

BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO.: 2003 MLB 0005

STATE OF INDIANA, )  
)  
Petitioner, )  
)  
v. )  
)  
VISHWANATH S. GUNDUR, M.D., )  
License Number: 01043877A, )  
)  
Respondent. )

**FILED**

JUL 14 2003

HEALTH PROFESSIONS  
BUREAU

**FINDINGS OF FACT AND ORDER**

The Medical Licensing Board of Indiana, the ("Board") held a settlement conference on April 24, 2003, in Conference Center Room C, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning a disciplinary complaint filed against Vishwanath S. Gundur, M.D. ("Respondent") on January 22, 2003.

The State of Indiana was represented by Deputy Attorney General Shelley M. Johnson. Respondent appeared in person and waived his right to be represented by counsel. The Board after considering the evidence and the proposed agreement by the parties and taking official notice of its file in the case and by a vote of 5-0-0 issues the following Findings of Facts and Order:

**FINDINGS OF FACT**

1. Respondent's address on file with the Board is 3708 Kingsley Drive, Springfield, Illinois 62707 and he is a duly licensed medical doctor holding Indiana license number 01043877A.

2. Respondent worked as a medical director at Heritage Behavioral Health

Center in Decatur, Illinois since October, 1995.

3. On or about April 26, 2001, Respondent answered "Yes," to the question has any Health Profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending on his license renewal.

4. On or about April 26, 2001, Respondent answered "Yes," to the question have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending on his license renewal.

5. On or about March 16, 1998, Respondent pled guilty to Driving Under the Influence of Alcohol, a class A misdemeanor, Case No. 98 DT 15.

6. Certain health care professionals who work with or are associated with the Respondent through his employment at Heritage Behavioral Health Center made the following observations regarding the Respondent:

- (a) Smell of alcohol on Respondent's breath while he was working;
- (b) Slurred speech while he was speaking to the staff;
- (c) Pre-signing blank prescriptions;
- (d) Being frequently unavailable when called for consultation regarding psychiatric patients;

7. Based on the allegations in paragraphs five and six, Respondent was ordered to undergo a physical and mental examination for the purposes of assessing his potential impairment and fitness to practice medicine.

8. Pursuant to the aforementioned examination, Respondent was found to suffer from alcohol dependence.

9. On or about November 8, 1999, the State of Illinois, Department of Professional Regulation placed Respondent's Physician and Surgeon license on Probation for a period of five (5) years.

10. Respondent is required to complete and fully comply with all terms and conditions of his Caduceus Aftercare Agreement with Rush Behavioral Health Center, which was scheduled to terminate in December, 2000.

11. Respondent shall comply with any and all modifications or amendments to

the Agreement referenced in paragraph 10 above pursuant to the recommendations of his treating physician or other health care professionals and shall cause the Department to be advised in writing of any such modifications or amendments thereto.

12. On a quarterly basis for each year of Probation, Respondent shall cause a written report to be submitted to the Department detailing his compliance with his Caduceus Aftercare Agreement with Rush Behavioral Center. This report shall include but not be limited to:

- (a) Urine alcohol/drug toxicology screens. Copies of the results of such screens rendered in a given quarter shall be attached to the report;
- (b) Attendance at Caduceus Meetings;
- (c) Attendance at Alcoholics Anonymous Meetings or other self help meetings; and
- (d) Compliance with appointments and recommendations of treating physicians and other therapists.

13. Respondent shall cause written verification of successful completion of his Caduceus Aftercare Agreement with Rush Behavioral Center to be submitted to the Department in a timely manner. In the event the Respondent extends said Agreement beyond the currently scheduled termination date, the Department must be notified in writing and provided with any documentation relevant thereto.

14. Respondent shall fully comply with and complete his current Aftercare Agreement with Advocate Medical Group, which is scheduled to terminate in 2004. A current copy of said Agreement shall be tendered to the Department within ten (10) days of execution of the Consent Order by the Director of the Department.

15. Respondent shall comply with any and all modifications or amendments to the Agreement referenced in paragraph 14 above pursuant to the recommendations of his treating physician or other health care professionals and shall cause the Department to be advised in writing of any such subsequent modifications or amendments thereto.

16. On a quarterly basis for each year of probation, Respondent shall cause a written report to be submitted to the Department detailing his compliance with his Aftercare Agreement with Advocate Medical Group. This report shall include, but not be limited to, compliance with:

1. Urine alcohol/drug toxicology screens. Copies of results of all such screens rendered in a given quarter shall be attached to the report;
2. Attendance at Caduceus meetings;
3. Attendance at Alcoholics Anonymous Meetings or other self-help meetings; and
4. Compliance with appointments and recommendations of treating physicians and other therapists;

17. Respondent shall cause written verification of successful completion of his Aftercare Agreement with Advocate Medical Group to be submitted to the Department in a timely manner. In the event that Respondent extends said Agreement beyond the currently scheduled termination date, the Department must be notified in writing and provided with any documentation relevant thereto.

18. Respondent shall immediately cause his Caduceus Aftercare Agreement with Rush Behavioral Health and his Aftercare Agreement with Advocate Medical Group to be amended to include additional treatment and follow up reporting with a psychologist or other therapist who is separate from his treating physician for medication management, at least on a quarterly basis for each year said Agreements are in effect. Verification of said amendments shall be immediately submitted to the Department.

19. Respondent shall abstain from ingesting alcohol.

20. Respondent shall abstain from self-prescribing or otherwise ingesting any mood or mind-altering drugs which have not specifically been prescribed for him by his treating physician.

21. In the event that the Respondent sustains a relapse of alcohol or any other substance abuse, he and/or his program treaters shall cause the Department to be notified in writing by the next business day following the date of said relapse.

22. A urine toxicology screen which is positive for alcohol or other controlled substances which are not authorized or otherwise accounted for by the Respondent's treating health care professionals shall constitute a relapse for the purposes of this consent order.

