

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43215

February 15, 1991

James W. Kindrick, M.D.
1351 Andy Lane #808
Abilene, Texas 79605

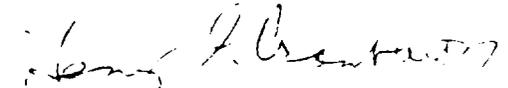
Dear Doctor Kindrick:

Please find enclosed a certified copy of the Findings, Order, and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on February 13, 1991.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 055 327 503
RETURN RECEIPT REQUESTED

Marked 2/15/91

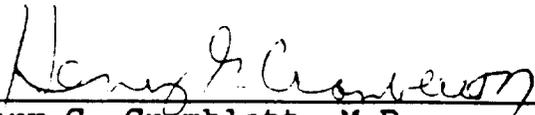
STATE MEDICAL BOARD OF OHIO

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order, and Journal Entry, approved by the State Medical Board, meeting in regular session on February 13, 1991, constitutes a true and complete copy of the Findings, Order, and Journal Entry in the matter of James W. Kindrick, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

2/15/91

Date



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

IN THE MATTER OF

*

*

JAMES W. KINDRICK, M.D.

*

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was issued to James W. Kindrick, M.D., by the State Medical Board of Ohio on November 14, 1990.

On November 15, 1990, notice was mailed to Dr. Kindrick that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.09, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Dr. Kindrick, that being 1351 Andy Lane #808, Abilene, TX 79605. On November 26, 1990, notice was also sent via certified mail, return receipt requested, to 8650 Cornell Ave., Odessa, TX 79765-2103.

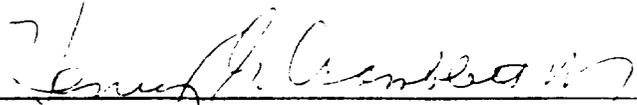
No request for hearing has been received and thirty (30) days have elapsed since the mailing of the aforesaid notice.

WHEREFORE, it is hereby ORDERED that for the reasons outlined in the November 14, 1990 letter of notice, which is attached hereto and incorporated herein, accordingly, the license of James W. Kindrick, M.D., to practice medicine and surgery in Ohio be
REVOKED.

This ORDER shall become effective February 13, 1991.

This order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of February, 1991 and the original thereof shall be kept with said Journal.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

2/15/91

Date



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

AFFIDAVIT

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board");
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to James W. Kindrick, M.D.;
- 5) That based on such examination, I have found the last known address of record as of January 31, 1991 of James W. Kindrick, M.D. to be:

1351 Andy Lane #808

Abilene, TX 79605

- 6) Further, Affiant Sayeth Naught.


Debra L. Jones, Chief
CME, Records and Renewal

Sworn to and signed before me Lauren Lubow, Notary Public, this 31 day of January, 1991.

(SEAL)

**STATE OF OHIO
STATE MEDICAL BOARD
77 South High Street
17th Floor
Columbus, Ohio 43266-0315
(614) 466-3934**

November 14, 1990

James W. Kindrick, M.D.
1351 Andy Lane #808
Abilene, TX 79605

Dear Doctor Kindrick:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about October 31, 1988 your clinical privileges were suspended by the Air Force for inappropriate care of three (3) emergency room patients.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "the revocation, suspension, restriction, reduction, or termination of clinical privileges by the department of defense, or the veterans administration of the United States, for any act or acts that would also constitute a violation of this chapter," as that clause is used in Section 4731.22(B)(24), Ohio Revised Code.

- (2) On or about September 28, 1990 the Texas State Board of Medical Examiners placed you on probation for a period of three (3) years under various terms and conditions based upon an Order containing Findings of Fact and Conclusions of Law, a copy of which is attached hereto and incorporated herein.

Mailed 11/15/90

James W. Kindrick, M.D.
Page 2

November 14, 1990

The imposition of probation by the Texas State Board of Medical Examiners, as alleged in paragraph (2) above, constitutes "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(6), 4731.22(B)(19) and 4731.22(B)(24), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that 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 (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 290 319 341
RETURN RECEIPT REQUESTED

7. There was independent evidence that the Respondent had good clinical skills.

8. The Respondent is currently under the care of a psychiatrist who feels the Respondent is able to practice medicine.

9. The panel felt that the Air Force and Texas Tech incidents occurred when the Respondent was either not receiving treatment or was receiving inappropriate treatment.

10. The Respondent has now been diagnosed as being hypomanic, which is being appropriately managed.

Based on the above findings of fact, the Board concludes that the Respondent has violated article 4495b, section 3.08(21) suspension, revocation, or restriction by another state of a license to practice medicine, or disciplinary action by the uniformed services of the United States, based upon acts by the licensee similar to acts described in this section; and section 3.08(19) being removed, suspended, or having disciplinary action taken by his peers in any professional medical association or society, whether the association or society is local, regional, state, or national in scope, or being disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if that action in the opinion of the board was based on unprofessional conduct or professional incompetence that was likely to harm the public, provided that the board finds that the actions were appropriate and reasonably supported by evidence submitted to it.

Based on the above findings of fact and conclusions of law, the Board ORDERS that:

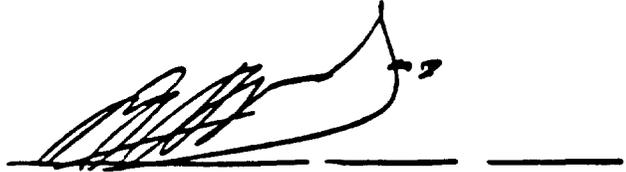
The Respondent be and is placed on probation for a period of 3 years under the following terms and conditions:

1. (a) The Respondent shall continue treatment from a psychiatrist, William E. Bazzell, M.D. 40 West Twenty, Suite 303, San Angelo, Texas 76903, (b) shall authorize and request Dr. Bazzell, immediately upon receipt of a copy of this Order, to make a report to the Board and thereafter at three month intervals or at such other times as the Board may

request, until Dr. Bazzell releases the Respondent from treatment; and (c) if the Respondent discontinues treatment before being released, Dr. Bazzell is to report termination of treatment to the Board within ten (10) days from the date thereof. The report referred to herein should address the Respondent's original diagnosis, treatment and prognosis and subsequent progress or rehabilitation.

2. The Respondent shall meet and confer with a board approved local physician, who will monitor the Respondent's office medical practice, record keeping, patient charts, and counsel with the Respondent about any deficiencies in office procedures, record keeping, or management of patients. The supervising physician shall make recommendations to the Respondent as to corrections to be made, and shall make reports directly to the Board every 3 months, beginning in December 31, 1990, or at such other times as the Board may request, until such times as the Board terminates this requirement in writing. The Executive Director of the Board may appoint another physician to monitor the Respondent's practice. A copy of this Order shall be provided to the selected physician as his authority to report directly to the Board. The Respondent shall submit to the Director of Hearings the name and address of the physician who has agreed to supervise the Respondent. The executive director will decide if the supervising physician is acceptable. Any costs or expenses incurred by the supervising physician shall be the responsibility of the Respondent and may not be passed on to patients.
3. The Respondent shall appear before the Board or a committee of the Board once a year as requested during each year of probation to report on the Respondent's compliance with this Order and the Medical Practice Act.
4. The Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees, to

SIGNED on this 28th day of September, 1990.

A handwritten signature in black ink, appearing to read "G. Bayoud", is written over a horizontal line.

Vice-President, Texas State Board of
Medical Examiners
George S. Bayoud, M. D.

(bd.or.7 - 8.12)