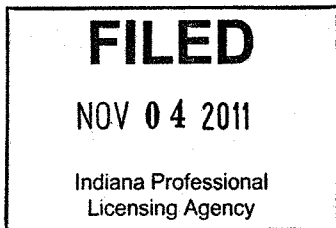


BEFORE THE MEDICAL LICENSING BOARD OF INDIANA  
CAUSE NO. 2011 MLB 0034



IN THE MATTER OF THE LICENSE OF )  
MEHMET SABAN AKAYDIN, JR., MD )  
LICENSE NO: 01049539A )

**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Brian Cusimano, Deputy Attorney General, and Mehmet Saban Akaydin, Jr., by counsel, Albert Barclay Wong, Harrison & Moberly, LLP, ("Respondent") signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Medical Licensing Board of Indiana ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the October 27, 2011 meeting held in the Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement of **INDEFINITE PROBATION**, by a vote of 6-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order. In addition to the terms outlined in the Agreement, by a vote of 6-0-0, the Board ordered to impose a fine of **Five Hundred Dollars (\$500)** against the Respondent to be paid within sixty (60) days of the issuance of this order. This fine must be paid by cash, cashier's check, or money order to the following:

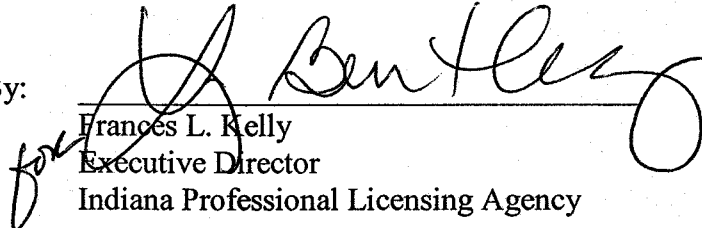
Indiana Professional Licensing Agency  
Attn: Kristen Kelley  
402 W. Washington St., Room W072  
Indianapolis, IN 46204

**WHEREFORE**, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

**SO ORDERED**, this 4th day of November, 2011.

MEDICAL LICENSING BOARD OF INDIANA

By:

  
Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

Distribution:

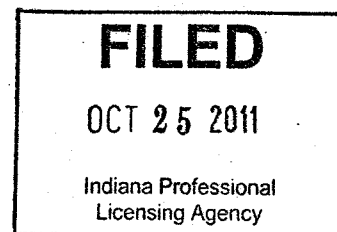
Mehmet Saban Akaydin, MD  
Heyburn Building, Suite 610  
332 West Broadway  
Louisville, KY 40202

**CERTIFIED MAIL NO: 91 7190 0005 2720 0013 0911**  
**RETURN RECEIPT REQUESTED**

Brian Cusimano, Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, Indiana, 46204

BEFORE THE MEDICAL LICENSING BOARD OF INDIANA  
CAUSE NO. 2011 MLB 0034

IN THE MATTER OF THE )  
 )  
LICENSE OF MEHMET SABAN AKAYDIN, JR., M.D. )  
 )  
LICENSE NO: 01049539 (Active). )



PROPOSED SETTLEMENT AGREEMENT

The State of Indiana, by counsel, Brian Cusimano, Deputy Attorney General, and the Respondent, Mehmet Saban Akaydin, Jr., M.D. (Respondent), by counsel, Albert Barclay Wong, Harrison & Moberly, LLP, hereby execute this Agreement as a disposition of the disciplinary complaint filed on August 19, 2011. This Agreement is subject to the review and approval of the Medical Licensing Board of Indiana (the "Board") pursuant to Ind. Code § 25-22.5 *et seq.* and the Administrative Orders and Procedures Act, I.C. § 4-21.5-3 *et seq.*

STIPULATED FACTS

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Medical Licensing Board pursuant to I.C. § 25-1-7 *et seq.*
2. The Board is charged with the duty and responsibility of regulating the practice of medicine pursuant to I.C. § 25-22.5-2-7.
3. The Board is empowered to hold disciplinary hearings pursuant to the authority of I.C. § 4-21.5-3 *et seq.*

Exhibit A

4. The Respondent's address on file with the Board is in care of the Heyburn Building, Suite 610, 332 West Broadway, Louisville, Kentucky, 40202, and he is a licensed physician having been issued license number 01049539.