23. In the event that the Respondent sustains a relapse, the Department shall cause

its Director to issue an Order forthwith mandating the automatic, indefinite suspension of Respondent's Physician and Surgeon license for a minimum period of six (6) months. In the event the Respondent contests in writing the factual basis which resulted in said automatic Suspension of his Physician and Surgeon license, he shall be afforded a hearing on the merits thirty (30) days from the imposition thereof.

24. Respondent's Controlled Substance Registration shall be placed on probation for a period of five (5) years to run concurrently with the Probation imposed on his Physician and Surgeon license. This provision applies to the Respondent's current Controlled Substance Registration and any others which he may subsequently obtain during the duration of this consent order.

25. On a quarterly basis for each year of probation, the Respondent shall submit a controlled substance logs to the Department containing the following information for each prescription issued:

- (1) Patient's first name;
- (2) Age of patient;
- (3) Type of medication prescribed;
- (4) Reason for prescribing medication;
- (5) Quantity being prescribed;
- (6) Number of refills, if any.

26. Twice per year during each year of Respondent's Probation, the Department shall make a full inspection of Respondent's Controlled Substance records on his office premises.

27. Respondent shall not keep, or otherwise maintain any samples of controlled substances at his home or office.

28. All reports, urine toxicology screens, controlled substance logs, and other required documents must be submitted in a timely manner to the Illinois Department of Professional Regulation, Probation Compliance Unit.

29. Any violation by the Respondent of the term and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to revoke the Respondent's license to practice as a Physician and Surgeon in the State of Illinois.

## ULTIMATE FINDINGS OF FACT

1. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(7) in that the practitioner has had 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; Indiana Code § 25-1-9-4(a)(4)(D) in that the practitioner has continued to practice although the practitioner has become unfit to practice due to 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.

### ORDER

1. Respondent's Indiana medical license shall be placed upon **INDEFINITE PROBATION**. Respondent may not seek withdrawal of probation for a period of two (2) years from the date of execution of this Order. Failure to comply with the terms and conditions of probation will subject the Respondent to a show cause hearing and the imposition of further sanctions. During the period of probation, the following **TERMS** and **CONDITIONS** shall govern his license:

- (a) Respondent shall keep the Board informed of his residential address and telephone number at all times;
- (b) Respondent shall maintain a contract with the Indiana State Medical Association's Impaired Physician's program ("ISMA"), and shall be compliant with the terms and conditions at all times;
- (c) Respondent shall submit evidence of compliance with his ISMA contract to the Board in care of the Health Professions Bureau on a quarterly basis;
- (d) Respondent shall keep the Board informed of his medical employer's name, address and telephone number at all times;

- (e) Respondent shall provide a copy of the Findings of Fact and Order to his medical practice within thirty (30) days of receipt and shall have a member sign and return the same in care of the Health Professions Bureau;
- (f) Respondent shall report any relapse to the Board within 24 hours;
- (g) Respondent must make personal appearance before the Board on a quarterly basis for the first year and may petition the Board for modification of this requirement after the first year of probation;

Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board this Agreement is a final disposition of all matters and is not subject to further review.

Respondent further understands that:

- (a) A violation or non-compliance with any state or federal statute or regulation regarding the competence to practice medicine;
  - (b) A violation or non-compliance with his ISMA contract;
  - (c) A positive urine drug screen result; or
  - (d) A violation of this Final Order
- may result in the State requesting an emergency suspension of Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

The parties agree to the continuing jurisdiction of the Board.

SO ORDERED this 14 day of July, 2003

MEDICAL LICENSING BOARD OF INDIANA

By: Lisa R. Hayes  
Lisa R. Hayes  
Executive Director  
Health Professions Bureau

Copies to:

Vishwanath S. Gundur, M.D.  
One Riverpointe Plaza #718  
Jeffersonville, Indiana 47130

7002 0860 0007 8378 9032

Deputy Attorney General Shelley M. Johnson  
Office of the Attorney General  
302 West Washington Street  
Indianapolis, Indiana 46204  
(317) 233-3715



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BOARD OF INDIANA  
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STATE OF INDIANA, )  
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Vishwanath S. Gundur, M.D., )  
License Number: 01043877A, )  
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Respondent. )

**FILED**

JAN 22 2003

HEALTH PROFESSIONS  
BUREAU

**COMPLAINT**

The State of Indiana, by counsel, Deputy Attorney General, Shelley M. Johnson, 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 et. seq., the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq. and Ind. Code § 25-1-9 et. seq. files its Complaint against the Medical license of Vishwanath S. Gundur, M.D. ("Respondent"), and in support alleges and states:

**COUNT I**

1. Respondent's address on file with the Board is 3708 Kingsley Drive, Springfield, Illinois 62707 and he is a duly licensed medical doctor holding Indiana license number 01043877A.

2. Respondent worked as a medical director at Heritage Behavioral Health Center in Decatur, Illinois since October, 1995.

3. On or about April 26, 2001, Respondent answered "Yes," to the question has any Health Profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending on his license renewal.

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7. Based on the allegations in paragraphs five and six, Respondent was ordered to undergo a physical and mental examination for the purposes of assessing his potential impairment and fitness to practice medicine.

8. Pursuant to the aforementioned examination, Respondent was found to suffer from alcohol dependence.

9. On or about November 8, 1999, the State of Illinois, Department of Professional Regulation placed Respondent's Physician and Surgeon license on Probation for a period of five (5) years.

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written report to be submitted to the Department detailing his compliance with his Caduceus Aftercare Agreement with Rush Behavioral Center. This report shall include but not be limited to:

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22. A urine toxicology screen which is positive for alcohol or other controlled substances which are not authorized or otherwise accounted for by the Respondent's treating health care professionals shall constitute a relapse for the purposes of this consent order.

23. In the event that the Respondent sustains a relapse, the Department shall cause its Director to issue an Order forthwith mandating the automatic, indefinite suspension of Respondent's Physician and Surgeon license for a minimum period of six (6) months. In

the event the Respondent contests in writing the factual basis which resulted in said automatic Suspension of his Physician and Surgeon license he shall be afforded a hearing on the merits which thirty (30) days from the imposition thereof.

