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

May 12, 1989

Chi Feng Su, M.D.
7 South 620 Hobson Trail Drive
Napersville, Illinois 60540

Dear Doctor Su:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on May 10, 1989, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

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.

THE STATE MEDICAL BOARD OF OHIO

Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 746 514 738
RETURN RECEIPT REQUESTED

cc: Algis Augustine, Esq.

CERTIFIED MAIL NO. P 746 514 739
RETURN RECEIPT REQUESTED

Mailed 5/17/89

STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on May 10, 1989, including Motions approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Chi Feng Su, 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

5/12/89
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

CHI FENG SU, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 10th day of May, 1989.

Upon the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which is attached hereto and incorporated herein, and upon approval and confirmation by vote of the Board on May 10, 1989, the following Order is hereby entered on the Journal of the State Medical Board for the 10th day of May, 1989.

It is hereby ORDERED that the license of Chi Feng Su, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

This Order shall become effective immediately upon mailing of notification of approval by the State Medical Board.

(SEAL)

Henry G. Cramblett, M.D.
Secretary

5/12/89
Date

APR 26 1989

REPORT AND RECOMMENDATION
IN THE MATTER OF CHI FENG SU, M.D.

The Matter of Chi Feng Su, M.D., came on for hearing before me, Joan Irwin Fishel, Esq., Hearing Examiner for the State Medical Board of Ohio, on March 14, 1989.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter of September 14, 1988 (State's Exhibit #2), the State Medical Board notified Chi Feng Su, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio based upon both the indefinite suspension of his Illinois license to practice medicine and the basis of the Illinois disciplinary action. The Ohio Board alleged that the fact of and the basis for the Illinois action constituted violations of:

1. Section 4731.22(B)(2), Ohio Revised Code: "Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease";

2. Section 4731.22(B)(3), Ohio Revised Code: "Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes...";

3. Section 4731.22(B)(6), Ohio Revised Code: "A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established"; and

4. Section 4731.22(B)(22), Ohio Revised Code: "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 license, register or reinstate an applicant by that authority, 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."

B. By letter received by the State Medical Board on October 14, 1988 (State's Exhibit #3), Algis Augustine, Esq., requested a hearing on behalf of Dr. Su.

APR 6 1989

II. Appearances

A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General

B. On behalf of the Respondent: Neither Dr. Su nor his counsel appeared at the hearing. In lieu of a personal appearance, Dr. Su submitted copies of the documents he has filed in his challenge of the Illinois disciplinary action.

III. Testimony Heard

There were no witnesses presented by either party at the hearing.

IV. Exhibits Examined

In addition to those noted above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #1: February 3, 1989, letter to Algis Augustine, Esq., from the State Medical Board scheduling the hearing for March 14, 1989.

2. State's Exhibit #4: October 18, 1988, letter to Algis Augustine, Esq., from the State Medical Board advising that a hearing initially set for October 26, 1988, was postponed pursuant to Section 119.09, Ohio Revised Code.

3. State's Exhibit #5: Documents from the Illinois Department of Professional Regulation including: Certification; Notice of Order Denying Motion; and Order Denying Motion for Rehearing.

4. State's Exhibit #6: Documents received from the Illinois Department of Professional Regulation including: Certification; 20-Day Notice; and Findings of Fact, Conclusions of Law and Recommendations to the Director.

B. Presented by the Respondent

1. Respondent's Exhibit A: Though Dr. Su did not make a personal appearance at the hearing, copies of documents related to his challenge of the Illinois disciplinary action, sent by his attorney to the Board, were admitted into evidence upon the Hearing Examiner's motion. The documents include: Complaint for Declaratory Judgment, Preliminary Injunction, Permanent Injunction and Ancillary Relief; Complaint in Administrative Review; Motion for Rehearing Count I-Medical License; and Motion for Rehearing Count II-Controlled Substances.

APR 6 1989

FINDINGS OF FACT

1. On December 3, 1986, the Director of the Illinois Department of Professional Regulation summarily suspended the medical license and controlled substances license of Dr. Su, finding that Dr. Su's continued practice constituted an immediate danger to the public. On January 7, 1987, following a hearing, sufficient evidence was found to warrant continuation of the suspension pending further hearings. Additional hearings were held before the Medical Disciplinary Board and Controlled Substances Hearing Officer Thomas Chiola (Hearing Officer Chiola) during the summer of 1987. On November 16, 1987, Hearing Officer Chiola issued his Report and Recommendation in which he found that Dr. Su: failed to meet applicable standards of practice and was, therefore, professionally incompetent; prescribed for other than therapeutic purposes and this prescribing constituted unprofessional conduct likely to harm the public; made improper sexual advances to a female undercover officer which amounted to immoral conduct in his practice as a physician; failed to meet the law's "good faith" prescribing requirements; failed to fully apprise himself of the condition of various patients; chose to ignore signs of drug-seeking behavior; prescribed hazardous combinations of controlled substances; and failed to provide the types of controls on his prescribing habits to ensure the legitimate use of controlled substances. Hearing Officer Chiola recommended that Dr. Su's license to practice and his controlled substances license be indefinitely suspended and that Dr. Su not be allowed to petition for restoration of his controlled substances license until December 3, 1990.

   These facts are established by State's Exhibit #6.

