

STATE OF MICHIGAN

DEPARTMENT OF COMMERCE

BUREAU OF OCCUPATIONAL AND PROFESSIONAL REGULATION

OFFICE OF LEGAL SERVICES - HEARINGS DIVISION

In the matter of
ROBERT L. ALEXANDER, M.D.

Docket No. 94-0256

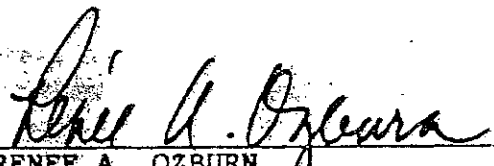
Complaint No. 43-86-0330-71

Issued and entered
this 12th day of April 1996
by Renee A. Ozburn
Administrative Law Judge

ORDER TRANSMITTING TRANSCRIPT
TO THE BOARD OF MEDICINE

On March 21, 1996, a hearing was held in this matter to make a record of additional exhibits and testimony to be transmitted as the rehearing record for the Board of Medicine's reconsideration of its Order Denying Reinstatement. Pursuant to Section 81 of the Administrative Procedures Act, the parties have agreed to bypass the Proposal for Decision in favor of having the full record transmitted directly to the Board.

Therefore, the transcript of testimony taken and exhibits admitted on March 21, 1996, is hereby transmitted to the Board.


RENEE A. OZBURN
ADMINISTRATIVE LAW JUDGE

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STATE OF MICHIGAN
DEPARTMENT OF COMMERCE

HEALTH SERVICES
Complaint and Allegation Division

1 STATE OF MICHIGAN
2 DEPARTMENT OF COMMERCE
3 BUREAU OF OCCUPATIONAL & PROFESSIONAL REGISTRATION
4 OFFICE OF LEGAL SERVICES

5 In the Matter of

Docket # 94-0256

Comp. # 43-86-0330-71

6 ROBERT L. ALEXANDER, M.D.

7
8 Proceedings held on March 21, 1996 at the Offices
9 of the Department of Commerce, Bureau of Occupational &
10 Professional Regulation, 611 West Ottawa Street, Ottawa
11 Building, Second Floor, Lansing, Michigan, before
12 RENEE OZBURN, Administrative Law Judge.

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APR 04 1996

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WITNESSES: PAGE

ROBERT L. ALEXANDER, M.D.

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PETITIONER'S EXHIBITS ADMITTED

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1 March 21, 1996
2 Lansing, Michigan
3 9:30 a.m.
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5

6 JUDGE OZBURN: This is scheduled as a
7 reconsideration/rehearing in the matter of the petition
8 for reinstatement of the medical license of Doctor
9 Robert Alexander. Giving a brief history for the
10 record, Doctor Alexander's license was initially revoked
11 by the Board of Medicine on August 3 of 1990. That
12 revocation order was appealed, it was remanded, and the
13 Board issued a superseding Final Order which affirmed
14 the revocation and levied a fine dated August 21st,
15 1992, and there was a second appeal which was also
16 remanded. There was an Amended Final Order which again
17 reaffirmed the revocation and fine dated March 9, 1994.

18 The applicant then petitioned for
19 reinstatement. The Board ordered a mental examination
20 and then after a hearing, a Proposal for Decision, there
21 was a Final Order Denying Reinstatement dated
22 September 29, 1995.

23 There was a Petition for Reconsideration
24 and Rehearing dated October 24, 1995, and the Board
25 issued a Final Order Granting a Reconsideration

1 Rehearing on December 13, 1995, which brings us to
2 today's hearing, basically.

3 Kai get some appearances for the record?

4 MR. HOFFMAN: Good morning, my name is
5 Max Hoffman, on behalf of the Petitioner, Doctor Robert
6 Alexander, who is present in the hearing room.

7 MS. DURK: Sanna Durk, Assistant Attorney
8 General on behalf of the State.

9 JUDGE OZBURN: The record should reflect
10 that prior to going on the record, I met with both
11 attorneys and they have stipulated to handling this
12 matter in such a way that and in accordance with the
13 provisions of the Administrative Procedures Act, after a
14 record is made today, we'll be bypassing the Proposal
15 for Decision and transmitting the record made today
16 directly to the Board. That's a brief summary of what
17 we discussed. I'm going to let Mr. Hoffman fill in any
18 blanks with regard to how we're going to proceed today.

19 MR. HOFFMAN: Thank you.

20 Judge Ozburn, we've discussed this matter
21 earlier. We are convened today to conduct a rehearing
22 on the Board's Order, I believe, of December 13, 1995,
23 allowing rehearing and reconsideration of an order
24 denying reinstatement.