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27. Respondent shall not keep, or otherwise maintain any samples of controlled substances at his home or office.

28. All reports, urine toxicology screens, controlled substance logs, and other required documents must be submitted in a timely manner to the Illinois Department of Professional Regulation, Probation Compliance Unit.

29. Any violation by the Respondent of the term and conditions of this Consent Order shall be grounds for the Department to immediately file a Compliant to revoke the Respondent's license to practice as a Physician and Surgeon in the State of Illinois.

30. The conduct described above constitutes a violation of Indiana Code § 25-1-9

4(a)(7) in that the practitioner has had 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; Indiana Code § 25-1-9-4(a)(4)(D) in that the practitioner has continued to practice although the practitioner has become unfit to practice due to 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.

31. The above violations warrant the imposition of disciplinary sanctions upon the Respondent's Indiana medical license.

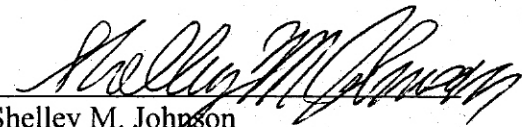
**WHEREFORE**, Petitioner demands an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all the cost incurred in the prosecution of this case;
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

STEVE CARTER  
Attorney General of Indiana

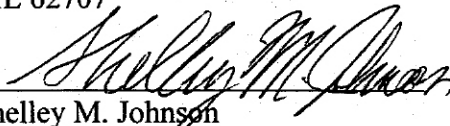
By: \_\_\_\_\_

  
Shelley M. Johnson  
Deputy Attorney General  
Attorney Number: 22412-49

**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 22nd day of January, 2003

Vishwanath S. Gundur, M.D.  
3708 Kingsley Dr.  
Springfield, IL 62707

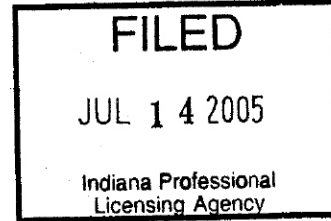
  
Shelley M. Johnson  
Deputy Attorney General  
Attorney No.22412-49

**Office of the Attorney General**  
Indiana Government Center South, Fifth Floor  
402 West Washington Street  
Indianapolis, Indiana 46204-2770  
(317) 233-3715

SMJ/ydh:78087

BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO.: 2003 MLB 0005

STATE OF INDIANA, )  
 )  
Petitioner, )  
 )  
VISHWANATH S. GUNDUR, M.D. )  
License No. 01043877A, )  
 )  
Respondent. )



ORDER TO SHOW CAUSE

Comes now the Medical Licensing Board of Indiana (Board), on its own motion and pursuant to IC 4-21.5, and hereby **ORDERS** Respondent, Vishwanath S. Gundur, M.D., to appear before the Board on July 28, 2005, at 12:30 p.m. in the Indiana Government Center South, Conference Center, Room C, 302 W. Washington Street, Indianapolis, Indiana 46204.

Respondent is to show cause why Respondent's license to practice medicine in the State of Indiana, license number 01043877A, should not be summarily suspended, on an emergency basis, or whether other disciplinary action should be imposed due to noncompliance with the probationary terms as set forth in the Board's Order of July 14, 2003, in that, Respondent has not complied with the terms and conditions identified below as demonstrated by information provided by ISMA in a letter dated June 29, 2005, attached hereto and incorporated herein by reference as Exhibit "**A**", in that, the Respondent was arrested for a DUI in April 2005 and was immediately put on leave by his employer. Following the Respondent's evaluation by Rush the report made reference to a prior DUI occurring in September 2004 which was not disclosed by the Respondent to ISMA or the Board. The Respondent also failed to attend his quarterly appearance before the Board on June 23, 2005. This is in violation of the following terms:

Paragraph #1(b): "Respondent shall maintain a contract with the Indiana State Medical Association's Impaired Physician's program ("ISMA"), and shall be compliant with the terms and conditions at all times."



Paragraph #1(c): "Respondent shall submit evidence of compliance with his ISMA contract to the Board in care of the Indiana Professional Licensing Agency on a quarterly basis."

Paragraph #1(f): "Respondent shall report any relapse to the Board within 24 hours."

Paragraph #1(g) "Respondent must make personal appearance before the Board on a quarterly basis for the first year and may petition the Board for modification of this requirement after the first year of probation."

Paragraph #2(a): "Respondent further understands that: (a) A violation or non-compliance with any state or federal statute or regulation regarding the competence to practice medicine."

Paragraph #2(b) "A violation or non-compliance with his ISMA contract."

A copy of the Indiana Final Order, which placed Dr. Gundur's license on probation, filed July 14, 2003 is attached hereto and incorporated herein by reference as Exhibit "A".

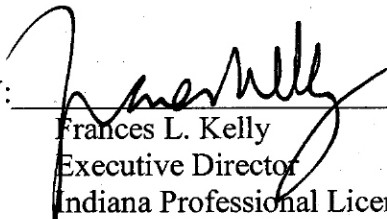
1. This notice is being provided to Respondent, Vishwanath S. Gundur, M.D., One Riverpointe Plaza, #616, Jeffersonville, IN 47130.
2. This notice is being given to counsel for Petitioner, State of Indiana, Judy Kernel, Section Chief, Consumer Protection Division, Office of the Attorney General, Indiana Government Center South, 5th Floor, 302 West Washington Street, Indianapolis, Indiana, 46204, telephone number (317) 232-6214.
3. The official cause no. of this action is 2003 MLB 0005.
4. The Board is empowered to hold this disciplinary hearing pursuant to the authority of IC 25-1-9 and IC 4-21.5.
5. The Board will be presiding as administrative law judge.
6. Michael Rinebold, Director of the Board, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, 402 W. Washington Street, Room 072, Indianapolis, Indiana 46204, or may be contacted by telephone at (317) 234-2060.

