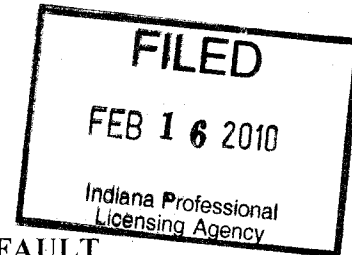


BEFORE THE INDIANA MEDICAL
LICENSING BOARD
CAUSE NO. 2009 MLB 0031

IN THE MATTER OF THE LICENSE OF)
)
PHILLIP DELANO FOLEY, M.D.,)
)
LICENSE NO. 01019413A.)



NOTICE OF PROPOSED DEFAULT

A final hearing was scheduled to be held on January 28, 2010 before the Indiana Medical Licensing Board ("Board") in Room W064 of the Indiana State Government Building South, 302 West Washington Street, Indianapolis, Indiana, 46204, to consider the Complaint filed against Phillip Delano Foley, M.D. ("Respondent") by the State of Indiana ("Petitioner").

The Petitioner was represented by Michael A. Minglin, Deputy Attorney General.

Respondent failed to appear in person or by counsel.

The Board, after taking official notice of its file in the matter and pursuant to Ind. Code § 4-21.5-3-24, voted 6 to 0 to 0 to issue a Notice of Proposed Default on the following grounds:

1. Respondent's address on file with the Indiana Professional Licensing Agency is 613 North 10th Street, Middletown, Indiana, 47356.
2. An Administrative Complaint was filed by the Petitioner in this Matter against Respondent on October 21, 2009.
3. On December 11, 2009, the Indiana Professional Licensing Agency sent a notice to Respondent at his listed address as well as to his counsel of record informing Respondent of the date, time and place of the final hearing on the State's Complaint scheduled for January 28, 2010. The notice was signed by Tom Flora on December 15, 2009.
4. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the final hearing and failed to appear for the scheduled hearing on January 28, 2010.

ORDER

For Respondent's failure to appear for the scheduled hearing, the Board issued the following Notice of Proposed Default:

In accordance with Ind. Code § 4-21.5-3-24, Respondent must file a written motion within seven (7) days of service of this Order requesting the Board not enter a default order in this case and stating the reasons relied upon for that request. Failure of the Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If Respondent timely files a motion, the Board shall consider said motion along with any relevant facts in determining whether a default order should be entered. Should a default order be entered against Respondent, the Board may hold further proceedings it deems appropriate to complete this case without the participation of Respondent.

SO ORDERED, this 16 day of February, 2010.

INDIANA MEDICAL LICENSING BOARD

By: _____

Frances L Kelly

Executive Director

Indiana Professional Licensing Agency

Copies To:

Phillip Delano Foley, M.D.
613 North 10th Street
Middletown, Indiana 47356

SENT e-CERTIFIED MAIL NO. 7008 1830 0003 8055 3807
RETURN RECEIPT REQUESTED.

Mark W. Rutherford
Jennifer R. Tudor
THRASHER BUSCHMANN GRIFFITH & VOELKEL, P.C.
151 N. Delaware Street, Suite 1900
Indianapolis, IN 46204

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