

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO. 83 MLB 038

IN THE MATTER OF)
RUTH BAILEY, M.D.,)
Respondent.)

FILED

OCT 2 1984

FINDINGS OF FACT,
CONCLUSIONS OF LAW & ORDER

HEALTH PROFESSIONS
SERVICE BUREAU

An administrative hearing was held before the Medical Licensing Board of Indiana (hereinafter "Board") at 12:22 o'clock p.m., local time, in the Auditorium of the Health Professions Service Bureau located at 964 North Pennsylvania Street, Indianapolis, Indiana.

The Board members hearing this matter were: George H. Rawls, M.D., John H. Mader, M.D., John D. Miller, M.D., Daniel T. Ramker, M.D., Bruce C. Brink, D.O., Martin J. O'Neill, M.D., and Ronald E. Elberger, Esq.

The Board, having considered the notice of hearing, statement of charges, evidence, its own file, and arguments, by a vote of 7 to 0, now issues the following "Findings of Fact, Conclusions of Law & Order:"

FINDINGS OF FACT

1. That Respondent, Ruth Bailey, M.D. (hereinafter "Respondent"), holds an unlimited license to practice medicine in the State of Indiana, being license number 29402.
2. That the notice of hearing and statement of charges were properly mailed to, and received by Respondent.
3. That in the performance of its statutorily delegated duties and responsibilities, this Board possesses and exercises special administrative expertise in determining whether or not certain practices and activities relate to the competent practice of medicine and/or whether or not certain practices and activities constitute the incompetent practice of medicine.
4. That Respondent was called audibly three times in and about the premises of the Health Professions Service Bureau and failed to appear or respond either in person or by counsel.

5. That Linda McClain, an administrative assistant to the Board, subsequently telephoned the Respondent in South Bend, Indiana, and was informed by the Respondent that Respondent had no intention of appearing before the Board at this hearing.

6. That IC 4-22-1-23 provides that it is not necessary for the Board to hold a hearing when the party in interest has failed to appear.

7. That even though not statutorily required to hold a hearing to prove its case, the State of Indiana, by counsel, requested the opportunity to make a partial record due to the extraordinary and egregious nature of this particular case.

8. That on numerous occasions Respondent has knowingly and intentionally misdiagnosed her patients including, but not limited to her patients by the names of Edna Elaine Moses, a/k/a Elaine Moses, a/k/a Elaine Bailey (hereinafter collectively referred to as "Edna Elaine Moses"), Claudia Moses, Lucia Lively, Luccinda Sisson, Kelly Sisson, Cheryl Maynard, and two (2) patients identified only as "V.B." and "K.W."

9. That the "misdiagnosis" referred to in "Finding of Fact" no. 8 above, included misdiagnosing alleged leukemia, various blood disorders, gall bladder disease, brain tumors and various other ailments and conditions all of which Respondent stated were allegedly caused by demons, devils and other evil spirits.

10. That in fact, the patients referred to in "Finding of Fact" no. 8 above, were not suffering from the diagnosed ailments and conditions referred to in "Finding of Fact" no. 9, above.

11. That on numerous occasions Respondent stated to her patients that she was "chosen" by God as the only physician able to diagnose certain ailments and conditions which other physicians could not because the other physicians, including physicians from Ball Memorial Hospital in Muncie, Indiana and St. John's Medical Center in Anderson, Indiana were, in fact, "demons, devils and other evil spirits" themselves.

12. That Respondent was inappropriately treating Edna Elaine Moses' purported leukemia with massive doses of Demerol and Phenobarbital to the point where the patient would tolerate 600 to 900 cc injections of Demerol, a fatal dose of which is normally in the 150 to 200 cc range, and up to three times the recommended therapeutic dose of Phenobarbital.

13. That Respondent gave Claudia Moses, a 15 year old mentally impaired daughter of Edna Elaine Moses who possesses the intellectual age of an 8 year old, numerous injections of Demerol for alleged "nausea" and allowed Claudia to administer injections of Demerol to herself.

14. That on numerous occasions the Respondent would supply her patients with excessive amounts of legend drugs and/or controlled substances without any explanation, instruction, or appropriate charting.

15. That numerous patients of the Respondent had to undergo detoxification and withdrawal from the excessive amounts of legend drugs and/or controlled substances which the Respondent was prescribing and/or administering without valid therapeutic reasons.