7. Any party may be advised or represented by counsel at the party's own expense.
8. A party who fails to attend or participate in a pre-hearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under section 24 of IC 4-21.5-3.
9. Pursuant to IC 4-21.5-4-34, this Board may afford parties the opportunity to informally settle matters; however, this section does not require any person to settle a matter under this agency's informal procedures.

All of which is ORDERED, ADJUDGED, AND DECREED, this 14th  
day of July 2005.

MEDICAL LICENSING BOARD OF INDIANA

BY: \_\_\_\_\_

  
Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

cc:

Vishwanath S. Gundur, M.D.  
One Riverpointe Plaza, #616  
Jeffersonville, IN 47130  
CERTIFIED MAIL# 7003 3110 0003 5659 9695  
RETURN RECEIPT REQUESTED

Judy Kernel  
Section Chief, Consumer Protection Division  
Office of the Attorney General  
Indiana Government Center South, 5th Floor  
Indianapolis, Indiana 46204

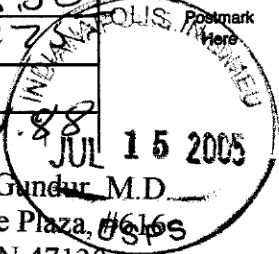
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Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88



Sent To: Vishwanath S. Gundur, M.D.  
One Riverpointe Plaza, #616  
Jeffersonville, IN 47130

Street, Apt or PO Box  
City, State

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Vishwanath S. Gundur, M.D.  
One Riverpointe Plaza, #616  
Jeffersonville, IN 47130

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Jobel Scavetta*  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label)

7003 3110 0003 5659 9695

OTSC  
JUL 17



June 29, 2005

322 Canal Walk  
Indianapolis, IN 46202-3268  
(800) 257-4762  
(317) 261-2060  
Fax (317) 261-2076  
www.ismanet.org

Mr. Michael Rinebold  
Medical Licensing Board  
402 W. Washington Street, Rm. 066  
Indianapolis, IN 46204

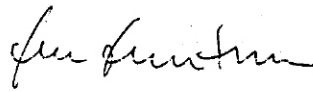
Re: Vishwanath Gundur, M.D.

Dear Mr. Michael Rinebold:

This letter is to inform you that Dr. Vishwanath Gundur was arrested for a DUI in April 2005. He was immediately put on leave by his employer. Our office requested he go for an evaluation at Rush. He went on June 6, 2005. The report made reference to a prior DUI occurring in September 2004 which was previously undisclosed to our program. The recommendations included entering a professionals program for immediate treatment. Dr. Gundur has agreed to enter Rush on July 5, 2005.

If you require further information, please contact me or Candace Backer, Program Coordinator for the Indiana State Medical Association's Physician Assistance Program.

Sincerely,

  
Fred Frick, M.D., F.A.C.P.  
Medical Consultant  
Physician Assistance Program

RECEIVED  
JUN 30 2005  
Health Professions Bureau

*The Indiana State Medical Association is dedicated to Indiana physicians and their efforts to provide the best possible health care for their patients.*

**PRESIDENT**  
William H. Mohr, M.D. • Kokomo

**PRESIDENT-ELECT**  
Kevin R. Burke, M.D. • Jeffersonville

**IMMEDIATE PAST PRESIDENT**  
Ronald K. Downs, M.D. • Elkhart

**CHAIR OF THE BOARD**  
Kenny E. Stall, M.D. • Franklin

**BOARD OF TRUSTEES**  
William R. Penland, M.D. • Evansville  
Frederick R. Ridge Jr., M.D. • Linton  
Eli Hallal, M.D. • New Albany  
David J. Welsh, M.D. • Batesville  
Betty J. Campbell, M.D. • Terre Haute  
Wayne B. White, M.D. • Connersville  
Kenny E. Stall, M.D. • Franklin  
Carolyn A. Cunningham, M.D.  
Indianapolis

David E. Wilmot, M.D. • Brownsburg  
Gordon M. Hughes, M.D. • Muncie  
Rami Saydjari, M.D. • Crawfordsville  
Vijay B. Davé, M.D. • Munster  
John L. Yarling, M.D. • Logansport  
David J. Steigmeyer, M.D. • Ft. Wayne  
Brent W. Mohr, M.D. • South Bend  
John M. Scandrett, M.D. • North Vernon

*(Young Physician Society)*  
Benjamin D. Moorehead, M.D.  
Indianapolis  
*(Resident & Fellow Society)*  
C. Ben Newman • Indianapolis  
*(Medical Student Society)*

**EXECUTIVE DIRECTOR**  
Richard R. King

Exhibit "A"

STATE OF INDIANA,

Petitioner,

v.

VISHWANATH S. GUNDUR, M.D.,  
License Number: 01043877A,

Respondent.

**FILED**

JUL 14 2003

HEALTH PROFESSIONS  
BUREAU

FINDINGS OF FACT AND ORDER

The Medical Licensing Board of Indiana, the ("Board") held a settlement conference on April 24, 2003, in Conference Center Room C, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning a disciplinary complaint filed against Vishwanath S. Gundur, M.D. ("Respondent") on January 22, 2003.

The State of Indiana was represented by Deputy Attorney General Shelley M. Johnson. Respondent appeared in person and waived his right to be represented by counsel. The Board after considering the evidence and the proposed agreement by the parties and taking official notice of its file in the case and by a vote of 5-0-0 issues the following Findings of Facts and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Board is 3708 Kingsley Drive, Springfield, Illinois 62707 and he is a duly licensed medical doctor holding Indiana license number 01043877A.

2. Respondent worked as a medical director at Heritage Behavioral Health

Center in Decatur, Illinois since October, 1995.

3. On or about April 26, 2001, Respondent answered "Yes," to the question has any Health Profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending on his license renewal.

4. On or about April 26, 2001, Respondent answered "Yes," to the question have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending on his license renewal.

5. On or about March 16, 1998, Respondent pled guilty to Driving Under the Influence of Alcohol, a class A misdemeanor, Case No. 98 DT 15.