25 What we would like to do with your

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permission is present exhibits which Ms. Durk and I have reviewed and will stipulate into the records and we would like to offer Doctor Alexander for further testimony to allow cross-examination by Ms. Durk and we would and I do on behalf of Doctor Alexander waive the normal obligation for a Proposal for Decision.

It's my advice to Doctor Alexander, and he agrees with me, that we would like this record, the additional exhibits and his additional testimony to be transmitted as the rehearing record for the board's reconsideration of its order denying reinstatement and we believe that his interests are best served by the most expeditious return of this record to the board for its earliest consideration.

I would ask one clarification on the record so the record is complete, on March 6, 1996, the Michigan Board of Medicine issued a Final Order on Remand from the Ingham County Circuit Court and in that order, they have reaffirmed their previous order of revocation and fine and the only clarification I would need, and I don't think it's a major issue, I think the Board may have erred only technically.

The order appears to be a prospective order of revocation. It is in fact, an affirmance of a 1990 order of revocation and, therefore, this

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reconsideration is proper.

JUDGE OZBURN: This was just issued this month?

MR. HOFFMAN: Yes.

JUDGE OZBURN: What is it entitled?

MR. HOFFMAN: It's entitled Final Order on Remand from Ingham County Circuit Court Order of November 28, 1995. This order issued March 6, 1996.

In your introduction, you properly noted that all this originated from an Order of Revocation from 1990. That order was twice appealed to the Ingham County Circuit Court and on both occasions, has resulted in remand orders to the Board for further proceedings by the board.

This order issued March 6 is the board's response to the Ingham County Circuit Court's Order of Remand, second order of remand, issued November 28, 1995 out of the Ingham County Circuit Court.

The Board has had before it concerning Doctor Alexander, both the requirement that they explained to the Circuit Court their original order of revocation in 1990 and at the same time, they have been dealing with Doctor Alexander's Petition for Reinstatement. The only lack of clarity is in the

1 Board's Order. It appears to be made in the same form
2 of all their orders and that's a standard order of
3 revocation which would, of course, preclude as untimely,
4 any effort of reinstatement. The Board forgot to make
5 its order retrospective to indicate that on remand from
6 the Ingham County Circuit Court while they affirmed
7 their earlier order of revocation...

8 JUDGE OZBURN: That's the order that has
9 the explanations in it?

10 MR. HOFFMAN: Yes, that order should have
11 reflected they were reaffirming their 1990 order of
12 revocation.

13 JUDGE OZBURN: So that's some kind of an
14 amendment.

15 MR. HOFFMAN: Judge Giddings said look, I
16 don't know why you did this...

17 JUDGE OZBURN: Right, I saw that, that's
18 just amending something that happened before they
19 granted the reconsideration rehearing.

20 MR. HOFFMAN: There you go, and I wanted
21 to make sure the parties were in agreement that that was
22 solved.

23 With that, I would like to indicate that
24 I'll be offering Applicant's Exhibit A which is composed
25 of 26 sub-exhibits which I'll describe on the record and

1 I would then propose that Doctor Alexander be placed on
2 the witness stand for further testimony. At that point,
3 we'll stipulate to waive Proposal for Decision and ask
4 that the record be transmitted to the Board as quickly
5 as possible for reconsideration.

6 JUDGE OZBURN: Do you want to make any
7 opening remarks?

8 MS. DURK: No I don't.

9 JUDGE OZBURN: And you stipulated to
10 Exhibit A?

11 MS. DURK: Yes, I would like to as we go
12 through the list, I would like to place my comments in
13 terms of the weight of the exhibits.

14 JUDGE OZBURN: Mr. Hoffman, if you would
15 like to present. . .

16 MS. DURK: We can do that one at a time.

17 MR. HOFFMAN: How would you like to do
18 that?

19 Let me indicate for the record what the
20 exhibits are. Exhibit A-1 is a letter from Doctor
21 George Shade, dated February 19, 1996. A-2 is Doctor
22 Alexander's factual statement.

23 JUDGE OZBURN: Were you going to address
24 them each one?

25 MS. DURK: We can list them and I'll go

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through it.

MR. HOFFMAN: Exhibit 3, deposition transcript of Robert Ezelle, 4-15-92, I'll submit an index.

Exhibit 4 is the letter from Robert Ezelle dated 8-18-95.

Exhibit Five, the testimony of Doctor Reverend Donald Jansma, 5-6-92.