2. On March 2, 1988, the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois adopted the findings of fact of Hearing Officer Chiola and recommended to the Director of the Department of Professional Regulation that the license of Dr. Su be suspended for an indefinite period of time and that Dr. Su not be entitled to petition for restoration until December 3, 1990. Further, the Board recommended that Dr. Su satisfy certain pre-conditions prior to restoration. On June 15, 1988, the Director of the Department of Professional Regulation of the State of Illinois ordered that Dr. Su's motion for rehearing be denied. He further ordered that Dr. Su's license to practice medicine and his controlled substances license be indefinitely suspended, that Dr. Su be ineligible to petition for restoration prior to December 3, 1990, and that Dr. Su's license not be restored unless he had completed Component #2 of the FLEX examination, completed 250 hours of remedial education, and undergone a physical and mental evaluation.

   These facts are established by State's Exhibits #5 and #6.

APR 6 1989

3. The findings and conclusions of Hearing Officer Chiola include the following:

   a. Dr. Su prescribed for patient Louise Gordon, Placidyl, Valium, and Tylenol, in combination. He failed to reduce the dosage of these drugs after Ms. Gordon reported feeling better.

   b. For patients James Capuano and Joseph Malone, Dr. Su prescribed, in combination, Valium, Tylenol #3, and Halcion. Again, Dr. Su failed to reduce the dosage after the patients reported improvement.

   c. For patient Tony Collman, Dr. Su rewrote prescriptions for Valium and Restoril four different times during a twelve-day period based upon the patient's representation that he had lost his prescriptions. For this same patient, Dr. Su continued to prescribe controlled susbtances even after the patient's hospitalization for drug abuse. Dr. Su was prescribing for Mr. Collman's "anxiety neurosis".

   d. Dr. Su prescribed Didrex or Tenuate in combination with Valium for patient Ted Sorenson throughout 1984, 1985, and 1986 for a diagnosed "panic disorder". Sorenson died of a drug overdose one day after receiving prescriptions from Dr. Su for Valium, Placidyl, Didrex, Motrin, and Antabuse. The autopsy and toxicology report for Sorenson indicated that the substances prescribed by Dr. Su or their metabolic equivalents were found in Sorenson's system and were the cause of his death.

All the findings and conclusions of Hearing Officer Chiola, including those referenced above, are fully incorporated herein by reference as findings of this Hearing Examiner.

These facts are established by State's Exhibit #6.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Chi Feng Su, M.D., with regard to Findings of Fact #1 through #3, above, constitute:

   a. "Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as that clause is used in Section 4731.22(B)(2), Ohio Revised Code;

   b. "Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes...", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code; and

   c. "A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established", as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

APR 8 1989

The findings and conclusions of Hearing Officer Chiola describe Dr. Su's prescribing for and treatment of nine patients. The Report and Recommendation details the evidence found and includes references to the testimony of Dr. Lahmeyer (the Illinois Department's expert), Dr. Tsai (Dr. Su's expert), Dr. Martinovsky (Dr. Su's expert), and Mr. O'Donnell (the Illinois Department's expert in pharmacology). The descriptions with regard to the care of these nine patients of Dr. Su, included in the Report and Recommendation of Hearing Officer Chiola, constitute substantial, probative, and reliable evidence to support this Hearing Examiner's concurrence with the conclusions of Mr. Chiola as set forth in Findings of Fact #1 and #3, above.

2. The indefinite suspension of Dr. Su's Illinois license to practice medicine 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 license, register or reinstate an applicant by that authority, 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.

* * * * *

Respondent offered as evidence copies of the documents he has filed with regard to his challenge of the Illinois disciplinary action. That an appeal has been filed is not sufficient grounds to prevent this Board from acting. The testimony and evidence presented at the Illinois hearing provide the substantial, probative, and reliable evidence necessary to support this Hearing Examiner's conclusions. Should Dr. Su be successful in his appeal of the Illinois action, he may have grounds to request reconsideration of this Board's action.

This Board determines standards for licensure in Ohio. While the Board may take administrative notice of the sanction imposed by the Director of the Illinois Department of Professional Regulation, this Board is not bound by his decision. After review of the Report and Recommendation of Hearing Officer Chiola, this Board may exercise its discretion in accordance with Section 4731.22(B), Ohio Revised Code, to impose whatever sanction it deems appropriate.

APR 26 1989

PROPOSED ORDER

It is hereby ORDERED that the license of Chi Feng Su, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

This Order shall become effective immediately upon mailing of notification of approval by the State Medical Board.

Joan Irwin Fisher
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF MAY 10, 1989

REPORTS AND RECOMMENDATIONS -

.....

Dr. Rauch asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Dr. David C. Korn, Dr. Bonifacio Ferrer, Dr. James Alikonis, Ms. Lynda R. Hendershot, P.A., Ms. Lindia L. Singer, P.A., Dr. Chi Feng Su, Dr. Saud Tarawneh, and Dr. Wayne D. Thiede. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Ms. Rolfes	- aye
	Dr. Rauch	- aye

.....

Ms. Thompson, Mr. Dilling, Mr. Dowling, Ms. Ross, and Mr. Dlott left the meeting at this time.

.....

REPORT AND RECOMMENDATION IN THE MATTER OF CHI FENG SU, M.D.

.....

MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF CHI FENG SU, M.D. DR. GRETTER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Ms. Rolfes	- aye

The motion carried.

STATE OF OHIO
STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43266-0315

September 14, 1988

Chi Feng Su, M.D.
7 South 620 Hobson Trail Drive
Napersville, IL 60540

Dear Doctor Su:

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 June 15, 1988, Mr. Stephen F. Selcke, Director of the Department of Professional Regulation of the State of Illinois signed an Order, a copy of which is attached hereto and fully incorporated herein, denying your Motion for Rehearing and providing that your physician and surgeon license and your Controlled Substances license be Indefinitely Suspended. Furthermore, the above mentioned Order adopted the Findings of Fact, Conclusions of Law and Recommendations of both the Medical Disciplinary Board and the Controlled Substances Hearing Officer, copies of which are attached hereto and fully incorporated herein.

