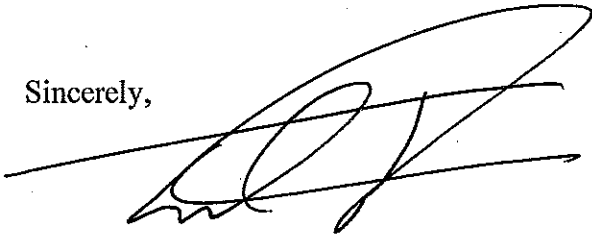
The MSEC's decision was based upon evidence of a pattern of your unprofessional behavior directed toward faculty, residents, staff and patients that the University of Kentucky has been attempting to address with you for over twenty years. This includes but is not limited to events last year involving profanity and derogatory remarks made toward a quadriplegic patient in one of the endoscopy suites as well as similarly unprofessional behavior toward a former operating room nurse circulator, [REDACTED]. Such behavior violates not only the University's Behavioral Standards in Patient Care but also the Written Reprimand and Action Plan Re Unprofessional Conduct that you agreed to on January 9, 2013.

If you choose to do so, you have the right to a hearing on the MSEC's decision. You must request this hearing within 30 calendar days after receiving this notice by providing notice to Dr. Boulanger with a copy to me. If you do not provide notice of your request for a hearing within those 30 calendar days, you will be deemed to have waived your right to such a hearing and accepted the MSEC's action, which will result in permanent revocation of your medical staff privileges immediately upon final action by the University Health Care Committee. Your

hearing rights are set out in Articles 10.4 through 10.19 of the UK Healthcare Medical Staff Bylaws. A copy of those sections is enclosed. You are reminded that retaliation against complainants, witnesses and other persons participating in this process is prohibited.

As stated in the summary suspension letter sent to you on January 26, 2015, during your suspension, you shall not be present on the University of Kentucky campus unless you or a member of your family is in need of medical services. In addition, you shall have no contact with patients, faculty, residents, medical students or staff. Any communications you have with the University should be made by your attorney through the University's Office of Legal Counsel. If you have any questions related to this letter or the procedures summarized herein, please have your attorney contact Josh Salsburey or Bryan Beauman at (859) 255-8581.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Zachman', written over a horizontal line.

Frederick M. Zachman, M.D.
Vice President, Medical Staff Executive Committee

cc: Paul Kearney, M.D.
Bernard R. Boulanger, M.D., Chief Medical Officer
Jay Zwischenberger, M.D., Chair, Department of Surgery
Ann Smith, Chief Administrative Officer