

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO.: 2002 MLB 0046

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
Michael W. Free, M.D.,)
License Number: 01023875A,)
)
Respondent.)

FILED

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HEALTH PROFESSIONAL
BUREAU

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Medical Licensing Board of Indiana ("Board") held an administrative hearing on August 28, 2003, in Room C of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning a disciplinary complaint filed against Michael W. Free, M.D. ("Respondent") on June 13, 2003, as well as a petition for emergency suspension filed December 3, 2002.

The State of Indiana was represented by Deputy Attorney General N. Renee Gallagher. Respondent appeared in person and was not represented by counsel. The Board, after considering the evidence and taking official notice of its file in this case, by a vote of 5-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. Respondent is a duly licensed medical doctor in the State of Indiana holding Indiana license number 01023875A.
2. Respondent was also licensed as a Physician and Surgeon in the State of Illinois holding license number 36-087737 and was licensed as Controlled Substance Registrant in Illinois holding license number 336-049644.

3. Respondent entered into a Consent Order dated April 2, 2002, with the State of Illinois Department of Professional Regulation, wherein Respondent stipulated that he had utilized his Controlled Substance license to non-therapeutically prescribe Controlled Substances to his wife and to obtain Controlled Substances for his own use.

4. Respondent further stipulated to having been first treated for Vicodin and alcohol dependence in 1993, after which he remained sober for three and a half years. In 1996, he began self-prescribing Ultram, which eventually led to his use of Vicodin and alcohol. He was treated for drug and alcohol abuse at Talbott Recovery Campus in Atlanta, Georgia, from May 30, 2000, to September 16, 2000.

5. The terms of the Consent Order required that Respondent's Illinois Controlled Substance Registration to be suspended for one year. His medical license was placed on probation for two years.

6. On or about October 25, 2002, Indiana State Police Detective Scott Nowland was notified of a suspicious prescription by a pharmacist at Fair Meadows Pharmacy, Munster, Indiana. The pharmacist reported that Respondent presented a prescription for Hydrocodone written by Respondent for his wife, Darlene Free, for fifty (50) tablets of Hydrocodone, a Schedule III controlled substance.

7. After receiving the filled prescription for Hydrocodone, Respondent was stopped by Detective Nowland. In his statement to the police, Respondent admitted that his Controlled Substance Registration was not valid and had not been valid for several months.

8. In fact, Respondent had surrendered his DEA Controlled Substance Registration on or about June 27, 2002, for an indefinite period. His Indiana Controlled Substance Registration had expired in 1995.

9. Respondent had written at least seven (7) prescriptions for Lortab/Hydrocodone dated after June 27, 2002 for his wife, Darlene Free.

10. On or about October 26, 2002, the Lake County, Indiana prosecutor charged Respondent with violation of Ind. Code § 35-48-4-14, Obtaining a Controlled Substance by Fraud, a Class D Felony, and violation of Ind. Code § 35-48-4-7, Possession of a Controlled Substance, a Class D Felony, in Cause # 45G01-0210-FD-00236.

11. On or about April 4, 2003, Respondent entered a plea agreement wherein he pled guilty to Obtaining a Controlled Substance by Fraud. The Possession of a Controlled Substance count was dismissed. Respondent received a sentence of one year in the Lake County Jail, which was suspended, and one-year probation. Respondent was required to enter an approved drug treatment program and surrender his Illinois medical license. The Court accepted the plea agreement on May 6, 2003.

12. Respondent completed a month of in-patient treatment at Hazelden, Minnesota, in December 2002. Respondent completed recovery at Bridges of Illinois in Lisle, Illinois on March 17, 2003.

13. Respondent has completed various drug and alcohol treatments, beginning in 1993 at Parkside (now Rush), in 1999 and 2000 at Rush, and at Talbott in 2000, in addition to his recent attendance at Hazelden and Bridges of Illinois.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct described above constitutes a violation of Ind. Code § 25-1-9-4(a)(1), insofar as Respondent engaged in fraud or material deception in the course of professional services or activities, when he authored prescriptions for Controlled Substances knowing he did not possess a valid Controlled Substance Registration.

2. Respondent's conduct described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(D), insofar as Respondent has continued to practice although he has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing the Respondent's ability to practice safely.

3. Respondent's conduct described above constitutes a violation of Ind. Code § 25-1-9-4(a)(2), insofar as Respondent has pled guilty to a crime that has a direct bearing on the practitioner's ability to continue to practice competently, to wit: Ind. Code § 35-48-4-14, Obtaining a Controlled Substance by Fraud.

CONCLUSIONS OF LAW

1. Respondent's conduct described above warrant the imposition of disciplinary sanctions against Respondent's Indiana medical license up to a fine in the amount of \$1000.00, probation, suspension, or a revocation of license as detailed at Ind. Code § 25-1-9-9.

ORDER

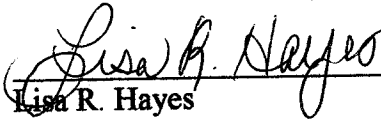
Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana medical license is placed upon **INDEFINITE SUSPENSION**.
2. Respondent shall not seek reinstatement for 3 years.
3. Respondent shall not apply for an Indiana Controlled Substance Registration for at least 3 years.

SO ORDERED this 22nd day of October, 2003

MEDICAL LICENSING BOARD OF INDIANA

By:



Lisa R. Hayes
Executive Director
Health Professions Bureau

copies to:

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SENT CERTIFIED MAIL NO. 7002 3150 0000 1731 9227
RETURN RECEIPT REQUESTED.

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