The Indefinite Suspension of your physician and surgeon license and your Controlled Substances license in the State of Illinois placed various limitations on your licenses including a condition that you not be allowed to Petition for Restoration of said licenses prior to December 3, 1990. The Indefinite Suspension and Conditions placed on your licenses constitute "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 license, register or reinstate an applicant by that authority, 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)(2), 4731.22(B)(3), and 4731.22(B)(6), Ohio Revised Code.

September 14, 1988

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, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further 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 the 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.

Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

CERIFIED MAIL #P 569 365 158
RETURN RECEIPT REQUESTED

Illinois Department of Professional Regulation

Stephen F. Selcke
Director

James R. Thompson
Governor

Department of Professional Regulation
State of Illinois Center
100 West Randolph-Suite 9-300
Chicago, Illinois 60601

I, Anthony C. Erbacci, Chief of Medical Prosecutions, Department of Professional Regulation of the State of Illinois, do hereby certify this to be a true and correct copy as it appears from the records and files in my office. IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the Department of Professional Regulation of the State of Illinois.

DATE June 24, 1988

Anthony C. Erbacci
Chief of Medical Prosecution

By _____

S E A L

'88 JUN 30 P2:49
RECEIVED
OHIO STATE
MEDICAL BOARD

320 West Washington
3rd Floor
Springfield, Illinois 62786
217/785-0800

State of Illinois Center
100 West Randolph
Suite 9-300
Chicago, Illinois 60601
312/917-4500

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, Complainant	)	
v.	)	
CHI FENG SU, M.D. License No. 036-049693	)	No. 86-787-X
Controlled Substances License No. 003-036-049693, Respondent	)	No. 86-788-X

NOTICE OF ORDER DENYING MOTION

TO: ALGIS AUGUSTINE
Stackler & Augustine
218 North Jefferson
Suite 202
Chicago, Illinois 60606

PLEASE TAKE NOTICE that the Director of the Department of Professional Regulation, after reviewing the Motion for Rehearing previously filed in this matter and hearing oral argument on the said Motion for Rehearing, signed the attached ORDER which denied said Motion for Rehearing, and which provided that your physician and surgeon license and your Controlled Substances license be Indefinitely Suspended.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the "ADMINISTRATIVE REVIEW ACT", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

The Order of the Director of the Department of Professional Regulation will be implemented as of the date of the Order unless the Order states otherwise.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

BY: W. C. Coughlin
William C. Coughlin
Attorney for the Department

William C. Coughlin
Attorney for the Department
of Professional Regulation
of the State of Illinois
100 West Randolph Street
Suite 9-300
Chicago, Illinois 60601
312/917-4552

WCC:kai

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

The undersigned, being duly sworn on oath, states that on the date hereafter set out, I mailed copies of the foregoing NOTICE and ORDER, by depositing them in the United States mailbox located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, and by mailing them by certified mail at 100 West Randolph, Chicago, Illinois 60601, to all parties at the addresses listed above.

AFFIANT

Subscribed and sworn to before me this
17th day of June 19 92

NOTARY PUBLIC

OFFICIAL SEAL
SHIRLEE M. SCHWUCHOW
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. FEB. 9,1992

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, Complainant	)	
v.	)	
CHI FENG SU, M.D. License No. 036-049693	)	No. 86-787-X
Controlled Substances License No. 003-036-049693, Respondent	)	No. 86-788-X

ORDER DENYING MOTION FOR REHEARING

This matter having come before the Medical Disciplinary Board and the Controlled Substances Hearing Officer of the Department of Professional Regulation of the State of Illinois, and the Medical Disciplinary Board and the Controlled Substances Hearing Officer, having made certain Findings of Fact, Conclusions of Law and a Recommendation to the Director of the Department; and the Respondent having filed a written Motion for Rehearing;

NOW, THEREFORE, I, STEPHEN F. SELCKE, DIRECTOR OF THE DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, after reviewing the pleadings filed herein, and the Motion for Rehearing in this case, FIND:

1. That I have jurisdiction of the parties and the subject matter herein;
2. That oral argument on the Motion for Rehearing is not necessary for a clear understanding of the issues presented;
3. That Respondent has failed to allege any new evidence to warrant a rehearing; and
4. That substantial justice has been done in this case.

IT IS THEREFORE ORDERED that the Motion for Rehearing is DENIED.

FURTHERMORE, I, STEPHEN F. SELCKE, Director of the Department of Professional Regulation, adopt the Findings of Fact, Conclusions of Law and Recommendation of the Medical Disciplinary Board and the Controlled Substances Hearing Officer in this matter.

IT IS THEREFORE ORDERED that the Certificate of Registration, License No. 036-049693, heretofore issued to Chi Feng Su to carry on the practice of physician and surgeon in the State of Illinois is hereby Indefinitely Suspended, and that Respondent not be allowed to Petition for Restoration prior to December 3, 1990. Said Restoration shall be subject to the Conditions contained in the attached Findings of Fact, Conclusions of Law and Recommendations of the Medical Disciplinary Board, which is incorporated herein.

IT IS THEREFORE ORDERED that the Certificate of Registration, License No. 003-036-049693, heretofore issued to Chi Feng Su to carry on the practice of possessing and prescribing controlled substances in the State of Illinois is hereby Indefinitely Suspended, and that Respondent not be allowed to Petition for Restoration prior to December 3, 1990. Said Restoration shall be subject to the Conditions contained in the attached Findings of Fact, Conclusions of Law and Recommendations of the Controlled Substances Hearing Officer, which is incorporated herein.

