

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO: 2006 MLB 0032

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
Ronald L. Sagalowsky, M.D.,)
License No: 01022328A,)
01022328B,)
)
Respondent.)



COMPLAINT

The State of Indiana, by counsel, Deputy Attorney General Steven P. Douglas, on behalf of the Office of the Attorney General (“Petitioner”), and pursuant to Indiana Code §25-1-7-7 *et seq.*, Ind. Code §25-1-5-3, Ind. Code §25-22.5-1 *et. seq.*, the Administrative Orders and Procedures Act, Ind. Code §4-21.5-3 *et. seq.*, and Ind. Code §25-1-9-1 *et. seq.*, files this Complaint against the Medical license of Ronald L. Sagalowsky, M.D. (“Respondent”), and in support thereof alleges and states:

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 of Indiana (“Board”) pursuant to Ind. Code § 25-1-7 *et. seq.*
2. The Board is charged with the duty and responsibility of regulating the practice of chiropractic pursuant to Ind. Code § 25-22.5-1 *et. seq.*
3. The Board is empowered to hold disciplinary hearings pursuant to the authority of Ind. Code § 4-21.5-3 *et. seq.*

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 9333 North Meridian Street, Suite 110, Indianapolis, Indiana 46260 and he is a duly licensed medical doctor in the State of Indiana having been issued license numbers 01022328A and 01022328B.

2. On or about December 14, 2005, the Respondent vacated the premises of his office, located at 9333 North Meridian Street, Suite 110. The Respondent did not leave a forwarding address. Extensive investigation by the Petitioner initially failed to locate Respondent.

3. Respondent left the medical records of his patients behind. The Respondent informed Mike Stanley, property manager for Respondent's landlord, Landmark Properties, that his office manager, Lisa Cox, would retrieve the medical records.

4. Mike Stanley informed investigators that Lisa Cox did retrieve the medical records approximately two (2) weekends after the Respondent vacated the premises.

5. Mike Stanley informed investigators that approximately twenty-five (25) to thirty (30) of Respondent's patients had contacted Landmark Properties in an attempt to contact the Respondent. These patients were having issues obtaining their medical records.

6. Attempts to obtain medical records by contacting Lisa Cox, the Respondent's office manager, have failed in that the phone number listed for Lisa Cox has been disconnected.

7. Dr. James Dugan ("Dr. Dugan"), a practicing urologist in Peru, Indiana, was referred patients by the Respondent. Dr. Dugan placed business cards at the door of Respondent's abandoned practice.

8. Dr. Dugan began receiving a number of Respondent's former patients who needed treatment and did not have access to their medical records to verify prior testing, examinations and treatments. Patients were concerned that they had to undergo painful diagnostic procedures a second time because the results of their previous testing could not be obtained. Many patients had a delay in receiving their cancer treatments as a result of their inability to provide Dr. Dugan with their medical records.

9. The *Indianapolis Star* was contacted by investigators for the Petitioner to see if the Respondent had published the closure of his office. A search of records from October 2005 through January 2006 revealed no publication of notice of the Respondent's closure of practice.

10. A response was received from Respondent from Peru, Indiana. Respondent claimed that at the time he closed his practice, he was forced to rely heavily on office personnel to contact patients about his office closure and retrieving medical records. Respondent claims that a notice was to be placed in the *Indianapolis Star*, but that he could not confirm if this was done.

11. 844 IAC 5-2-4 requires that a physician not abandon his patients.

12. 844 IAC 5-2-16(b) requires that a physician, upon discontinuation of practice, notify patients in writing of his intent to discontinue his practice or by publishing notice of discontinuation of practice in a local newspaper for one day in three (3) consecutive weeks.

13. 844 IAC 4-4.5-19 requires that a practitioner keep the Board informed of his current address and any change of address. Respondent's address, as of this writing, is listed as the address for his abandoned practice on North Meridian Street.