Exhibit A-6 is a letter from Reverend Frank Lyman, United Methodist Minister.

Exhibit 7 letter from Carole Lyman, United Methodist Minister.

Exhibit 8 is a letter from Carl Hill, Elementary School Principal.

Exhibit 9, letter from Father James O'Leary, Catholic Priest.

Exhibit 10 is a letter from Mr. Satoko Robert, Kalamazoo College, Director of Talent Education.

Exhibit A-11 is a letter from Mr. Allen Tans, CPA.

Exhibit 12 is a letter from Ms. Marjorie Bultema, Elementary School Teacher.

Exhibit 13, letter from Mr. and Mrs. Christopher Richardson, friends and neighbors.

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Fourteen, letter from Kimber Glenn,
friend and neighbor.

Exhibit 15, a letter from Lillian and
Chet Ryba, family friends.

Sixteen is a letter from Mr. and Mrs.
Steven Diebold, friends.

Exhibit 17 is continuing medical
education credits, six hours at Michigan State
University, Kalamazoo Center for Medical Studies.

Exhibit 18 is five hours, category one
Michigan State University.

Exhibit 19 is completion of a
confidential performance report for the American College
of obstetricians and gynecologists Self-Assessment
Program.

Exhibit Twenty is thirteen hours of
category one, continuing education at Butterworth
Hospital.

Exhibit 21 is the deposition transcript
of Joseph Daniels, M.D. taken April 15, 1992.

Exhibit 22, deposition transcript of
Joseph Daniels, M.D. taken September 20, 1994.

Exhibit 23 is a letter from Doctor
Daniels dated December 12, 1994.

Exhibit 24 is a letter from Doctor

1 Daniels dated August 17, 1995.

2 Exhibit 25 is the deposition transcript
3 of Thomas L. Haynes M.D., April 15, 1992, and Exhibit 26
4 is a list prepared by the Petitioner of volunteer
5 activities.

6 We would ask that the documents be
7 received into evidence by stipulation.

8 JUDGE OZBURN: Ms. Durk, would you like
9 to address?

10 MS. DURK: Yes, I would briefly like to
11 comment.

12 Exhibit 1, the letter by Doctor Shade, I
13 would like to state that for all the letters of support
14 regardless of the date, there is no opportunity for
15 cross-examination. I would like to have the Board
16 consider that in terms of the weight.

17 On Exhibit Three, I'd like to point out
18 that Exhibit Three is a deposition of Robert Ezelle,
19 that goes back to 1992.

20 The update in Exhibit 4 brings it up to
21 date to August of 1995, and in the update which is
22 Exhibit 4, there is still no indication on
23 Mr. Ezelle's part that he actually was apprised by
24 Doctor Alexander what the conviction consisted of.

25 Exhibit 5, again, Exhibit 5 goes back to

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1992 and is already part of the record. The letters in Exhibit 7, 8, 9, the same issue in terms of date as well as lack of cross-examination.

Exhibit 9 specifically, again has wording in the letter in terms of Doctor Alexander having made mistakes in the past, due to inexperience and poor judgment. Again, does not show the Board whether these people actually knew what the conduct was that led to the conviction. In fact, some of these letters specifically state that these affiants have known Doctor Alexander for 14 or 15 years and do not indicate that in their opinion good moral character all the way through and do not address the issue of the conviction itself. The same comments go for Exhibit 11, 12, 13, 14, 15, 16.

The Exhibits 17 through 20 deal with continuing education. I would like to point the board's attention to the fact that Exhibit 17 is April, 1995, 18 is May of 1995, 19 is May of 1994 and the list of continuing medical education under number 20 only updates the continuing education through February of 1995 more than a year having elapsed without a record of any further continuing education.

Exhibit 21 again is already part of this record being a 1992 deposition.

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Exhibit 22 then is the 1994 update of that which is also part of the record already.

Exhibit 23 is the 1994 update and Exhibit 24 is the August, 1995 update by Doctor Daniels.

Exhibit 25, the testimony of Doctor Haynes was made part of the record in the mitigation hearing in 1992, was again made part of the regular reinstatement hearing. There is no update at all after 1992. That's all the comments I have.

JUDGE OZBURN: Comments are then made part of the record and by stipulation, Exhibit A is admitted into the record.

Anything further preliminarily Mr. Hoffman?