IT IS FURTHER ORDERED that Respondent immediately surrender said Certificate of Registration and all other indicia of licensure to the Department of Professional Regulation of the State of

Illinois. Upon failure to do so, the Department shall seize such indicia of licensure.

DATED THIS 15 DAY OF June, 1989.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

Stephen F. Selcke

STEPHEN F. SELCKE
DIRECTOR

SFS:WCC:kai

Department of Professional Regulation
State of Illinois Center
100 West Randolph-Suite 9-300
Chicago, Illinois 60601

I, Anthony C. Erbacci, Chief of Medical Prosecutions, Department of Professional Regulation of the State of Illinois, do hereby certify this to be a true and correct copy as it appears from the records and files in my office. IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the Department of Professional Regulation of the State of Illinois.

DATE July 28, 1988

Anthony C. Erbacci
Chief of Medical Prosecution

By _____

S E A L

(4)

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, Complainant	)	
v.	)	
CHI FENG SU, M.D. License No. 036-049693	)	No. 86-787-X
CONTROLLED SUBSTANCES License No. 003-036-049693-1 Respondent	)	No. 86-788-X

20 DAY NOTICE

TO: ALGIS AUGUSTINE
Stackler & Augustine
218 North Jefferson
Suite 202
Chicago, Illinois 60606

PLEASE TAKE NOTICE that the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, after hearing and considering evidence presented in the above case, has recommended continuing the suspension of your license to carry on the practice of medicine in the State of Illinois for an indefinite period. A Petition for Restoration shall not be filed prior to December 3, 1990. A copy of the Medical Disciplinary Board's Findings of Fact, Conclusions of Law and Recommendation are attached hereto.

YOU ARE HEREBY NOTIFIED that you have 20 days from the date this Notice is mailed to present to this Department your written Motion for a Rehearing. Said Motion shall specify the particular grounds for a Rehearing.

The Director of this Department may grant oral argument on this Motion if he deems it necessary for a clearer understanding of the issues presented.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

BY: Mark C. Meyer
Mark C. Meyer
Attorney for the Department

Mark C. Meyer
Attorney for the Department
of Professional Regulation
of the State of Illinois
100 West Randolph Street
Suite 9-300
Chicago, Illinois 60601
312/917-4563

AUG - 4 1988

MCM:dfh

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

The undersigned, being duly sworn on oath, states that on the date hereafter set out, I mailed copies of the foregoing NOTICE, FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATION TO THE DIRECTOR, by depositing them in the United States mailbox located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, and by mailing them by certified mail at 100 West Randolph, Chicago, Illinois 60601, to all parties at the addresses listed above.

AFFIANT

Subscribed and sworn to before me this
_____ day of _____ 19____

NOTARY PUBLIC

AUG - 1 1991

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, Complainant	)	
v.	)	
CHI FENG SU, M.D. License No. 036-049693	)	No. 86-787-X
Controlled Substances License No. 003-036-049693, Respondent	)	No. 86-788-X

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION TO THE DIRECTOR

Now comes the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois and, after conducting a hearing in this matter, a majority of its members hereby makes the following Findings of Fact, Conclusions of Law and Recommendation to the Director:

FINDINGS OF FACT

1. THAT Chi Feng Su, Respondent, is now a duly registered physician and surgeon in the State of Illinois, having been issued a Certificate of Registration, License No. 036-049693, by the Department of Professional Regulation (formerly the Department of Registration and Education).

2. THAT Chi Feng Su, Respondent, is now duly registered to prescribe, dispense and administer controlled substances in the State of Illinois, having been issued a Certificate of Registration, License No. 003-036-049693, by the Department of Professional Regulation.

AUG - 4 1986

3. On December 3, 1986, the Director of the Department of Professional Regulation summarily suspended the

medical license and controlled substances license of Respondent following the presentation of a Petition and Complaint with supporting affidavits by the Department.

4. Respondent's licenses have been in a suspended status since December 3, 1986.

5. On January 7, 1987, the Medical Disciplinary Board and Controlled Substances Hearing Officer concluded that there was sufficient evidence to warrant the continuation of the suspensions pending further hearings on the allegations of the Department's Complaint.

6. On January 9, 1987, the Director signed an Order adopting the recommendation of the Medical Disciplinary Board and Controlled Substances Hearing Officer continuing the suspensions in effect.

7. That in addition to the summary suspension hearing dates, the hearing on the Complaint was held on the following dates: June 10, 12, 17, 19; July 10, 17, 29, 31; and August 25 and 26, 1987. Thomas R. Chiola presided on all dates as Controlled Substances Hearing Officer and as Hearing Officer for the Medical Disciplinary Board. Thomas R. Chiola filed his Report and Recommendation to the Medical Disciplinary Board on November 16, 1987. A quorum of the Medical Disciplinary Board was either present at the hearing or reviewed the transcript and evidence from the hearing, as evidenced by their signature below.

AUG - 4 1988

8. THAT Respondent was present at the hearing as reflected in the transcripts and was represented by counsel, namely, Algis Augustine, Jeffrey Levens and Ronald Stackler.

9. THAT the Department was represented at the hearing by its attorneys, Mark C. Meyer and William C. Coughlin.

10. THAT after the presentation of all evidence and arguments, the Medical Disciplinary Board deliberated and made its Findings of Fact, Conclusions of Law and Recommendation to the Director.