6. Certain health care professionals who work with or are associated with the Respondent through his employment at Heritage Behavioral Health Center made the following observations regarding the Respondent:

- (a) Smell of alcohol on Respondent's breath while he was working;
- (b) Slurred speech while he was speaking to the staff;
- (c) Pre-signing blank prescriptions;
- (d) Being frequently unavailable when called for consultation regarding psychiatric patients;

7. Based on the allegations in paragraphs five and six, Respondent was ordered to undergo a physical and mental examination for the purposes of assessing his potential impairment and fitness to practice medicine.

8. Pursuant to the aforementioned examination, Respondent was found to suffer from alcohol dependence.

9. On or about November 8, 1999, the State of Illinois, Department of Professional Regulation placed Respondent's Physician and Surgeon license on Probation for a period of five (5) years.

10. Respondent is required to complete and fully comply with all terms and conditions of his Caduceus Aftercare Agreement with Rush Behavioral Health Center, which was scheduled to terminate in December, 2000.

11. Respondent shall comply with any and all modifications or amendments to

the Agreement referenced in paragraph 10 above pursuant to the recommendations of his treating physician or other health care professionals and shall cause the Department to be advised in writing of any such modifications or amendments thereto.

12. On a quarterly basis for each year of Probation, Respondent shall cause a written report to be submitted to the Department detailing his compliance with his Caduceus Aftercare Agreement with Rush Behavioral Center. This report shall include but not be limited to:

- (a) Urine alcohol/drug toxicology screens. Copies of the results of such screens rendered in a given quarter shall be attached to the report;
- (b) Attendance at Caduceus Meetings;
- (c) Attendance at Alcoholics Anonymous Meetings or other self help meetings; and
- (d) Compliance with appointments and recommendations of treating physicians and other therapists.

13. Respondent shall cause written verification of successful completion of his Caduceus Aftercare Agreement with Rush Behavioral Center to be submitted to the Department in a timely manner. In the event the Respondent extends said Agreement beyond the currently scheduled termination date, the Department must be notified in writing and provided with any documentation relevant thereto.

14. Respondent shall fully comply with and complete his current Aftercare Agreement with Advocate Medical Group, which is scheduled to terminate in 2004. A current copy of said Agreement shall be tendered to the Department within ten (10) days of execution of the Consent Order by the Director of the Department.

15. Respondent shall comply with any and all modifications or amendments to the Agreement referenced in paragraph 14 above pursuant to the recommendations of his treating physician or other health care professionals and shall cause the Department to be advised in writing of any such subsequent modifications or amendments thereto.

16. On a quarterly basis for each year of probation, Respondent shall cause a written report to be submitted to the Department detailing his compliance with his Aftercare Agreement with Advocate Medical Group. This report shall include, but not be limited to, compliance with:

1. Urine alcohol/drug toxicology screens. Copies of results of all such screens rendered in a given quarter shall be attached to the report;
2. Attendance at Caduceus meetings;
3. Attendance at Alcoholics Anonymous Meetings or other self-help meetings; and
4. Compliance with appointments and recommendations of treating physicians and other therapists;

17. Respondent shall cause written verification of successful completion of his Aftercare Agreement with Advocate Medical Group to be submitted to the Department in a timely manner. In the event that Respondent extends said Agreement beyond the currently scheduled termination date, the Department must be notified in writing and provided with any documentation relevant thereto.

18. Respondent shall immediately cause his Caduceus Aftercare Agreement with Rush Behavioral Health and his Aftercare Agreement with Advocate Medical Group to be amended to include additional treatment and follow up reporting with a psychologist or other therapist who is separate from his treating physician for medication management, at least on a quarterly basis for each year said Agreements are in effect. Verification of said amendments shall be immediately submitted to the Department.

19. Respondent shall abstain from ingesting alcohol.

20. Respondent shall abstain from self-prescribing or otherwise ingesting any mood or mind-altering drugs which have not specifically been prescribed for him by his treating physician.

21. In the event that the Respondent sustains a relapse of alcohol or any other substance abuse, he and/or his program treaters shall cause the Department to be notified in writing by the next business day following the date of said relapse.

22. A urine toxicology screen which is positive for alcohol or other controlled substances which are not authorized or otherwise accounted for by the Respondent's treating health care professionals shall constitute a relapse for the purposes of this consent order.

23. In the event that the Respondent sustains a relapse, the Department shall cause



its Director to issue an Order forthwith mandating the automatic, indefinite suspension of Respondent's Physician and Surgeon license for a minimum period of six (6) months. In the event the Respondent contests in writing the factual basis which resulted in said automatic Suspension of his Physician and Surgeon license, he shall be afforded a hearing on the merits thirty (30) days from the imposition thereof.

24. Respondent's Controlled Substance Registration shall be placed on probation for a period of five (5) years to run concurrently with the Probation imposed on his Physician and Surgeon license. This provision applies to the Respondent's current Controlled Substance Registration and any others which he may subsequently obtain during the duration of this consent order.

25. On a quarterly basis for each year of probation, the Respondent shall submit a controlled substance logs to the Department containing the following information for each prescription issued:

- (1) Patient's first name;
- (2) Age of patient;
- (3) Type of medication prescribed;
- (4) Reason for prescribing medication;
- (5) Quantity being prescribed;
- (6) Number of refills, if any.

26. Twice per year during each year of Respondent's Probation, the Department shall make a full inspection of Respondent's Controlled Substance records on his office premises.

27. Respondent shall not keep, or otherwise maintain any samples of controlled substances at his home or office.

28. All reports, urine toxicology screens, controlled substance logs, and other required documents must be submitted in a timely manner to the Illinois Department of Professional Regulation, Probation Compliance Unit.

29. Any violation by the Respondent of the term and conditions of this Consent Order shall be grounds for the Department to immediately file a Compliant to revoke the Respondent's license to practice as a Physician and Surgeon in the State of Illinois.

## ULTIMATE FINDINGS OF FACT

1. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(7) in that the practitioner has had 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; Indiana Code § 25-1-9-4(a)(4)(D) in that the practitioner has continued to practice although the practitioner has become unfit to practice due to 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.