MR. HOFFMAN: No. In fairness, the one point I would like to correct and Ms. Durk is entitled to her view, but with regard to Exhibit A-4 the letter from Doctor Ezelle in his awareness of the underlying facts of conviction that Doctor Alexander suffered, if you look at the second paragraph, Robert Ezelle Director of the Boys and Girls Club, writes in this letter that at the time of my initial interview with Doctor Alexander, we discussed his conviction and these facts were confirmed for me at the time by Ms. Scrutchions, his probation officer.

1 So I'm a little confused at the
2 government's comments, but I would like the record to
3 reflect what the letter actually says.

4 I would like to call Doctor Alexander to
5 the stand.

6 JUDGE OZBURN: Would you raise your
7 hand? Do you solemnly swear or affirm that the
8 testimony you're about to give in this matter will be
9 the truth?

10 A Yes, Ma'am.

11 ROBERT L. ALEXANDER, M.D.

12 MR. HOFFMAN: By stipulation, I defer to
13 Ms. Durk, and I assume she'll proceed with her
14 questioning.

15 JUDGE OZBURN: Thank you.

16 MS. DURK: Good morning, Doctor
17 Alexander.

18 A Good morning, Ms. Durk.

19 Q At this time I would like to direct your attention back
20 to your conviction in 1988. Do you remember that time?

21 A Yes.

22 Q And it's true that you were found guilty by a jury of
23 knowingly, intentionally and unlawfully distributing
24 controlled substances?

25 A Yes.

1 Q During your jury trial, in your testimony, you had to
2 maintain that your care that you provided to patients
3 was within the standard of care. Do you remember that?

4 A Yes I do.

5 Q Can you in your own words, describe now what your
6 present view is of the activity that led to the
7 conviction?

8 A Yes.

9 Q Would you please do that?

10 A I'd like to say that I'm very remorseful. I'm sorry for
11 what has happened and I feel I have been rehabilitated.
12 A view of what happened in 1991, I received my medical
13 license. At that time, I went to work briefly at--1981,
14 yes briefly in 1982, at a Azuree Clinic. I worked there
15 two or three days, I quit and I went to work at a clinic
16 called Kai Clinic in 1982, like 14 years ago.

17 Initially, when I went there to work, I
18 started seeing patients. The owner told me then, Doctor
19 Alexander you have to move faster or we don't need you.
20 So what ended up happening after awhile, I started
21 essentially going in seeing patients, the owners would
22 bring charts to me. I would put charts on the left.
23 These charts had information on it, history, brief
24 physical and also prescriptions that need to be renewed
25 or wrote. I would take the chart from the left, rewrite

1 the prescriptions that needed rewritten, put it on the
2 right. Take another chart, sit down, re-write the
3 prescription, put it on the right, of prescriptions and
4 if there was patients to be seen, I would go out and see
5 patients come back in. If there was more charts there,
6 I take them from the left, sit down, open them up, see
7 what needs to be written, put them on the right.

8 The nurse or whatever was the
9 receptionist or nurse owner, would come in, take charts
10 from the right, take them back out and that's the
11 activities that was going on there. It was wrong. I
12 did wrong, I broke the law. It was illegal for me to do
13 this. I'm guilty. I'm sorry. I would not do it
14 again. I have paid my dues. I have suffered. My
15 family suffered. There is no excuse for what I did. It
16 was wrong. And I would never do it again.

17 Q Did you know what specific controlled substances you
18 wrote the prescriptions for?

19 A They were number two, number three, some number four
20 prescriptions. I think I wrote a few antibiotics as
21 well.

22 Q You wrote prescriptions without seeing the patients?

23 A Yes, Ma'am, that's exactly true.

24 Q At the time in 1988, you still maintained that this was
25 whatever you did was within the standard of care?

1 A That's true, without a doubt, you're right.

2 Q Did you at that time, think it was all right to write
3 prescriptions without seeing patients?

4 A I tried to rationalize, Ms. Durk, doing what I did, by
5 looking at the chart, looking at the history and
6 physical, I tried to rationalize it. It was wrong. I
7 did wrong and I shouldn't have did it and I'm guilty.

8 Q When you spoke about these facts that led to your
9 conviction, when you spoke with Doctor Somepalli in the
10 federal prison who did your psychiatric evaluation.
11 Do you remember telling him that you were just
12 inexperienced and used poor judgment and that you didn't
13 really commit a crime? Do you remember telling him
14 that?