7. THAT the Medical Disciplinary Board, after reviewing the transcripts and evidence from the hearings and the Report and Recommendation of the Hearing Officer, adopt as our own Findings of Fact the Findings of Fact of Hearing Officer Thomas R. Chiola as stated in the Report and Recommendation dated November 10, 1987, and attached hereto.

CONCLUSIONS OF LAW

1. THAT the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois has jurisdiction over the subject matter and of the parties in this case.

2. THAT the Medical Disciplinary Board, after reviewing the transcripts and evidence from the hearings and the Report and Recommendation of the Hearing Officer, adopt as our own Conclusions the Conclusions of Hearing Officer Thomas R. Chiola as stated in the

AUG - 1 '90

Report and Recommendation dated November 10, 1987, and attached hereto.

RECOMMENDATION

The Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, after making the above Findings of Fact and Conclusions of Law, recommends to Stephen F. Selcke, the Director of the Department of Professional Regulation, that the Certificate of Registration, License No. 036-049693, of Chi Feng Su remain suspended for an indefinite period of time. Further, that a Petition for Restoration shall not be filed prior to December 3, 1990. Prior to Petitioning for Restoration of his medical license, Respondent must:

1. Successfully complete Component #2 (also known as the Clinical Competency Component) of the FLEX examination.
2. Complete 250 hours of remedial education per year from the date the Director approves this Recommendation. Remedial education shall be taken in the following areas: 200 hours in general medicine with no less than 50 of those 200 hours in the area of diagnosis and treatment of mental conditions (including anxiety, neurosis, panic disorder, and anxiety depression neurosis), and 50 hours in courses concerning controlled substances. Courses which are intended to fulfill this requirement must be approved by the Medical Coordinators of the Department of Professional Regulation. Preapproval of courses will be made if information is submitted sufficiently in advance to the Medical Coordinator for his review and approval.

3. Undergo a mental and physical examination conducted by physicians which have been approved by the Medical Coordinators of the Department of Professional Regulation immediately prior to Petitioning for Restoration. The evaluations shall be submitted to the Medical Coordinators.

DATED THIS 2ND DAY OF MARCH 1988.

CHAIRMAN

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

MCM:kai

STATE OF ILLINOIS

DEPARTMENT OF REGISTRATION AND EDUCATION

DEPARTMENT OF REGISTRATION AND EDUCATION of the State of Illinois, Complainant	)	
v.	)	
CHI FENG SU, M.D. License No. 036-049693	)	No. 87-737-X
Controlled Substances License No. 003-036-049693-1, Respondent	)	No. 87-738-X

REPORT AND RECOMMENDATION

This Report and Recommendation is being submitted to the Medical Disciplinary Board pursuant to Section 35 of the Medical Practice Act which became effective on May 22, 1987 (Public Act 85-0004). This Report and Recommendation is also being submitted to the Director of the Department of Registration and Education pursuant to my appointment under the Controlled Substances Rules (77 Illinois Administrative Code, Part 1650.190).

BACKGROUND

On December 3, 1986 the Director of the Department of Registration and Education summarily suspended the medical license and controlled substances license of Dr. Su (Respondent) following the presentation of a petition with supporting affidavits by the Department. The Director found that Respondent's continuation in practice at that time constituted an immediate danger to the public.

A hearing on the summary suspension was held to determine whether it should remain in effect. On January 7, 1987 the Medical Disciplinary Board and Controlled Substances Hearing Officer concluded that there was sufficient evidence to warrant the continuation of the suspensions pending further hearings on the allegations of the Department's Complaint.

Judge Roger J. Kiley, Jr. of the Circuit Court of Cook Count upheld the decision to maintain the suspension of Respondent's licenses pending further proceedings (Su v. Clayton, 86-CH-12176, June 15, 1987).

The matter proceeded through extensive hearings on the dates set forth below. The Medical Disciplinary Board Member(s) present on each date is (are) listed in parentheses:

June 10, 1987 (Ms. Bahr)	July 17, 1987 (Ms. Bahr)
June 12, 1987 (Dr. Hambrick, Ms. Bahr)	July 29, 1987 (Dr. Caruso, Ms. Bahr)
June 17, 1987 (Dr. Caruso)	July 31, 1987 (Dr. Hambrick, Ms. Bahr)
June 19, 1987 (Ms. Bahr)	August 25, 1987 (Dr. Caruso, Ms. Bahr)
July 10, 1987 (Ms. Bahr)	August 26, 1987 (Ms. Bahr)

Thomas R. Chiola presided on all dates as Controlled Substances Hearing Officer and as Hearing Officer for the Medical Disciplinary Board. Mark Meyer and William Coughlin represented the Department. The firm of Stackler and Augustine represented the Respondent. Complete copies of the transcript and exhibits were submitted to me on November 10, 1987.

The Department's Complaint in this matter consists of two Counts. Count I alleges that Respondent prescribed controlled substances to undercover police officers and to other patients "in (a) way other than for therapeutic purposes". (Illinois Revised Statutes (1985) Chapter 111, Section 4433(17)). The Department further contends that the inappropriate prescribing constituted "professional incompetency as manifested by poor standards of care"

(Section 4433(25)) and "dishonorable, unethical, (and) unprofessional conduct of a character likely to deceive, defraud or harm the public" (Section 4433(5)). Count II alleges that the same prescribing as set forth in Count I amounted to a failure by Respondent to prescribe in "good faith" as required by the Controlled Substances Act (Chapter 56 1/2, Sections 1102(d), 1312 and 1304(a)(5)) and also constituted a failure to provide effective controls against the diversion of controlled substances in other than legitimate channels (Chapter 56 1/2, Section 1304(a)(6)). Count I of the Complaint also alleges sexual misconduct on the part of Dr. Su with a female undercover officer which amounted to immoral conduct in his practice as a physician (Chapter 111, Section 4433(20)).

