

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

JANE DOE 1, et al.,  
Plaintiffs,

v.

WILLIAM C. THORNBURY, JR., M.D., in his  
official capacity as the President of the  
Kentucky Board of Medical Licensure, *et al.*,  
Defendants.

**Civil Action No. 3:23-cv-00230**

*Electronically filed*

**RESPONSE TO INTERVENING DEFENDANT’S MOTION FOR STAY PENDING  
APPEAL OF THE COURT’S PRELIMINARY INJUNCTION**

Defendant Eric Friedlander, in his official capacity as the Secretary of the Cabinet for Health and Family Services, through counsel, states the following in response to the Intervening Defendant’s Motion for Stay pending the appeal of the Court’s preliminary injunction.

The Cabinet for Health and Family Services licenses and regulates multiple health care facilities and providers through its Office of Inspector General (OIG). As such, Section 4 of Senate Bill 150 (R.S. 2023) applies to the Cabinet, providing: “If a licensing or certifying agency for health care providers finds, in accordance with each agency’s disciplinary and hearing process, that a health care provider who is licensed or certified by the agency has violated subsection (2) of this section, the agency shall revoke the health care provider’s licensure or certification.” Section 4, Part 4 Senate Bill 150 (R.S. 2023). Pursuant to this statutory requirement, the OIG is required to investigate allegations that providers or facilities that are licensed by the Cabinet have violated

SB 150; if a violation is found to have occurred, the OIG would then be required to initiate an administrative action to revoke the license in question.

Therefore, Secretary Friedlander respectfully leaves the Commonwealth's Motion for Stay to the discretion of the Court.

Respectfully submitted,

/s/ Wesley W. Duke  
Wesley W. Duke  
General Counsel  
Cabinet for Health and Family Services  
275 East Main Street  
Frankfort, Kentucky 40621  
Tel. (502) 564-7042  
WesleyW.Duke@ky.gov  
Counsel for Defendant Eric Friedlander

**Certificate of Service**

I certify I filed the above document via the CM/ECF system on July 6, 2023, which electronically served copies to all counsel of record.

/s/ Wesley W. Duke  
Wesley W. Duke  
General Counsel  
Cabinet for Health and Family Services  
275 East Main Street  
Frankfort, Kentucky 40621  
Tel. (502) 564-7042  
WesleyW.Duke@ky.gov  
Counsel for Defendant Eric Friedlander