5. On or about January 20, 2011, the Respondent entered into an *Agreed Order of Indefinite Restriction* (Order) with the Commonwealth of Kentucky's Board of Medical Licensure (the "Kentucky Board").

6. The Kentucky Board's investigator conducted a grievance investigation prior to the issuance of the Kentucky Board's Order.

7. The Kentucky Board's investigation revealed that:

a. The Respondent had served as the Medical Director for the Ohio Valley Medical Center (the "OVMC") since 1998 or 1999;

b. The Respondent was initially paid \$1,000.00 per month for his services as Medical Director, but after three years sacrificed his fee when the OVMC fell on hard times;

c. The Respondent initially visited the OVMC weekly, but as the years passed he only visited the clinic once or twice a month to conduct disability examinations;

d. The Respondent signed off on any collaborative agreement with any of the OVMC's advanced practice nurses who were hired by Michael Jones, M.D. and Jayna Jones, M.D. (the "Joneses"), the owners of Precision Management, a company that manages and oversees the daily operations of the OVMC;

e. The Respondent was not familiar with the paperwork involved in running a clinic and left that aspect of operation to the Joneses;

f. The Respondent consented to allowing a nurse practitioner to direct staff to telephone in prescriptions under the Respondent's DEA number for a month's supply of medication instead of a two-week supply;

g. The Respondent pre-signed blank prescription pads for controlled substances;

h. The Respondent allowed OVMC's staff to use rubber stamps of his signature to sign off on medical records, billing, prescriptions and collaborative agreement forms for advanced practice nurses; and,

i. The Respondent essentially stopped visiting the clinical in 2006 except to occasionally perform disability evaluations.

8. The Order states that the Kentucky Board could find that the Respondent engaged in conduct which violates the provisions of KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(10).

9. As a result, the Kentucky Board ordered that the Respondent's Kentucky medical license is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME.

10. The restrictions on the Respondent's Kentucky medical license include, but are not limited to:

a. The Respondent's practice is limited to performing disability evaluations/examinations;

b. The Respondent shall not perform any act, within the Commonwealth of Kentucky or in any other state, (emphasis added) which constitutes the "practice of Medicine" as defined by KRS 311.550(10) – the diagnosis, treatment, or correction or any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or

instrumentalities – in any capacity other than necessary for the performance of disability evaluations/examinations, from the date of filing of the Kentucky Order until approved by written order of the Kentucky Board.

c. The Respondent shall not prescribe, dispense, or otherwise professionally utilize controlled substances, unless and until approved by the Kentucky Board.

d. The Kentucky Board will not consider a petition to expand the scope of the Respondent's license to practice medicine beyond the performance of disability evaluations/examinations unless it is accompanied by a CPEP Clinical Skills Assessment Report and a CPEP Educational Intervention Plan, if recommended per the Assessment Report.

e. The Kentucky Board will not consider a request by the Respondent to resume the professional utilization of controlled substances unless and until 1) six months have elapsed from the filing of the Kentucky Order; 2) the Respondent successfully completes the "Prescribing Controlled Drugs" course at The Center for Professional Health at Vanderbilt University Medical Center; and 3) the Kentucky Board has agreed to expand the scope of the Respondent's practice beyond the performance of disability evaluations/examinations.

f. If the Kentucky Board grants the Respondent's request to resume the professional utilization of controlled substances, at the minimum, he shall: 1) not pre-sign prescription pads; 2) not prescribe controlled substances to any person whom he has not personally and physically examined; 3) not serve as medical director of any practice group, clinic, or other organization at which he is not physically present and engaged in the active practice of medicine; 4) maintain a controlled substances log; 5) permit the Kentucky Board's agents to review the Respondent's patient's records; and 6) have at least one consultant review performed by the Kentucky Board.

g. The Respondent is required to pay a fine in the amount of \$5,000.00, at the rate of \$200.00 per month beginning on May 1, 2011, and continuing until such time as the fine is paid in full.