Respondent's defense to the allegations has centered around his general competency as a physician practicing internal medicine. Respondent has steadfastly denied that he engaged in any improper actions with the female undercover agent. He has further maintained that his prescribing for his regular patients, including those listed in the Department's Complaint, was appropriate. By way of defense, Respondent has acknowledged that he is not "street smart" and posits that he may have been duped by the undercover officers and other drug-seeking patients due to his lack of sophistication concerning utilization of controlled substances on the streets.

FINDINGS OF FACT

The prescribing by Respondent to approximately one dozen of his patients over the past three years has been extensively scrutinized in this proceeding. After more than ten days of

hearing and almost 2,400 pages of transcript, the prescribing by Respondent to these individuals has been exhaustively reviewed and explained by the Respondent, has been critiqued by experts on both sides and has been subjected to extensive questioning by Members of the Board.

The first issue to be addressed is whether or not the Respondent violated the standard of care which is applicable to him as a physician for the prescribing of controlled substances which are reflected in his medical records.

At this point an attempt will be made to put aside conflicting testimony about what did or did not occur in Respondent's office concerning the following patients. This review attempts an objective evaluation of the prescribing by Respondent by reference to notations in his chart and taking what Respondent has to say as true.

The case of Louise Gordon illustrates a consensus of opinions by experts on both sides that the care provided by Respondent was not appropriate. The combination of drugs prescribed to her (Placidyl, Valium and Tylenol #3) is never appropriate according to the Department's expert, Dr. Henry Lahmeyer (Tr. 343-344). Dr. Chung Tsai, Respondent's expert, expressed his concerns about Respondent's course of treatment with Louise Gordon (Tr. 507-510). Dr. Eugene Martinovsky, another expert offered by Respondent, noted that he would not prescribe as Respondent had done (Tr. 578) and that the combination of the substances prescribed to Gordon poses a threat of dependency if not reduced (Tr. 582). Yet a review of Respondent's records shows that, even though the patient

reported that her condition was getting better, Respondent failed to reduce the addicting drugs. Therefore, whether or not Louise Gordon was an excellent actor who could make the Respondent believe whatever was needed so that she could obtain drugs, an objective review of Respondent's diagnosis and course of care for Louise Gordon shows that his actions did not meet the standard of care applicable to him.

A review of the records for James Capuano results in a similar conclusion. The combination of Valium, Tylenol #3 and Halcion would never be indicated and could be lethal, according to Dr. Lahmeyer (Tr. 344-346). This patient reported a lessening of symptoms, according to Respondent's notes in the patient chart, yet the Respondent continued to prescribe the dangerous and non-therapeutic combination.

Joseph Malone also received prescriptions for Valium, Tylenol #3 and Halcion. The undisputed testimony from Dr. Lahmeyer is that the combination of these substances is never appropriate and potentially dangerous. Dr. Lahmeyer concluded that Respondent acted outside the bounds of accepted practice (Tr. 2285). Therefore, once again applying an objective standard to Respondent would indicate that he breached acceptable standards of care.

The case of Tony Collman provides another consensus of opinion as to the inappropriateness of the care rendered by Respondent. Collman came to Respondent with his cousin Ted Sorenson. (Sorenson's case will be reviewed below). Collman initially received Valium and Restoril for an "anxiety neurosis" on July 3, 1986. On July 24, 1986 Collman received an additional prescription for these substances but returned to Respondent's office the next

day and reported that he had lost the medication. Respondent provided Collman with another prescription for Valium and Restoril on July 25, 1986. On July 29, 1986, Collman once again returned to Respondent's office and reported a loss of medications. Respondent provided Collman with a prescription for Valium, Placidyl and Vicodan. Once again on July 31, 1986, Collman reported a loss of his drugs and Respondent provided him with new prescriptions. This pattern continued on August 4, 1986. (As will be noted below, Ted Sorenson also reported a loss of his medications to Respondent on August 4, 1986.)

Collman was subsequently hospitalized for drug abuse which was known to Respondent. Yet, on September 30, 1986, Collman once again received controlled substances from Respondent for his "anxiety neurosis". Respondent failed to review any records from Collman's period of treatment for drug abuse and failed to establish by independent confirmation (other than from Collman) whether or not Collman was receiving controlled substances at the time from any other source.

Dr. Tsai, Respondent's expert, was critical of Respondent's handling of the case of Tony Collman (Tr. 510-514). Dr. Lahmeyer concluded that the Respondent performed an inadequate workup for the diagnosis of anxiety neurosis and inappropriately treated the condition (Tr. 292-295). Dr. Lahmeyer also questioned the failure by Respondent to make a more thorough inquiry about Collman's potential for addiction given Collman's repeated reports of loss of drugs. Additionally, Dr. Lahmeyer once again found great potential for harm in the combination of Placidyl with Valium (Tr. 2255). Respondent's care for Tony Collman was therefore substandard.

ted Sorenson's case once again raises serious questions about the care being rendered by Respondent. An exhaustive account of Respondent's care of Sorenson is found at pages 810-1080 of the transcript. The focus of this inquiry concerning Sorenson will involve only the care rendered since December of 1983.