### ORDER

1. Respondent's Indiana medical license shall be placed upon **INDEFINITE PROBATION**. Respondent may not seek withdrawal of probation for a period of two (2) years from the date of execution of this Order. Failure to comply with the terms and conditions of probation will subject the Respondent to a show cause hearing and the imposition of further sanctions. During the period of probation, the following **TERMS** and **CONDITIONS** shall govern his license:

- (a) Respondent shall keep the Board informed of his residential address and telephone number at all times;
- (b) Respondent shall maintain a contract with the Indiana State Medical Association's Impaired Physician's program ("ISMA"), and shall be compliant with the terms and conditions at all times;
- (c) Respondent shall submit evidence of compliance with his ISMA contract to the Board in care of the Health Professions Bureau on a quarterly basis;
- (d) Respondent shall keep the Board informed of his medical employer's name, address and telephone number at all times;

- (e) Respondent shall provide a copy of the Findings of Fact and Order to his medical practice within thirty (30) days of receipt and shall have a member sign and return the same in care of the Health Professions Bureau;
- (f) Respondent shall report any relapse to the Board within 24 hours;
- (g) Respondent must make personal appearance before the Board on a quarterly basis for the first year and may petition the Board for modification of this requirement after the first year of probation;

Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board this Agreement is a final disposition of all matters and is not subject to further review.

Respondent further understands that:

- (a) A violation or non-compliance with any state or federal statute or regulation regarding the competence to practice medicine;
  - (b) A violation or non-compliance with his ISMA contract;
  - (c) A positive urine drug screen result; or
  - (d) A violation of this Final Order
- may result in the State requesting an emergency suspension of Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

The parties agree to the continuing jurisdiction of the Board.

BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO.: 2007 MLB 0006

STATE OF INDIANA, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 BRION A. BERTSCH, M.D., )  
 LICENSE NUMBER: 01031910, )  
 )  
 Respondent )  
 )



**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW AND ORDER**

The Petitioner, the State of Indiana, by Deputy Attorney General Elizabeth E. Kiefner, Division of Consumer Protection (“Petitioner”), and the Respondent, Brion A. Bertsch M.D., (“Respondent”), by counsel Beth Ann Compton, signed an Agreement that purports to resolve all issues involved in the action by the Petitioner before the Medical Licensing Board of Indiana (“Board”) regarding Respondent’s license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the August 23, 2007 meeting, now finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement as if fully set forth herein and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 4 in favor, 0 against, and 0

BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO.: 2003 MLB 0005

STATE OF INDIANA,

Petitioner,

v.

Vishwanath S. Gundur, M.D.,  
License Number: 01043877A,

Respondent.

FILED

AUG 09 2005

Indiana Professional  
Licensing Agency

SUMMARY SUSPENSION ORDER AND NOTICE OF PROPOSED DEFAULT

A final hearing was scheduled to be held on July 28, 2005 before the Medical Licensing Board ("Board") in Conference Center Room C of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, 46204, to consider the Order To Show Cause filed on July 14, 2005, against the Respondent, Vishwanath S. Gundur, M.D, by the Board.

The State of Indiana was represented by Daniel J. Cavallini, Deputy Attorney General. Respondent failed to appear in person or by counsel.

Pursuant to Indiana Code § 4-21.5-4-1 *et seq.* and § 25-1-9-10, and after taking judicial notice of its file, the Board, by a vote of 5-0-0, hereby ORDERS the Respondent's medical license be summarily suspended for ninety (90) days, as the Board finds the State of Indiana has proven its case and has met the evidentiary burden to show that an emergency exists and that the Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice in the State of Indiana based on the evidence in the Board's file and the following findings:

1. Respondent's address on file with the Board is One Riverpointe Plaza #718, Jeffersonville, Indiana 47130. He has been issued Indiana doctor of medicine license number 01043877A. The Board placed the Respondent's license on Indefinite Probation with various terms per the Board's order filed on July 14, 2003. Facts giving rise to the original complaint filed on January 22, 2003 are as follows:

- a. Respondent worked as a medical director at Heritage Behavioral Health Center in Decatur, Illinois since October, 1995.
- b. On or about April 26, 2001, Respondent answered "Yes," to the question "has any Health Profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending" on his license renewal.
- c. On or about April 26, 2001, Respondent answered "Yes," to the question "have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending" on his license renewal.
- d. On or about March 16, 1998, Respondent pled guilty to Driving Under the Influence of Alcohol, a class A misdemeanor, Case No. 98 DT 15.
- e. Certain health care professionals who work with or are associated with the Respondent through his employment at Heritage Behavioral Health Center made the following observations regarding the Respondent:
  - (1) Smell of alcohol on Respondent's breath while he was working;
  - (2) Slurred speech while he was speaking to the staff;
  - (3) Pre-signing blank prescriptions; and
  - (4) Being frequently unavailable when called for consultation regarding psychiatric patients.
- f. Based on the allegations in paragraphs d and e, Respondent

was ordered to undergo a physical and mental examination for the purposes of assessing his potential impairment and fitness to practice medicine.

g. Pursuant to the aforementioned examination, Respondent was found to suffer from alcohol dependence.

h. On or about November 8, 1999, the State of Illinois, Department of Professional Regulation placed Respondent's Physician and Surgeon license on Probation for a period of five (5) years.

2. The Board filed an Order to Show Cause on July 14, 2005 based upon the Respondent's noncompliance with the probationary terms as set forth in the Board's Order of July 13, 2003, in that, Respondent has not complied with the terms and conditions identified below:
  - a. Information contained in a letter dated June 29, 2005 and attached to the Order to Show Cause as exhibit "A" to the Board from the Indiana State Medical Association (ISMA) stated that the Respondent was arrested for a DUI in April 2005 and was immediately put on leave by his employer. Following the Respondent's evaluation by Rush the report made reference to a prior DUI occurring in September 2004 which was not disclosed by the Respondent to ISMA or the Board.
  - b. The Respondent failed to attend his quarterly appearance before the Board on June 23, 2005.
3. Paragraphs a and b of section 2 placed the Respondent in violation of the following terms of his probation order issued July 14, 2003:
  - a. Paragraph #1(b): "Respondent shall maintain a contract with the Indiana State Medical Association's Impaired Physician's program ("ISMA"), and shall be compliant with the terms and conditions at all times."
  - b. Paragraph #1(c): "Respondent shall submit evidence of compliance with his ISMA contract to the Board in care of the Indiana Professional Licensing Agency on a quarterly basis."