15 A Mrs. Durk, I don't remember exactly what it was I told
16 him, but the condensed report the he sent to the judge
17 was gathered over like two or three months of me going
18 in talking with him and so forth and I never ever recall
19 exactly what he had sent to Judge Duggin or the report
20 itself. But I don't recall sitting down in one session
21 telling him I didn't do anything, I'm not guilty or
22 whatever. I don't recall saying that, but I do know for
23 a fact that during the time I saw Doctor Somepalli, I
24 was not considered stable. He had me on Lithium along
25 with Norvain (phonetic) and some Librium something of

1 this nature, not to excuse what I did wrong I don't know
2 exactly what Doctor Somepalli had said or how he
3 interpreted it, but I did wrong and I'm guilty of that.
4 Q When you say now that you did wrong, and you were guilty
5 of intentionally writing controlled substance
6 prescriptions illegally--let me rephrase that.

7 You have repeatedly on this record and
8 for the reinstatement purposes, stated that your
9 judgment was impaired because of your bipolar illness.
10 Do you remember that?

11 A Yes, Ma'am I do.

12 Q And that that led you to make judgments that were not
13 right. Do you remember saying that?

14 A Yes, Ma'am, I do.

15 Q And as you sit here today, you're saying that you
16 intentionally wrote prescriptions for controlled
17 substances, right?

18 A Yes, Ma'am.

19 Q In in the whole process of your criminal conviction, was
20 a very long one in terms of your appeals and so forth
21 which was concluded fairly recently. During all that
22 time, you still maintained that it was impaired judgment
23 that caused it, is that correct?

24 A Yes, Ma'am.

25 Q When did that change?

1 A That's a question which I have to sit and think a few
2 minutes because in my therapy with Dr. Daniels, over the
3 past five years along with my therapy with
4 Doctor Western and Dr. Somepalli, I had the opportunity
5 to gain insight and become more introspective on the
6 whole picture. I'm not saying the bipolar illness
7 caused me to do anything. I think being caught up in
8 the whole system and so forth, I did not use proper
9 judgments in the situation that was at hand. I feel
10 like that the decisions that led to the criminal
11 conviction, now realizing what's happened to me have
12 come over the last several years. That to realize that
13 things that I was wrong and guilty. Because I was still
14 admitting to holding fast to my thinking in 1988.

15 Q How long in your mind did you hang onto that?

16 A I'm trying to be straightforward and I would have to be
17 guessing if I would say some date. I cannot
18 straightforward with honesty say when.

19 Q But it was sometime after '92, right?

20 A I would have to say yes.

21 Q But you would have had that belief all the way through
22 your appeals, right?

23 A I would say yes.

24 Q Okay?

25 A I'm not sure if I answered that clearly.

1 Q Yes you have answered that clearly.

2 Now in 1990, when you began seeing Doctor
3 Daniels, do you recall making statements to him of the
4 nature that you didn't quite understand about your
5 conviction because your involvement in the weight loss
6 clinic was prior to the classification of the
7 amphetamines and it was appropriate at the time what you
8 did?

9 A I remember saying that.

10 Q So at the time in 1990, you still believed that what you
11 did was appropriate?

12 A I would rationalize it.

13 Q So you thought that was appropriate even though you
14 never saw any of those patients?

15 A I never saw any of the patients. I want to footnote
16 that by saying I read in the PDR someplace, some of the
17 owners told me, Doctor Alexander if a patient is coming
18 back for renewal or back for prescription and they have
19 already been seen before, it's okay to rewrite these
20 prescriptions. Which I did up to the point upon which
21 about 19 and a half days working there, I got
22 concerned. I saw people come in with guns and yelling
23 and I left there and never returned again.

24 I feel like over the past 14 years I have
25 matured a lot and I have learned a lot and I'll never do

1 what I did again. Also, I feel like doing what I did
2 was wrong, illegal and I broke the law.

3 Q So at this point, you do admit that these were
4 intentional, unlawful acts?

5 A They were intentional, overt, unlawful acts and I'm
6 guilty.

7 Q And you're saying today they were intentional on your
8 part at the time?

9 A They were intentional on my part at the time.

10 Q But until about a year ago, you didn't come to that
11 recognition, right?

12 A I want to be accurate, Ms. Durk, I don't know exactly
13 when it was to be exactly sure, I can't justify it was a
14 year, 2, 3, 4 years ago. I can't say without guessing,
15 but I have come to that conclusion. I broke the law, I
16 was wrong, I was guilty and I'm sorry, very remorseful.

17 Q At this point, in your as you said that you have gained
18 insight, you would agree with me that whether or not you
19 had the bipolar disease, it was an intentional act,
20 right?