Sorenson routinely received weight control medications (Didrex or Tenuate) with Valium throughout 1984, 1985 and 1986. Dr. Lahmeyer indicated that the combination of these drugs is of no therapeutic value. (Tr. 2280) The risk of this combination and the roller coaster effect that this combination would have on the patient was stated by Dr. Lahmeyer (Tr. 2280-2282).

Respondent had diagnosed Sorenson as having a "panic disorder". Dr. Lahmeyer noted that the condition of an individual with this diagnosis will be aggravated by the prescribing of Didrex (Tr. 2259-2260). Dr. Lahmeyer also notes that the combinations of substances and quantities of substances prescribed for Sorenson in July and August of 1986 were lethal (Tr. 285-286).

Sorenson died of a drug overdose on August 5, 1986. On August 4, 1986 Respondent had prescribed Valium, Placidyl, Didrex, Motrin and Antabuse for Sorenson after Sorenson reported to Respondent that he had lost the same drugs which were prescribed on July 28, 1986. The autopsy and toxicology report for Sorenson indicated that the substances prescribed by Respondent or their metabolic equivalents were found in Sorenson's system and were the cause of his death. (Department Exhibits 3 and 4 and testimony of James O'Donnell at Tr. 2032-2038).

The evidence clearly indicates that Respondent's care of Sorenson did not meet the standard of care required of him.

Respondent's care of Clem Mathis is also viewed by Dr. Lahmeyer as substandard based upon Respondent's repeated prescribing and injection of addicting substances when they were not warranted. Another criticism is the repeated prescribing of substances to Mathis before the last prescription would have been fully used if taken as prescribed (Tr. 297-300).

To this point the focus has been on patients which Respondent has attempted to profile as imposters who sought to and were able to use his position as a physician to their advantage. Let us now turn to some of Respondent's "regular" patients for a review of the appropriateness of the care given to them.

The long term use of Didrex or other weight loss medications is discussed by James O'Donnell in his testimony of July 29, 1987. (Mr. O'Donnell's experience and training in the pharmacology of Controlled Substances qualifies him to render opinions concerning the therapeutic qualities of those substances.) The repeated prescribing of this drug to Daney Wilkerson and Nancy Gamage was called into question since its effectiveness was suspect and its potential for harm acute. The combination of Valium (a depressant) and Didrex (a stimulant) given to Wilkerson in 1985 and 1986 and to Nancy Gamage in 1985 and 1986 was of no therapeutic value and potentially harmful (Tr. 2021-2022). Valium was prescribed repeatedly to Nancy Gamage from 1984 to 1986, which was well beyond the recommended period for therapeutic benefit, according to O'Donnell, with the attendant risk of addiction (Tr.

2021). The combination of Placidyl and Valium for Damage, two central nervous system depressants, also troubled O'Donnell and Dr. Lahmeyer.

O'Donnell's entire testimony is replete with statements that the prescribing by Respondent to his "regular" and "drug-seeking" patients showed a lack of understanding of the therapeutic benefits and risks of such prescribing. Dr. Lahmeyer also cited numerous instances in his testimony of December 22, 1986 and August 25, 1987 where Respondent failed to meet appropriate standards of care even with his "regular" patients.

Chief in Dr. Lahmeyer's criticism of Respondent's handling of these patients (regular and drug-seeking) was the failure to properly recognize and document psychiatric conditions. Following a review of Respondent's testimony concerning these patients, Dr. Lahmeyer was even more distressed at the lack of understanding and applications of psychiatric diagnoses. (See generally Dr. Lahmeyer's testimony on August 25, 1987.) Dr. Tsai and Dr. Martinovsky were also critical of Respondent's psychiatric diagnoses and treatment for those conditions. Viewing the testimony of Dr. Lahmeyer, Dr. Tsai and Dr. Martinovsky in its entirety and giving great weight to Dr. Lahmeyer's views, Respondent's practices did not meet the standard of care required of him.

Having therefore concluded at this point that Respondent's standards of care did not reach acceptable levels, an evaluation must be made of the defenses presented. Respondent has been portrayed by his attorneys as a physician who was duped by those who sought drugs for a living. If Respondent did not respond

appropriately, they insist, then it was because he believed that those individuals needed help and he was the doctor who could help them.

But was the Respondent merely an innocent victim of drug abusers and over-zealous undercover officers?

An analysis of this issue involves the credibility of statements made by Respondent, notations in his medical charts, and the testimony of the undercover officers and Tony Collman. The account of the visits by the three undercover officers (using the names Louise Gordon, James Capuano and Joseph Malone) was different in several details from the account of those visits by Respondent. Even factoring in the obvious cultural and language differences, the disparities are striking. The police officers related specific requests by each of them for drugs from Respondent. The account of the time spent with Respondent by each officer and the "examination/evaluation" performed by Respondent indicate that the chart entries made by Respondent could not have been accurate. If the officer's version of the events on their approximately 19 visits to Respondent's office is to be believed, then there could be no doubt that Respondent was or should have been aware of their primary motive to receive prescriptions for drugs.

Tony Collman's account of his visits to Respondent's office is also at odds with Respondent's account. If Collman's account is to be believed, Respondent spent little time gathering information to evaluate Collman's condition to insure the appropriateness of his prescribing for Collman. Collman reported that he was under the influence of drugs when he went to Respondent's office on several

visits, yet, after minimal contact with Respondent, he received his prescriptions on each occasion. The repeated drug seeking behavior of Collman and the failure by Respondent to check on Collman's hospitalization for drug abuse before prescribing additional substances for Collman belies the "good intention" defense put forward by Respondent.