16. That while Edna Elaine Moses was under the immediate care and treatment of Respondent, the family of Edna Elaine Moses had to have Edna admitted to St. Vincent's Hospital Emergency Room in Indianapolis, Indiana and subsequently committed to LaRue Carter Hospital in Indianapolis, Indiana for detoxification from the excessive amounts of controlled substances which Respondent was prescribing and administering for Edna's purported leukemia and for treatment of the multiple infections, including infections of her urinary tract and infections of various catheters including a "Hickman" catheter used to facilitate the administration of intravenous medications and also for treatment of externally caused lesions.

17. That Respondent failed to maintain and keep adequate records or charts on her patients and in several instances failed to maintain any charts or records at all.



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18. That on numerous occasions Respondent falsified patient charts and hospital records and misled other health professionals regarding her patients condition including, but not limited to statements made by Respondent at Ball Memorial Hospital in Muncie, Indiana, St. John's Medical Center in Anderson, Indiana, St. Vincent's Hospital in Indianapolis, Indiana and Berrien General Hospital in Berrien Springs, Michigan, all to the detriment of her patients' well-being.

19. That on numerous occasions Respondent misrepresented and falsified prescriptions which were presented to several pharmacies for controlled substances including, but not limited to Marsh Pharmacy located at 2808 Nichol Avenue, Anderson, Indiana, Gene Maddy Drugs located at 3050 Meridian Street, Anderson, Indiana and Hollon's Drugs located at 2101 Jackson, Anderson, Indiana by writing on the face of the prescriptions that the prescriptions for controlled substances for the patient by the name of Edna Moses, Elaine Moses, and/or Elaine Bailey were for "malignancy" when in fact, there was no therapeutic reason for Respondent to be prescribing Demerol or any other controlled substance as the alleged patient was, in fact, suffering from no malignancy.

20. That Respondent has stated on numerous occasions that she possessed the capability of "sharing" her patients' illnesses in fighting the demons, devils and other evil spirits that were allegedly causing the various ailments and conditions and that she was, in fact, "sharing" Edna Elaine Moses' leukemia.

21. That without a valid therapeutic reason the Respondent self-diagnosed and self-medicated herself with non-therapeutic amounts of Demerol for her "leukemia" that she was allegedly "sharing" with Edna Elaine Moses and also for treatment of an alleged malignant brain tumor and myasthenia gravis.

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22. That Respondent has been witnessed routinely receiving non-therapeutic doses of at least 3 cc's of Demerol on an hourly basis by injecting herself in the backs of her hands, the inside of her thighs, or wherever she could locate a suitable vein.

23. That the Board appointed psychiatrist who examined the Respondent and reviewed statements made by her patients diagnosed the Respondent as suffering from acute personality disorders including demonic delusions and/or paranoid schizophrenia.

24. That the Board appointed psychiatrist who examined the Respondent stated that it was his expert opinion that the Respondent was incompetent to practice medicine.

CONCLUSIONS OF LAW

1. Based upon the foregoing "Findings of Fact" the Board now makes the following "Conclusions of Law:"

2. That the Board has jurisdiction to hear this case and take disciplinary action against the Respondent.

3. That upon motion by the State of Indiana, by counsel, the Board conforms the allegations in the complaint to the evidence admitted at this hearing.

4. That the Respondent has violated IC 25-22.5-6-2.1(b)(1), (b)(3), (b)(4)(A), (b)(4)(B), (b)(4)(C), (b)(4)(D), (b)(5), (b)(6), and 844 IAC 4-6-10(3) and (4), to-wit:

IC 25-22.5-6-2.1(b) A practitioner shall conduct his practice in accordance with the standards established by the board under IC 25-22.5-2-7(h) and is subject to the exercise of the disciplinary sanctions under subsection (e) if, after a hearing, the board finds:

(1) the practitioner . . . has engaged in fraud or material deception in the course of professional services or activities . . . ;

(b)(3) a practitioner has knowingly violated any rule adopted by the board under IC 25-22.5-2-7(h);

(b)(4) a practitioner has continued to practice although he has become unfit to practice due to:

(A) professional incompetence;



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(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction or severe dependency upon alcohol or other drugs which endangers the public by impairing a practitioner's ability to practice safely;

(b)(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to patients;

(b)(6) a practitioner has allowed his name or license issued to him under this chapter to be used in connection with any individual who renders services beyond the scope of his training, experience, or competence; and,

844 IAC 4-6-10 The willful performance of an act likely to deceive or harm the public shall include, but not be limited to the following acts:

(3) Prescribing or administering a drug for other than generally accepted therapeutic purposes; and,

(4) Gross negligence in the practice of medicine.