14. 844 IAC 5-1-3 dictates that a practitioner be responsible for having knowledge of the standards of conduct and practice.

15. 844 IAC 5-2-12 requires that a practitioner be responsible for each and every person that is employed by the practitioner.

16. The Respondent has apparently relocated to Florida.

17. Respondent has informed a complaint analyst for the Petitioner that he is planning on moving to Maine. However, his last written correspondence was sent from Peru, Indiana.

COUNT I

18. Averments 1 through 17 are repeated and incorporated herein by reference.

19. Respondent conduct is a violation of Ind. Code § 25-1-9-4(a)(4)(B) in Respondent has failed to keep abreast of current professional theory and practice by violating 844 IAC 5-2-4.

20. Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9 and Ind. Code § 25-23-1-7.

COUNT II

21. Averments 1 through 20 are repeated and incorporated herein by reference.

22. Respondent conduct is a violation of Ind. Code § 25-1-9-4(a)(4)(B) in Respondent has failed to keep abreast of current professional theory and practice by violating 844 IAC 5-2-16(b).

23. Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9 and Ind. Code § 25-23-1-7.

COUNT III

24. Averments 1 through 23 are repeated and incorporated herein by reference.

25. Respondent conduct is a violation of Ind. Code § 25-1-9-4(a)(4)(B) in Respondent has failed to keep abreast of current professional theory and practice by violating 844 IAC 4-4.5-19.

26. Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9 and Ind. Code § 25-23-1-7.

COUNT IV

27. Averments 1 through 26 are repeated and incorporated herein by reference.

28. Respondent conduct is a violation of Ind. Code § 25-1-9-4(a)(4)(B) in Respondent has failed to keep abreast of current professional theory and practice by violating 844 IAC 5-1-3.

29. Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9 and Ind. Code § 25-23-1-7.

COUNT V

30. Averments 1 through 29 are repeated and incorporated herein by reference.

31. Respondent conduct is a violation of Ind. Code § 25-1-9-4(a)(4)(B) in Respondent has failed to keep abreast of current professional theory and practice by violating 844 IAC 5-2-12.

32. Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9 and Ind. Code § 25-23-1-7.

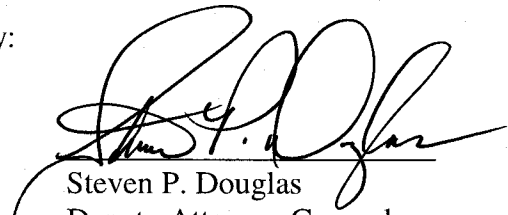
WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this cause of action; and
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Steve Carter,
Attorney General of Indiana

By:

A handwritten signature in black ink, appearing to read "Steven P. Douglas", written over a horizontal line.

Steven P. Douglas
Deputy Attorney General
Indiana Atty. No. 24154-53

CERIFICATE OF SERVICE

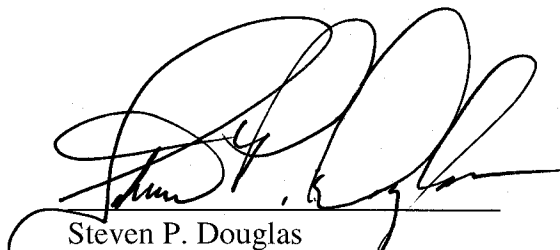
I hereby certify that a copy of the "Complaint" has been duly served via United States Mail, First Class, postage prepaid, on this 16th day of August, 2006, to the Respondent:

Ronald L. Sagalowsky
9333 N. Meridian Street, Suite 110
Indianapolis, IN 46260

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Peru Medical Center
68 East 3rd Street
Peru, IN 46970

Ronald L. Sagalowsky
12451 Villagio Way
Fort Myers, FL 33912

Ronald L. Sagalowsky
9722 Seaside Drive
Indianapolis, IN 46280



Steven P. Douglas
Deputy Attorney General

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