

BEFORE THE MEDICAL LICENSING BOARD OF INDIANA
CAUSE NO. 2015 MLB 0024

IN THE MATTER OF THE LICENSE OF)
)
STEPHEN R. PFEIFER, M.D.)
)
LICENSE NO: 01036874A (Active))



AMENDED ADMINISTRATIVE COMPLAINT

This complaint is brought against the medical license of Stephen R. Pfeifer, M.D. (“Respondent”), by the State of Indiana, by counsel, Deputy Attorney General, N. Renee Gallagher, on behalf of the Office of the Attorney General (“Petitioner”) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code art. 25-22.5, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3 and Ind. Code ch. 25-1-9, and in support alleges and states:

FACTS

1. Respondent is a licensed medical doctor in the State of Indiana having been issued license number 01036874A on or about July 1, 1988. Respondent’s Indiana license status is currently active.
2. Respondent’s address on file with the Indiana Professional Licensing Agency (“IPLA”) is Integrative Wellness Centers, 10967 Allisonville Road, Fishers, Indiana, 46038.
3. A diversion investigator with the Drug Enforcement Agency (“DEA”) met with Respondent on or about February 3, 2014.
4. During the interview with DEA, the Respondent admitted that, prior to spring of 2013, the Respondent was a previous part owner of Housecalls Medical Solutions (“Housecalls”)

where he did not make calls or deal directly with patients and Housecalls was where a nurse practitioner, Jeanne Clark ("Clark"), was also employed.

5. In October of 2012, one patient, E.D., filled several prescriptions for Morphine prescribed under Respondent's DEA registration number. During the February 2014 interview with DEA, Respondent admitted that he did not treat E.D. as a patient.

6. During this time period, prior to spring of 2013, Respondent admitted to giving the nurse practitioner, Clark, permission to use his DEA registration number to issue prescriptions for controlled substances. Respondent also admitted to pre-signing prescriptions blanks for others to use at Housecalls for the purpose of prescribing controlled substances to patients when the Respondent was not present at Housecalls.

7. In spring of 2013, Ms. Clark left her employment with Housecalls and started a home health service business.

8. Also, in the spring of 2013, Respondent agreed to become Ms. Clark's collaborating physician of record with IPIA and signed a collaborative agreement ("Agreement") with Ms. Clark.

9. During and following the spring of 2013, Respondent did not file the Agreement with Ms. Clark with the State of Indiana.

10. During his February 2014 interview with DEA, Respondent admitted that he was not familiar with the requirements of the Agreement he entered with Ms. Clark and admitted to allowing Ms. Clark to use his DEA registration to prescribe controlled substances for patients the Respondent did not examine or treat.

11. During the February 2014 interview with DEA, Respondent admitted to being the collaborator for at least 20-30 practitioners over the previous years.

12. Respondent authorized Ms. Clark's patient, C.Y., to be prescribed large quantities of hydrocodone for an extended period of time under Respondent's DEA registration number. In February of 2014, during his interview with the DEA, Respondent denied knowing or treating C.Y.

13. Ms. Clark's license was on probation and she was without DEA prescribing privileges during the time of the Agreement. Respondent, Ms. Clark's collaborator, did not know of Ms. Clark's disciplinary history or the terms of the probation order issued by the Indiana Board of Nursing.

14. In 2014 and 2015, Respondent wrote prescriptions for controlled substances for his personal use and for his family members without maintaining an adequate patient record for himself or any of his family members.

15. In or around September 2015, Respondent entered a program in Florida, at the Florida Recovery Center, pursuant to an agreement with the Indiana State Medical Association ("ISMA") for treatment of severe alcohol use.

16. In or around January 2016, Respondent signed a five (5) year contract with ISMA and experienced a relapse within weeks after signing his contract with ISMA.

COUNT I

17. Paragraphs one (1) through sixteen (16) are incorporated by reference herein.

18. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice even though he has become unfit to practice due to failure to keep abreast of current professional theory or practice as demonstrated by, which includes but is not limited to, Respondent allowing a nurse practitioner to use his DEA registration number to prescribe medications which included controlled

substances; Respondent failing to properly supervise the nurse practitioner as a collaborative physician; and, Respondent pre-signing prescription blanks for use by others.