ORDER

Based upon the foregoing "Findings of Fact" and "Conclusions of Law" the Board now issues the following "Order:"

1. That Respondent's license to practice medicine in the State of Indiana, license no. 29402, is hereby revoked.

2. That Respondent shall not have the right to reapply for licensure as a physician in this state for a period of seven (7) years from the date of this Order at which time the Board will then consider the application for re-licensure and then only upon the following terms and conditions:

A. That Respondent shall have successfully passed a complete physical examination from three (3) Board approved internists;

B. That Respondent shall have successfully passed a complete mental examination from three (3) Board approved psychiatrists; and,

C. That Respondent shall have successfully passed the most recent FLEX examination prior to application for re-licensure.

3. That the previously issued Emergency Suspension of Respondent's license which is currently in effect is rendered moot by this Order.

4. That Respondent is ORDERED to immediately surrender the custody and control of her wall certificate and pocket license to the Health Professions Service Bureau.

5. That Respondent is ORDERED to immediately comply with all provisions of 844 IAC 7-1-3 dealing with the duties of revoked licensees and registrants, to-wit:

844 IAC 7-1-3 In any case where a person's license, registration or approval has been revoked, said person shall:

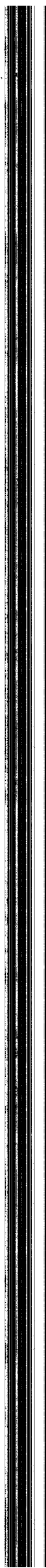
(1) Promptly notify or cause to be notified by the manner and method specified by the board, all patients then in the care of the licensee or registrant, or those persons responsible for the patient's care, of the revocation and of the licensee's or registrant's consequent inability to act for or on their behalf in the licensee's or registrant's professional capacity. Such notice shall advise all such patients to seek the services of another licensee in good standing of their own choice.

(2) Promptly notify or cause to be notified all hospitals, medical and health care facilities where such licensee or registrant has privileges or staff status of the revocation accompanied by a list of all patients then in the care of said licensee or registrant.

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(4) Make reasonable arrangements with said licensee's or registrant's active patients for the transfer of all patient records, radiographic studies, and test results, or copies thereof, to a succeeding licensee or registrant employed by the patient or by those responsible for the patient's care.

(5) Within thirty (30) days after the date of license or registration revocation, the licensee or registrant shall file an affidavit with the medical licensing board showing compliance with the provisions of the revocation order and with 844 IAC 7 which time may be extended by the board. Such affidavit shall also state all other jurisdictions in which the licensee or registrant is still licensed and/or registered.

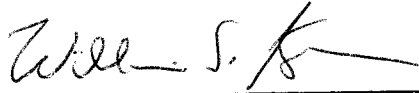


(6) Proof of compliance with this section shall be a condition precedent to any petition for reinstatement.

All of which is ORDERED, ADJUDGED, AND DECREED this 2nd day of October, 1984.

MEDICAL LICENSING BOARD OF
INDIANA

BY:


William S. Keown, Executive
Director, Health Professions
Service Bureau

cc: American Medical/Osteopathic Association
Indiana State Medical Association
Drug Enforcement Administration
Department of Public Welfare
Indiana Pharmacist Association
Social Security Administration
Federation of State Medical Boards
Indiana Board of Pharmacy
Indiana Hospital Association
Michael A. Minglin, Deputy Attorney General

CERTIFIED MAIL NO. 9532 201 515, RETURN RECEIPT REQUESTED.

SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.
 Idm

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one):
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:
 Ruth Bailey, M.D.
 305 E. Calvert
 South Bend, IN

4. TYPE OF SERVICE: ARTICLE NUMBER
 REGISTERED INSURED P 532 201 515
 CERTIFIED COD
 EXPRESS MAIL

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Jewell Moore

5. DATE OF DELIVERY
 10-3-84

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

POSTMARK
 EMPLOYER'S INITIALS
 1984 OCT 3
 EMPLOYER'S INITIALS
 59

RECEIPT FOR CERTIFIED MAIL

P 532 201 515
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 Idm (See Reverse)

Sent to Ruth I. Bailey, M.D. Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restrictive Delivery Fee	
Return Receipt Showing Date, and Address of Delivery	
Return Receipt Showing Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

STATE OF INDIANA

POST OFFICE

POSTMARK