11. The Respondent is currently completely compliant with the terms and conditions of the Kentucky Board's Order.

12. The Respondent has completed the CPEP Clinical Skills Assessment, but has not yet received CPEP's assessment report.

#### STIPULATED CONCLUSION OF LAW

The Petitioner and the Respondent further stipulate that:

1. The Respondent's conduct as described above is in violation of I.C. § 25-1-9-4(a)(7) because he has had disciplinary action taken against his license by the Kentucky Board of Medical Licensure for reasons similar to a violation of I.C. § 25-1-9-4(a)(4)(B).

Whereas, this matter is set for hearing before the Board; and

Whereas, the Respondent and the Petitioner wish to resolve this matter prior to a hearing and have reached a resolution.

It is now therefore agreed by the Respondent and Petitioner as follows:

#### TERMS AND CONDITIONS

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action commenced on or about August 19, 2011.
2. The parties execute this Agreement voluntarily.
3. The Respondent and the Petitioner voluntarily waive their right to a public hearing on the Complaint, and all other proceedings in this action to which either party may be entitled by law, including judicial review and appeal.

4. The Petitioner agrees that the terms of this Agreement will resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against the Respondent's license arising from the Complaint filed on August 19, 2011.

5. The Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

6. The Respondent's Indiana medical license shall be placed on **INDEFINITE PROBATION**. The Respondent's license shall be subject to the following terms and conditions while on probation:

A. The Respondent shall remain in complete and continuous compliance with the Kentucky Board's January 20, 2011 Order;

B. The Respondent shall not petition for the withdrawal of probation until he successfully completes probation in Kentucky;

C. The Respondent's Kentucky license must be unrestricted prior to his filing of a Petition to Withdraw Probation;

D. The Respondent shall notify the Board in writing within seventy-two (72) hours of any violation of the Kentucky Board's January 20, 2011 Order;

E. The Respondent shall notify the Board in writing within one (1) week of receiving an Amended Agreed Order of Indefinite Restriction from the Kentucky Board.

F. The Respondent must petition the Board to modify his Indiana probation, if he desires to expand his practice after receiving an Amended Agreed Order of Indefinite Restriction from the Kentucky Board.

G. The Respondent shall keep the Board apprised of the following information and update it as necessary:

- 1.) Current home address, mailing address and residential telephone number.
- 2.) Place of employment, and employment telephone number.
- 3.) Occupation title and work schedule, including the number of hours worked per week.

7. Prior to petitioning for the withdrawal of probation, the Respondent shall, pursuant to I.C. § 4-6-14-10(b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the Indiana Office of the Attorney General to the attention of Katie Thorpe.

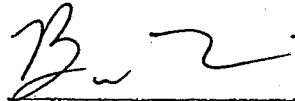
8. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of medicine, or any violation of the Settlement Agreement may result in the State requesting an emergency suspension of the Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to I.C. § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of the Respondent's license.

9. The parties agree to the continuing jurisdiction of the Board.

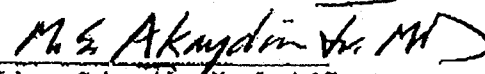
10. The Respondent agrees to personally appear for the presentation of this Agreement and to pay for a copy of the transcript of the presentation of this Agreement to the Board and the court reporter fees associated with this matter.

11. The Respondent agrees that the Board has the discretion to issue a fine in this matter.


10/24/11  
Date

  
\_\_\_\_\_  
Brian Cuzimano  
Deputy Attorney General  
Attorney No. 29643-49

10/24/11  
Date

  
\_\_\_\_\_  
Mehmet Saban Akaydin, Jr., M.D.

10/27/11  
Date

  
\_\_\_\_\_  
Albert Barclay Wong  
Counsel for Dr. Akaydin  
Attorney No. 23394-49