- c. Paragraph #1(f): "Respondent shall report any relapse to the Board within 24 hours."
  - d. Paragraph #1(g) "Respondent must make personal appearance before the Board on a quarterly basis for the first year and may petition the Board for modification of this requirement after the first year of probation."
  - e. Paragraph #2(a): "Respondent further understands that: (a) A violation or non-compliance with any state or federal statute or regulation regarding the competence to practice medicine."
  - f. Paragraph #2(b) "A violation or non-compliance with his ISMA contract."
4. The following are facts that were presented by the State and were reasons for this Order by the Board:
- a. On or about September 18, 2004, Respondent was involved in two motor vehicle accidents within fifteen (15) minutes of each other.
  - b. At least one officer responding to the accident smelled an odor of alcohol on Respondent.
  - c. Respondent's evaluation by Rush made reference to a driving under the influence ("DUI") charge occurring on or about September, 2004.
  - d. Respondent failed to disclose the DUI charge to ISMA or the Board.
  - e. Respondent was arrested for DUI on or about April, 2005.
  - f. Respondent's employer, Parkview Psychiatric Service, placed Respondent on suspension as a result of the April, 2005 DUI.
  - g. Respondent failed to attend his quarterly appearance before the Board on June 23, 2005.



h. The Board took judicial notice of its file and quarterly appearances made by the Respondent.

i. At Respondent's March 24, 2005 appearance, Respondent falsely testified that his sobriety date was February 12, 1999.

Pursuant to Indiana Code § 4-21.5-3-24, the Board, by a vote of 5-0-0, also ISSUES a Notice of Proposed Default Order on the following grounds:

1. Respondent's address on file with the Board is One Riverpointe Plaza #718, Jeffersonville, Indiana 47130. He has been issued Indiana doctor of medicine license number 01043877A.

2. An Order to Show Cause was filed by the Board in this matter on July 14, 2005 due to the Respondent's non compliance with the probationary terms as set forth in the Board's Order of July 14, 2003.

3. On July 14, 2005, the Board sent notice to the Respondent at his address on file with the Board informing him of the time, date, and place of the final hearing on this matter.

4. Respondent replied to the Board on July 23, 2005, in response to the Order to Show Cause from the Board, thus implying notice had been received.

5. On July 28, 2005, Respondent failed to appear for the hearing in person or by counsel.

6. Pursuant to I.C. 4-21.5-3-20, Respondent was provided adequate notice of the final hearing date and failed to appear for said hearing on July 28, 2005.

ORDER

WHEREFORE, RESPONDENT IS ORDERED to immediately cease and desist from all acts constituting the practice of medicine for a period of ninety (90) days from the date of this Order.

IT IS FURTHER ORDERED, that Respondent shall immediately surrender his pocket license and wall license to the Board, in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204.

IT IS FURTHER ORDERED, that for the Respondent's failure to appear for his scheduled hearing, the Board issues the following Notice of Proposed Default:

In accordance with Indiana Code § 4-21.5-3-24, the Respondent must file a written motion within seven (7) days of service of this Order requesting that the Board not enter a default order in this case and stating the reasons relied upon for his request. Failure of the Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If the Respondent timely files a motion, the Board shall consider said motion along with any other relevant facts in determining whether a default order should be entered. Should a default order be entered against the Respondent, the Board may hold further proceedings it deems appropriate to complete this case without the participation of the Respondent.

SO ORDERED, this 9<sup>th</sup> day of August, 2005.

MEDICAL LICENSING BOARD OF  
INDIANA

By: Frances L. Kelly  
 Frances L. Kelly  
 Executive Director  
 Indiana Professional Licensing Agency

Copies to:

Vishwanath S. Gundur, M.D.  
 One Riverpointe Plaza #718  
 Jeffersonville, Indiana 47130

(Temporary Address)  
 Vishwanath S. Gundur, M.D.  
 3708 Kingsley Drive  
 Springfield, Illinois 62711  
 SENT CERTIFIED MAIL NO. 7003 3110 0003 5659 9800  
 RETURN RECEIPT REQUESTED.

Deputy Attorney General Daniel J. Cavallini  
 Office of the Attorney General  
 Indiana Government Center South  
 302 West Washington Street, Fifth Floor  
 Indianapolis, IN 46204-2770

Vishwanath S. Gundur, M.D.  
 3708 Kingsley Drive  
 Springfield, Illinois 62711

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
  - Print your name and address on the reverse so that we can return the card to you.
  - Attach this card to the back of the mailpiece, or on the front if space permits.
1. Article Addressed to:

2. Article Number: **7003 3110 0003 5659 9800**  
 (Transfer from www.usps.com)  
 PS Form 3811, February 2004 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *Bobel Beantle*  Agent

B. Received by (Printed Name)  Addressee  
*Isobel Saveria*

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

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Postage	\$ 6.00	AUG 10 2005 INDIANAPOLIS, IN USPS AA
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Pr.	10.05	

Sent To: Vishwanath S. Gundur, M.D.  
 3708 Kingsley Drive  
 Springfield, Illinois 62711

PS Form 3811, February 2004

0086 6595 E000 DTTE E001

BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO.: 2003 MLB 0005

STATE OF INDIANA,

Petitioner,

v.

Vishwanath S. Gundur, M.D.,  
License Number: 01043877A,

Respondent.

FILED

AUG 09 2005

Indiana Professional  
Licensing Agency

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a. Information contained in a letter dated June 29, 2005 and attached to the Order to Show Cause as exhibit "A" to the Board from the Indiana State Medical Association (ISMA) stated that the Respondent was arrested for a DUI in April 2005 and was immediately put on leave by his employer. Following the Respondent's evaluation by Rush the report made reference to a prior DUI occurring in September 2004 which was not disclosed by the Respondent to ISMA or the Board.

b. The Respondent failed to attend his quarterly appearance before the Board on June 23, 2005.