21 A Yes, Ma'am, it was an intentional act. Excuse me, I
22 have a cold.

23 Q Your diagnosis of the bipolar disease, how—strike that.
24 Do you at this point feel that the
25 bipolar disease impairs your judgment?

1 A At this time, no.

2 Q Do you at this time consider yourself disabled?

3 A No, because Doctor Daniels has me on Lithium and I'm
4 taking four tablets a day. I'm seeing Doctor Daniels
5 once a month.

6 Q You do remember when you were here before testifying,
7 you said you were stable and you were on Lithium, but
8 you were still disabled and that's. . .

9 MR. HOFFMAN: I'd like a few minutes with
10 counsel if I could, please. Thank you, Judge.

11 (A brief recess was taken.)

12 MS. DURK: Do you still see Doctor
13 Daniels at this point?

14 A Once a month.

15 Q How long has that been going?

16 A Last year and a half.

17 Q Are you involved in any of the recovery programs through
18 Doctor Haynes at this point?

19 A It's not Dr. Haynes, it's Doctor Douglas McDonald.

20 Q How often are you involved with that?

21 A I speak with Dr. McDonald sometimes once or twice a
22 week, and I met with him on three different occasions
23 and the program at this point, financing my recovery
24 through a grant and a loan to help with the recovering
25 process.

1 Q Do you go to any of the group meetings or anything like
2 that?

3 A No Ma'am, I do not. I meet with Doctor Daniels and
4 that's it, but however the Board sees fit to grant me a
5 license, I'll fully cooperate and participate through
6 the program the PRN program in order to justify me going
7 back into practice.

8 Q I have one more question. Can you in your own words,
9 describe how you came to the--how the change in your
10 perception occurred when for many years after your
11 conviction, you maintained that these were not
12 intentional prescription writing for non-medical
13 purposes to the recognition now that it was?

14 A Ms. Durk, I think 14 years ago in 1982, when I went to
15 work at the weight loss clinic, my wife was pregnant and
16 I needed money. I wasn't in charge of the clinic. I
17 didn't own the clinic. I had no control of the clinic.
18 I went there and I needed money because I had student
19 loans and other loans and my wife had loans being in
20 school and so forth and I felt like I had read the PDR,
21 and saw what needed to be done and I saw it and
22 prescribed medication, but I realized through talking
23 with God, being a Christian, seeing my family, seeing
24 Doctor Daniels and other psychiatrists, Doctor
25 Somepalli, Dr. Westtrick (phonetic), all these

1 psychiatrists and being in charge of my higher power and
2 realizing I did wrong and I just admitted I did wrong
3 and the time sequence of this, I'm stretching my sole to
4 see what time and year date it was of my realization of
5 this, but I cannot come up with an exact date or year.

6 Q I'm not asking you for a date, I'm asking you for an
7 explanation, not the dates?

8 A An explanation. I think an explanation came through my
9 therapy with Doctor Daniels and realizing my value
10 system, how it changed when I lost everything and had to
11 go through bankruptcy and had the church help me out.
12 Only thing that matters is God and my family because I
13 don't have anything anymore.

14 So if it was not illegal, the government
15 would not be prosecuting me. If it wouldn't have been
16 illegal, the medical board would not have been on me so
17 hard. So it had to be illegal what I did because they
18 would not be going after me if it wasn't illegal.

19 However, sitting inside of that federal medical center
20 sitting inside of the prison and people saying you have
21 bipolar illness. This is what did that and try to
22 rationalize the effect on my illness, this can help you
23 get out or whatever by using that as a crutch when I
24 should not have.

25 I believe that through my maturity and my

1 understanding, it happened when I said hey, I'm going to
2 be truthful and honest and hopefully by being truthful
3 and honest will help me to move on at this point in the
4 recovery process, getting back on my feet again.

5 It's been a hard road, but I've matured
6 and I have learned from this mistake. I'm very
7 remorseful. I have been rehabilitated. I broke the law
8 and I'm guilty, but I see what happened and because I'm
9 a Christian now and because I got my moral bearing, good
10 moral character, this will never happen again.

11 Since that's happened, I have done a lot
12 to help myself as an individual as far as being a
13 Christian and a better person and help in the community,
14 Boys and Girls Club; volunteering as Scoutmaster and
15 soccer coach in the classroom and church, trying to
16 repay and then I think all the volunteer work I have
17 done in order to repay in order to justify myself, I say
18 hey, I have repaid this debt several times over. If I
19 didn't do anything why am I repaying it? I say hey, I
20 did it, I'm sorry and remorseful. Let's move on at this
21 point. Everybody knows me I come in contact with I tell
22 them I have served time. This is what I did. If they
23 don't accept me, fine, otherwise but most people
24 understand and move on from that point. So I say to
25 myself hey, that's it. I'm guilty. I'm going to move

1 on at this point and ask you, the Medical Board and the
2 Judge will help allow me to move on.

