

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))



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, Stephanie E. Sluss, 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 is Health & Wellness of Carmel, LLC, 11900 N. Pennsylvania St., Ste. 200, Carmel, IN 46032.
3. Respondent was once part owner of Housecalls Medical Solutions ("Housecalls") at the time that nurse practitioner, Jeanne Clark, was employed with the same company.

4. At his time with Housecalls, Respondent pre-signed prescriptions blanks that were used to prescribe controlled substances by others.

5. In October of 2012, E.D., filled several prescriptions for Morphine prescribed under Respondent's DEA registration number. Respondent identified his signature on the prescription but denied treating that individual.

6. Around the spring of 2013, Ms. Clark left Housecalls to start her own home health service business.

7. In the spring of 2013, Respondent became Ms. Clark's collaborative physician of record and signed a collaborative agreement ("Agreement") with Ms. Clark.

8. Respondent did not file the Agreement with the State of Indiana.

9. On or about February 3, 2014, Respondent met with DEA officials for an interview, and Respondent reported not being familiar with the requirements laid out in the Agreement.

10. Ms. Clark's license was on probation during the time of the Agreement, but Respondent failed to become familiar with information regarding her disciplinary history or her probation order, even though he was aware that Ms. Clark was on probation at a recent point in time.

11. Respondent only met with Ms. Clark approximately every eight (8) weeks to review charts that Ms. Clark brought to their meetings. Respondent did not have independent access to her records.

12. Respondent allowed Ms. Clark to use his DEA registration number to prescribe controlled substances to her patients. Respondent was not involved in the treatment of those patients.

13. According to 848 IAC 5-1-8(d) states, "Advanced practical nurses [which includes nurse practitioners] wishing to prescribe controlled substances must obtain an Indiana controlled substances registration and a federal Drug Enforcement Administration registration."

14. In February of 2014, Ms. Clark had applied for a DEA registration but did not have the registration.

15. 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.

COUNT I

16. Paragraphs one (1) through fifteen (15) are incorporated by reference herein.

17. 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

18. Paragraphs one (1) through fifteen (15) are incorporated by reference herein.

19. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(A) in that Respondent has continued to practice although he has become unfit to practice due to professional incompetence 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 III

20. Paragraphs one (1) through fifteen (15) are incorporated by reference herein.

21. 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 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 IV

22. Paragraphs one (1) through fifteen (15) are incorporated by reference herein.

23. 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 medications which included controlled substances, for patients he did not treat.

COUNT V

24. Paragraphs one (1) through fifteen (15) are incorporated by reference herein.

25. 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, and Respondent pre-signing prescription blanks for use by others.

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

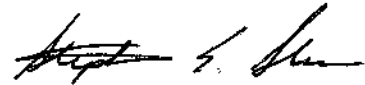
By: 

Stephanie E. Sluss
Deputy Attorney General
Attorney No. 26920-49

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 11th day of August, 2015.

Dr. Stephen R. Pfeifer
Health & Wellness of Carmel, LLC
11900 N. Pennsylvania St., Ste. 200
Carmel, IN 46032



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