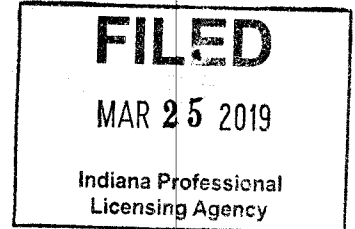


BEFORE THE MEDICAL  
LICENSING BOARD OF  
INDIANA CAUSE NO.:  
2018 MLB 0029

IN THE MATTER OF THE LICENSE OF )  
 )  
KENDAL T. FREEMAN, M.D. )  
 )  
LICENSE NO. 01078412A (ACTIVE) )



**ADMINISTRATIVE COMPLAINT**

The State of Indiana (“Petitioner”), by counsel, Deputy Attorney General Tina L. Mann, on behalf of the Office of the Indiana Attorney General, and pursuant to Ind. Code § 25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3, and Ind. Code ch. 25-1-9, files its Administrative Complaint against the Indiana Medical License of Kendal T. Freeman, M.D. (“Respondent”), and in support alleges and states the following:

**FACTS**

1. Respondent is a licensed medical doctor (“M.D.”) in the State of Indiana, having been issued license number 01078412A on April 12, 2017.
2. Respondent’s address on file with the Indiana Professional Licensing Agency (IPLA) is 4971 Shoreview Drive, Coloma, MI 49038.

**Michigan Discipline**

3. Respondent obtained his Michigan medical license on October 3, 2016.
4. On January 30, 2018, an Administrative Complaint was filed against Respondent’s Michigan medical license. The Administrative Complaint alleged the following:

- a. Respondent and patient D.W. are long-term acquaintances who both have residences in the state of Michigan;
- b. On August 11, 2016, Respondent treated patient D.W. in Michigan for a medical condition and prescribed several antibiotics;
- c. Though he was not licensed to practice medicine in Michigan at the time, the medical record shows that Respondent was practicing under “Freeman Health Services” located in Coloma, Michigan;
- d. On December 19, 2017, and January 4, 2018, in interviews with a department investigator, Respondent admitted that in the past, he had used cocaine, crystal meth, and marijuana. Respondent explained that the last time he used cocaine was October 27, 2016, at the birthday party of patient D.W. Respondent further explained that if he is at a social gathering with friends and drugs are present, he uses illicit drugs; and
- e. Data from the Michigan Automated Prescription System (“MAPS”), shows that Respondent authorized patient D.W. to obtain bottles of zolpidem tartrate ER 12.5mg tablets on eight (8) occasions between August 2016 and March 2017. Respondent failed to document any office visits or examinations that correspond with these prescriptions.

5. On June 14, 2018, based on the aforementioned allegations in paragraph four (4), the Michigan Medical Board found that Respondent violated Michigan Compiled Law (“MCL”) § 333.16221(a), which states “[t]he disciplinary subcommittee shall proceed . . . if it finds that . . . a violation of general duty, consisting of negligence or failure to exercise due care . . . whether or not injury results.”

6. MCL § 333.16221(a) is similar to 844 IAC 5-2-5, which states “[a] practitioner shall exercise reasonable care and diligence in the treatment of patients based upon generally accepted scientific principles, methods, treatments, and current professional theory and practice.”

7. The Michigan Medical Board found that Respondent violated MCL § 333.16221(b)(i), which states “[t]he disciplinary subcommittee shall proceed . . . if it finds that . . . (b) personal disqualifications, consisting of 1 or more of the following: (i) incompetence.”

8. MCL § 333.16221(b)(i) is similar to Ind. Code § 25-1-9-4(a)(4)(A)(i) which states:

A practitioner shall conduct the practitioner’s practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions . . . if, after a hearing, the board finds professional incompetence that: may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake;

9. The Michigan Medical Board also found that Respondent violated MCL § 333.16221(c)(iv), which states, “[t]he disciplinary subcommittee shall proceed . . . if it finds that one or more of the following grounds exist. . . obtaining, possessing, or attempting to obtain or possess a controlled substance . . . or a drug . . . without lawful authority; or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes.”

10. MCL § 333.16221(c)(iv) is similar to 844 IAC 4-6-10(3) which states: “The willful performance of an act likely to deceive or harm the public shall include, but not be limited to . . . (p)rescribing or administering a drug for other than generally accepted therapeutic purposed.

11. As part of the Final Order, Respondent’s Michigan medical license was revoked and Respondent was fined \$50,000 to be paid prior to petitioning for reinstatement.

## VIOLATIONS

12. By Respondent's conduct in being disciplined in Michigan for violating MCL § 333.16221(a), which is similar to 844 IAC 5-2-5, Respondent has had disciplinary action taken against his license to practice in any state or jurisdiction on grounds similar to Ind. Code § 25-1-9, and is therefore subject to discipline pursuant to Ind. Code § 25-1-9-4(a)(7).

13. By Respondent's conduct in being disciplined in Michigan for violating MCL § 333.16221(b)(i) which is similar to Ind. Code § 25-1-9-4(a)(4)(A)(i), Respondent has had disciplinary action taken against his license to practice in any state or jurisdiction on grounds similar to Ind. Code § 25-1-9, and is therefore subject to discipline pursuant to Ind. Code § 25-1-9-4(a)(7).

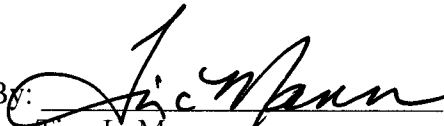
14. By Respondent's conduct in being disciplined in Michigan for violating MCL § 333.16221(c)(iv), which is similar to 844 IAC 4-6-10(3), Respondent has had disciplinary action taken against his license to practice in any state or jurisdiction on grounds similar to Ind. Code § 25-1-9, and is therefore subject to discipline pursuant to Ind. Code § 25-1-9-4(a)(7).

**ACCORDINGLY**, Petitioner demands this Board enter an order finding that:

1. Respondent is subject to discipline according to Ind. Code § 25-1-9;
2. Imposes an appropriate disciplinary sanction;
3. Directs the Respondent to immediately pay all cost incurred in the prosecution of this case; and
4. Provides any further relief that the Board deems just and proper.

Respectfully submitted,

Curtis T. Hill, Jr.,  
Attorney General of Indiana  
Atty. No.: 13999-20


By:   
Tina L. Mann  
Deputy Attorney General  
Atty. No.: 18328-49

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing "Administrative Complaint" has been served upon the Respondent at the address listed below, by United States First Class Mail on this 25<sup>th</sup> day of March, 2019.

Kendal T. Freeman, M.D.  
4791 Shoreview Drive  
Coloma, MI 49038

By: 

Tina Mann  
Deputy Attorney General  
Atty No.: 18328-49

**OFFICE OF THE INDIANA ATTORNEY GENERAL**

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