3 MS. DURK: No further questions.

4 JUDGE OZBURN: Mr. Hoffman.

5 CROSS-EXAMINATION

6 MR. HOFFMAN: Ms. Durk asked you about
7 your continuing maintenance of your Lithium therapy.
8 Did you have a Lithium drawn on March 15, 1996?

9 A Yes, sir.

10 Q What was that level?

11 A It was 1.4.

12 Q What is therapeutic for you?

13 A Therapeutic is between 1.9 to I think 1.3.

14 Q So this is within therapeutic level?

15 A Yes.

16 Q I'd like to go back a little bit if I can. Were you
17 paid for the work you did at Kai Clinic?

18 A Yes, sir, I was.

19 Q What was your rate of pay?

20 A Thirty-five dollars an hour.

21 Q You worked there 19 hours, that's about six hundred
22 dollars you got paid?

23 A Right.

24 Q Did you receive bonus checks from time to time?

25 A Yes, sir, I did.

1 Q What would be the amount of a typical bonus check?

2 A One-hundred fifty dollars.

3 Q How often did that happen in the 19 days you worked

4 there?

5 A About three times.

6 Q Would it be fair to say that your payment for your work

7 at the Kai Clinic was about a thousand dollars?

8 A Yes, sir.

9 Q Were you told what the bonuses were for?

10 A No I didn't.

11 Q You were not told?

12 A I was not told up front, however, afterwards, the owner

13 came to me and said Dr. Alexander, we saw ex-number of

14 patients today, you get a bonus. So I had no rhyme or

15 reason how many patients I had to see to get a bonus.

16 Q So the benefits you derived from this enterprise was

17 about one thousand dollars?

18 A Yes.

19 Q Doctor, you were not alone in the indictment at the Kai

20 Clinic, were you?

21 A No, sir.

22 Q There were other doctors?

23 A Yes, sir.

24 Q There were doctors who were not indicted, correct?

25 A Right.

1 Q Those doctors testified against you?

2 A Yes, sir.

3 Q The doctors who were indicted, there were three of
4 them. You and two others. Did the other doctors enter
5 a plea to the government's charges? Did they plea
6 bargain away their trials?

7 A Yes, sir.

8 Q Did they testify against you?

9 A Yes, sir.

10 Q There were two clinic owners, Ms. Perkins and Ms.
11 Norman, did they plea bargain their cases?

12 A Yes, sir.

13 Q And as a result of their plea bargains, did they testify.
14 against you?

15 A Yes, sir.

16 Q Doctor Alexander, when it came down to it, and you came
17 to trial, were you the only one left to go to trial?

18 A Yes, sir.

19 Q Do you know in terms of the sentencing handed out to the
20 other people, who had the longest sentence in this case?

21 A Yes.

22 Q Who was it?

23 A I received the longest sentence.

24 Q And the other people received plea bargain or sentence
25 reductions for their willingness to cooperate against

1 you?

2 A Yes, sir.

3 Q When you were in North Dakota in prison, was it
4 explained to you that you might have a way to beat this
5 rap?

6 A Yes.

7 Q What was the way it was explained?

8 A In North Dakota, once I was admitted with the history of
9 bipolar illness and manic depressive
10 bipolar illness, I saw several psychiatrists and at that
11 time I was transferred to a federal medical center in
12 Rochester. Saw Doctor WestRick, he said to me something
13 of the nature as a Doctor, you must have been in a manic
14 state of your illness in order to do something like this
15 here. You would not normally go in and do something,
16 from that point, information was gathered as to the
17 manic depressive bipolar illness and transferred to
18 Doctor Somepalli, came back to North Dakota from the
19 federal medical center in Rochester.

20 Q In 1982 when you went to work at the Kai Clinic and
21 signed controlled substance prescriptions for patients
22 you had not seen, you knew that was wrong?

23 A Yes, sir.

24 Q When you were in federal prison in North Dakota, you
25 were happy to hear someone might have handed you the

1 keys to the jail?

2 A Yes, sir.

3 Q If that key was called manic depressive, that was fine
4 with you?

5 A Yes, sir.

6 Q Do you have a feeling about whether or not you were
7 properly punished in this case? Did you deserve to be
8 punished for what you did?