COUNT II

19. Paragraphs one (1) through sixteen (16) are incorporated by reference herein.

20. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated a state statute or rule regulating the medical profession, or federal statute or regulation, regulating the profession in question. Respondent violated Title 21 USC §1306 as demonstrated by, which includes but is not limited to, Respondent allowing a nurse practitioner to use his DEA registration number to prescribe controlled substances, for patients the Respondent did not examine or evaluate on at least two occasions with patients E.D. and C.Y.

COUNT III

21. Paragraphs one (1) through sixteen (16) are incorporated by reference herein.

22. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated a state statute or rule regulating the medical profession. Respondent violated 844 IAC 5-2-5, which states "a practitioner shall exercise reasonable care and diligence in the treatment of patients based upon generally accepted scientific principles, methods, treatments, and current professional theory or practice," as demonstrated by, which includes but is not limited to, Respondent failed to keep adequate medical records and, in some cases, any medical records for family members to whom he was prescribing controlled substances.

COUNT IV

23. Paragraphs one (1) through sixteen (16) are incorporated by reference herein.

24. Respondent's conduct as described above constitutes a violation of Ind. Code §25-1-9-(4)(D), in that, the Respondent has continued to practice although the Respondent has become unfit to practice due to an addiction and/or abuse of or severe dependency upon alcohol that endangers the public by impairing a practitioner's ability to practice safely as the Respondent was treated for alcohol abuse and/or dependency.

COUNT V

25. Paragraphs one (1) through sixteen (16) are incorporated by reference herein.

26. Respondent's conduct as described above constitutes a violation of Ind. Code § 15-1-9-4(a)(6) in that Respondent allowed his name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence as demonstrated by, which includes but is not limited to, Respondent allowing a nurse practitioner to use his DEA registration number to prescribe medications which included controlled substances.

WHEREFORE, Petitioner demands an order against the Respondent, that:

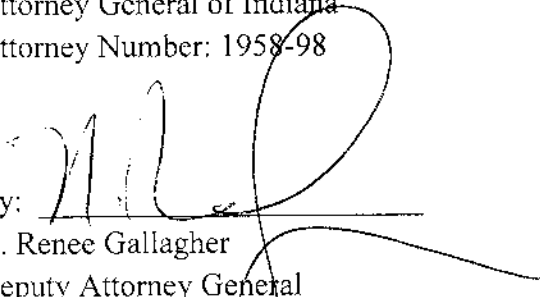
1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case;
3. Directs Respondent to pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund pursuant to Ind.

Code § 4-6-14-10(b); and

4. Provide any other relief the Board deems just and proper.

Respectfully submitted,

GREGORY F. ZOELLER
Attorney General of Indiana
Attorney Number: 1958-98

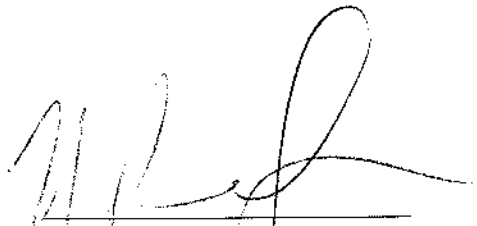
By: 
N. Renee Gallagher
Deputy Attorney General
Attorney No. 22590-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 7th day of April, 2016.

Mark K. Sullivan
MARK K. SULLIVAN AND ASSOCIATES, INC.
9959 Crosspoint Blvd.
Indianapolis, IN 46256
Attorney for the Respondent

Dr. Stephen R. Pfeifer
Integrative Wellness Centers
10967 Allisonville Road
Fishers, Indiana, 46038



N. Renee Gallagher
Deputy Attorney General
Attorney No. 22590-49

Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Phone: (317) 234-7114
Fax: (317) 233-4393
renee.gallagher@atg.in.gov