The emergency room records found in the chart from Respondent's office for Clem Mathis indicate the possibility that this patient was a drug abuser (July 20, 1986, July 23, 1986, August 20, 1986, and September 14, 1986). Respondent claims he never received the records from the hospital prior to his continuation of prescribing to Mathis. Respondent continued to prescribe controlled substances for Mathis as late as November of 1986. A question is raised concerning what Respondent knew about Mathis' drug seeking behavior at the hospital emergency room but chose to ignore since the records now appear in Respondent's chart for Mathis.

Respondent presented approximately seventeen (17) of his current patients for review of their feelings of the treatment they received from him. Each recounted how much trust and confidence he/she had in Respondent and that each would go to him in the future. Through these patients, Respondent has presented a portrait of a respectable practitioner with an average patient population.

But the case of one of these patients undercuts Respondent's attempts to portray himself as a well-intentioned, kind-hearted practitioner. A review of the patient chart for Carmen Ortiz indicates that several "corrections" were made on her chart. Respondent was questioned about those "corrections" (Tr. 2138-

2211). During the initial questioning about these corrections Respondent became very nervous. Respondent was fully aware that the scope of the inquiry included whether he changed the record of Carmen Ortiz to rule out inappropriate prescribing of diet pills such as Didrex, Tenuate or Fastin. Testimony had previously been heard about the inappropriateness of long term prescribing of those diet pills by Respondent.

On July 31, 1987 Respondent was specifically asked whether, during the time period from May 10, 1983 through July 21, 1984 he prescribed diet pills to Carmen Ortiz. Several "corrected" entries in Respondent's chart for her during that period were addressed (Tr. 2205-2210). Respondent indicated that he had not prescribed weight loss pills to Ortiz during that period.

Respondent subsequently chose to leave the proceedings on August 25, 1987. In testimony taken later on August 25, 1987, pharmacy records revealed that Respondent had in fact prescribed Fastin and Didrex on dates from May 10, 1983 through July 21, 1984 although his records for Ortiz had been "corrected" to show that another substance had been prescribed on those dates.

The conclusion to be drawn is that Respondent has actively attempted to mislead this tribunal. In so doing his credibility has been called into question. Therefore, credibility issues will be resolved against the Respondent. The testimony of the police officers, including the allegations of sexual improprieties with Louise Gordon, will be given credibility. The statements of Tony Collman are found to be credible. The statements by Respondent tha he did not have the emergency room records for Clem Mathis prior to

continuing his prescribing to Mathis will not be believed. Respondent's statements that other entries in his charts are mistakes (i.e. See Nancy Gamage's entries for January, 1984 through July, 1985 in which corrections of her symptoms are offered to justify his continuation of prescriptions for her. Tr. 1353-1436) will not be believed.

The ultimate conclusion to be drawn is that Respondent was not the innocent victim that he attempts to portray. He was an active participant in substandard practice of medicine and failed to take steps to curb his inappropriate behavior.

CONCLUSION OF LAW

The Department must prove its allegations by clear and convincing evidence before the Medical Disciplinary Board may conclude that there has been a violation of the Medical Practice Act. The Department has shown by clear and convincing evidence that Respondent has failed to meet standards of practice which are applicable to him and is therefore professionally incompetent. (Chapter 111, Section 4433(25)) Respondent's prescribing has been shown to be for other than therapeutic purposes (Chapter 111, Section 4433(17)) and to be unprofessional conduct which is very likely to harm the public (Chapter 111, Section 4433(25)). The improper sexual advances by Respondent amount to immoral conduct in his practice as a physician (Chapter 111, Section 4433(20)).

Respondent has failed to meet the "good faith" prescribing requirement of the Controlled Substances Act, in light of his failure to meet any objective standard for appropriate prescribing of addicting substances. (Chapter 56 1/2, Sections 1102(u) and

1312.) Respondent failed to fully apprise himself of the condition of various patients, chose to ignore signs of drug-seeking behavior and prescribed hazardous combinations of substances. Respondent has been unable to show pathologies or conditions of the patients listed in the Findings which would justify his prescribing as part of an appropriate course of care for those pathologies or conditions. Since the conclusion has been reached that, at the very least, a multitude of signs were at his disposal which should have caused him to curb his prescribing of addicting substances, a further conclusion is that he was not acting in good faith. Respondent has also failed to provide the types of controls on his prescribing habits as are necessary to insure that controlled substances remain in legitimate channels. (Chapter 56 1/2, Section 1304(a)(6)).

RECOMMENDATION

Respondent's licenses have been suspended since December 3, 1986.

The Medical Disciplinary Board would be well within its statutory duty and authority to continue the suspension of Respondent's license for an indefinite period of time. Essential to any restoration of Respondent's license as a physician would be a showing of additional education in the diagnosis and treatment of mental conditions (anxiety neurosis, panic disorder, anxiety depression neurosis, etc.) which he related for the patients in the Complaint. Additional education prior to requesting restoration of his license as a physician would also include course work concerning controlled substances with emphasis on addicting drugs.

Concerning Respondent's controlled substances license, I recommend to the Director of the Department of Registration and

Education that it remain suspended for an indefinite period of time. I further recommend that Respondent not be allowed to petition for restoration of his controlled substances license prior to December 3, 1990. At the time of petitioning for restoration Respondent should be required to show completion of the educational requirements suggested above. The State Medical Coordinator should approve any course of study proposed by Respondent prior to it being accepted for purposes of considering restoration of his license.

DATED: November 16, 1987

Thomas R. Chiola

THOMAS R. CHIOLA
ADMINISTRATIVE LAW JUDGE

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