

STATE OF INDIANA,

Petitioner,

v.

WILLIAM F. STEWART, M.D.,
License No. 01034002,

Respondent.

FILED

MAY 1 1990

HEALTH PROFESSIONS
BUREAU

AMENDED COMPLAINT

STATEMENT OF JURISDICTION

The Attorney General of Indiana has jurisdiction to bring disciplinary complaints in the name of the State of Indiana pursuant to the authority of IC 25-1-7 et seq.

The above referenced Board is charged with the duty and responsibility of regulating the profession in question and has jurisdiction to hold disciplinary hearings pursuant to the authority of its substantive law found in Indiana Code Title 25 and IC 4-21.5-3 et seq.

Petitioner, State of Indiana, by counsel, Linley E. Pearson, Attorney General of Indiana and Stephen C. McNutt, Deputy Attorney General, for its complaint against William F. Stewart, M.D. (hereinafter "Respondent") alleges as follows:

COUNT I

1. Respondent, who resides at Route 4, Box 8B, Mount Vernon, Kentucky, 40456, is a duly licensed physician in the State of Indiana holding Indiana medical license no. 01034002.

2. At all times material to this complaint, Respondent is a duly licensed physician in the Commonwealth of Kentucky holding Kentucky medical license number 24257.

3. On or about April 29, 1989, Respondent was involved in an incident at Rockcastle County Hospital which caused the Commonwealth of Kentucky, State Board of Medical Licensure to find probable cause indicating that Respondent may be suf-

fering from a physical or mental condition that might impede Respondent's ability to practice medicine competently.

4. Respondent was administering scheduled drugs to himself without a valid medical reason.

5. On or about June 22, 1989, the Commonwealth of Kentucky, State Board of Medical Licensure ordered Respondent to submit to a neuro-psychological evaluation on July 19, 1989, and a psychiatric evaluation on August 15, 1989.

6. The Commonwealth of Kentucky, State Board of Medical Licensure found that Respondent presented a danger to patients or to the public due to a physical or mental disability in violation of Ky. Rev. Stat. § 311.595(7) (1980) to wit:

§311.595. Causes for denial, probation, suspension a revocation of licenses and permits. . . .

(7) Developed such physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public. . . .

7. On or about August 21, 1989, Respondent entered into an Agreed Order with the Commonwealth of Kentucky, State Board of Medical Licensure.

8. The Agreed Order placed Respondent's license to practice medicine in the Commonwealth of Kentucky on probation for a period of three (3) years subject to the following terms and conditions:

a. Respondent shall be closely monitored by Board investigators as to his prescribing of controlled substances;

b. Respondent shall not prescribe/dispense/order or otherwise utilize any controlled substance designated as II, IIN, III, IIIN, IV and V to himself. However, this shall not prevent a licensed Kentucky physician (other than himself) from prescribing medications to Respondent for legitimate medical problems;

c. During the period of probation, Respondent agrees to submit to random urine screens upon demand by the Kentucky Board of Medical Licensure or its duly authorized agents and he

shall bear the cost of said testing; and

d. Respondent shall not violate any provisions of the Kentucky Medical Practice Act (Ky. Rev. Stat. § 311. 530 (1986) et seq.).

9. Attached hereto and incorporated herein by reference as Exhibit "A" are true and accurate copies of certified copies of the Order and Agreed Order filed by the Commonwealth of Kentucky, State Board of Medical Licensure placing Respondent's medical license on probation for three (3) years.

10. If the adjudicated facts occurred in the State of Indiana, the conduct would constitute continuing to practice although the practitioner has become unfit to practice due to physical or mental disability in violation of IC 25-1-9-4(a)(4)(C); addiction to, abuse of, or severe dependency upon alcohol, or other drugs that endanger the public by impairing a practitioner's ability to practice safely in violation of IC 25-1-9-4(a)(4)(D); a practitioner has diverted a legend drug (as defined in IC 16-6-8-2); and a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to habitue or addict in violation of IC 25-1-9-4(a)(9).

11. The action of the Commonwealth of Kentucky, State Board of Medical Licensure constitutes disciplinary action taken against the practitioner or the practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter in violation of IC 25-1-9-4(a)(7).

WHEREFORE, Petitioner demands an order against Respondent, William F. Stewart, M.D., that:

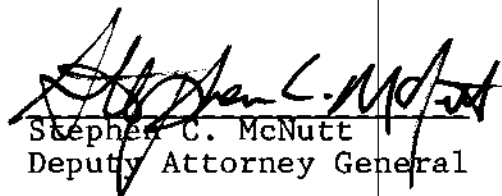
1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case;

3. Provides such further relief as the Board deems just and proper in he premises.

Respectfully submitted,

LINLEY E. PEARSON
Attorney General of Indiana

By:


Stephen C. McNutt
Deputy Attorney General

Office of Attorney General
219 State House
Indianapolis, IN 46204
Telephone: (317) 232-0167
SCM/KB/dcm:8230S