9 A I feel like I do.

10 Q Do you have a feeling as to whether or not the amount of
11 punishment you received may have been unfair in light of
12 the other people who made deals?

13 A I think it was very, very unfair in light of the people
14 who made deals. My punishment was above and beyond
15 that.

16 Q In fact of the three doctors who became cooperative
17 government witnesses, do you know whether there was any
18 action against their licenses?

19 A I don't know.

20 Q When you came out of prison, did you still bear this
21 bitterness for what had happened to you?

22 A Oh, yes.

23 Q That more punishment than what you should have gotten
24 was received?

25 A Yes, sir.

1 Q Have you come to peace with this issue at last?

2 A I have.

3 Q Have you satisfied all the terms the government laid

4 upon you in terms of its probation?

5 A Yes, sir I paid the twenty-five thousand dollars fine

6 and served my probation and I'm off probation.

7 Q Doctor George Shade says that he is going to help you if

8 the board will let you, enter a residency program at

9 Wayne State University, is that what your intention is?

10 A Yes, sir.

11 Q Did you correspond as recent as February 19, with

12 Dr. Shade?

13 A Yes, sir.

14 Q Could you tell me exactly how you perceive this

15 re-training program to be?

16 A I perceive it as being a program upon which I will work

17 with Doctor Shade and I'll initially observe him seeing

18 patients in his office. During the course of time I

19 would examine patients and with his directorship I'll

20 present patients to him and we'll proceed from there and

21 see patients in the Ob Clinic and make diagnosis and

22 assessments over a course have time. Also I will work

23 with the PRN program with Doctor McDonald as well

24 because he has been a good force behind me the last

25 several years and establish a program with him of the

1 checking the Lithium level as well as checking with the
2 psychiatrist at the Riverview Hospital as well.

3 Q Do I know the program at Wayne State, is this as an
4 employee of the clinic?

5 A The way it was explained to me, it all depends on the
6 type of license the Board affords me. If they give me a
7 limited license then it would be part of Wayne State
8 University Training Program. If the Board affords me a
9 permanent license, then he would seek to get me staff
10 privileges being an employee of the hospital.

11 Q If I understand it correctly, what you're asking the
12 Board to consider is either a limited license for
13 retraining under which you would be contractually bound
14 to Wayne State University for a supervised training
15 period, is that correct?

16 A Yes, sir.

17 Q And that would be under the supervision of Doctor Shade
18 who would be willing to report to the Board of Medicine
19 your progress?

20 A Yes.

21 Q If the Board gave you a full license you would have
22 staff privileges at the clinic where you would be a
23 staff physician, but still under Doctor Shade's
24 supervision until he was satisfied that your skill and
25 ability was sufficient for full medical practice?

1 A Yes, and also, Mr. Hoffman, that would be very good
2 because I would be able to join the Michigan State
3 Medical society and I would be able to join the county
4 medical society and get health insurance benefits and
5 malpractice insurance as well, but I would be under
6 Doctor Shade's authority.
7 Q Are you willing to accept a limited license for
8 retraining purposes so that Doctor Shade can engage in
9 retraining and you can allow the Board to be satisfied
10 that your skill and ability are sufficient to be trusted
11 as a competent physician in Michigan?
12 A Yes, sir.
13 MR. HOFFMAN: That's all that I have.
14 Thank you.
15 JUDGE OZBURN: Anything further?
16 MS. DURK: Nothing further.
17 JUDGE OZBURN: Anything further?
18 MR. HOFFMAN: It would be my request this
19 record be prepared and transmitted to the Board for
20 reconsideration.
21 I have nothing further.
22 MS. DURK: I have nothing further.
23 JUDGE RUSSELL: So you don't want to make
24 any closing?
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MS. DURK: No.

JUDGE OZBURN: Okay, with that we'll
close the record.

(The hearing concluded at 10:20 a.m.).

1 STATE OF MICHIGAN)

2 COUNTY OF INGHAM)

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C E R T I F I C A T E

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11 I certify that this transcript, consisting of 34 pages, is a
12 complete, true and accurate transcript of the proceedings
13 taken in this matter on March 21, 1996.

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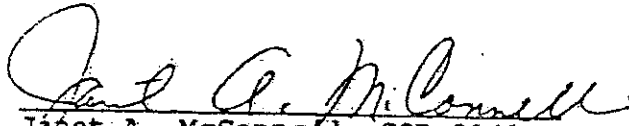
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Janet A. McConnell, CSR-2141
Certified Shorthand Reporter

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22 DATED: April 3rd, 1996

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