3. Paragraphs a and b of section 2 placed the Respondent in violation of the following terms of his probation order issued July 14, 2003:

a. Paragraph #1(b): "Respondent shall maintain a contract with the Indiana State Medical Association's Impaired Physician's program ("ISMA"), and shall be compliant with the terms and conditions at all times."

b. Paragraph #1(c): "Respondent shall submit evidence of compliance with his ISMA contract to the Board in care of the Indiana Professional Licensing Agency on a quarterly basis."

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h. The Board took judicial notice of its file and quarterly appearances made by the Respondent.

i. At Respondent's March 24, 2005 appearance, Respondent falsely testified that his sobriety date was February 12, 1999.

Pursuant to Indiana Code § 4-21.5-3-24, the Board, by a vote of 5-0-0, also ISSUES a Notice of Proposed Default Order on the following grounds:

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3. On July 14, 2005, the Board sent notice to the Respondent at his address on file with the Board informing him of the time, date, and place of the final hearing on this matter.

4. Respondent replied to the Board on July 23, 2005, in response to the Order to Show Cause from the Board, thus implying notice had been received.

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ORDER



WHEREFORE, RESPONDENT IS ORDERED to immediately cease and desist from all acts constituting the practice of medicine for a period of ninety (90) days from the date of this Order.

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SO ORDERED, this 9th day of August, 2005.

MEDICAL LICENSING BOARD OF  
INDIANA

By:

*Frances L. Kelly*  
Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

Copies to:

Vishwanath S. Gundur, M.D.  
One Riverpointe Plaza #718  
Jeffersonville, Indiana 47130

(Temporary Address)  
Vishwanath S. Gundur, M.D.  
3708 Kingsley Drive  
Springfield, Illinois 62711  
SENT CERTIFIED MAIL NO. 7003 3110 0003 5659 9800  
RETURN RECEIPT REQUESTED.

Deputy Attorney General Daniel J. Cavallini  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, IN 46204-2770

Vishwanath S. Gundur, M.D.  
3708 Kingsley Drive  
Springfield, Illinois 62711

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2. Article Number **7003 3110 0003 5659 9800**  
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 3708 Kingsley Drive  
 Springfield, Illinois 62711

PS Form 3811, February 2004

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A. Signature  
*Robert Beattie*     Agent

B. Received by (Printed Name)     Addressee  
*Isabel Saveria*

C. Date of Delivery

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BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO.: 2003 MLB 0005

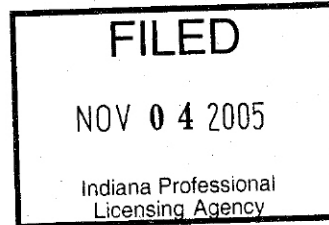
STATE OF INDIANA, )

Petitioner, )

v. )

Vishwanath S. Gundur, M.D., )  
License Number: 01043877A, )

Respondent. )



**SUMMARY SUSPENSION EXTENSION ORDER**

The Medical Licensing Board of Indiana ("Board"), pursuant to the authority of Indiana Code § 4-21.5-4-1 *et seq.* and Indiana Code § 25-1-9-10, held a hearing on October 27, 2005 and by a vote of 4 in favor, 0 against, and 0 abstaining, continues the **SUMMARY SUSPENSION** on the medical license held by Vishwanath S. Gundur, M.D., ("Respondent") for an additional 90 days, as the Board finds that an emergency still exists and that the Respondent continues to represent a clear and immediate danger to the public health and safety if allowed to practice medicine in the State of Indiana.

The State of Indiana was represented by Daniel J. Cavallini, Deputy Attorney General. The Respondent did not appear at the hearing, in person or by counsel.

This NON-FINAL emergency order is based on the evidence in the Board's file and evidence of presented at the hearing, which includes the following:

1. Respondent's address on file with the Board is One Riverpointe Plaza #718, Jeffersonville, Indiana 47130. He has been issued Indiana doctor of medicine license number 01043877A. The Board placed the Respondent's license on Indefinite Probation with various terms per the Board's Order filed on July 14, 2003. Facts giving rise to the original complaint filed on January 22, 2003 are as follows:

- a. Respondent worked as a medical director at Heritage Behavioral Health Center in Decatur, Illinois since October, 1995.
- b. On or about April 26, 2001, Respondent answered "Yes," to the question "has any Health Profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending" on his license renewal.
- c. On or about April 26, 2001, Respondent answered "Yes," to the question "have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending" on his license renewal.
- d. On or about March 16, 1998, Respondent pled guilty to Driving Under the Influence of Alcohol, a class A misdemeanor, Case No. 98 DT 15.
- e. Certain health care professionals who work with or are associated with the Respondent through his employment at Heritage Behavioral Health Center made the following observations regarding the Respondent:
  - (1) Smell of alcohol on Respondent's breath while he was working;
  - (2) Slurred speech while he was speaking to the staff;
  - (3) Pre-signing blank prescriptions; and
  - (4) Being frequently unavailable when called for consultation regarding psychiatric patients.
- f. Based on the allegations in paragraphs d and e, Respondent

was ordered to undergo a physical and mental examination for the purposes of assessing his potential impairment and fitness to practice medicine.

g. Pursuant to the aforementioned examination, Respondent was found to suffer from alcohol dependence.

h. On or about November 8, 1999, the State of Illinois, Department of Professional Regulation placed Respondent's Physician and Surgeon license on Probation for a period of five (5) years.

2. The Board filed an Order to Show Cause on July 14, 2005 based upon the Respondent's noncompliance with the probationary terms as set forth in the Board's Order of July 13, 2003, in that, Respondent has not complied with the terms and conditions identified below:

a. Information contained in a letter dated June 29, 2005 and attached to the Order to Show Cause as exhibit "A" to the Board from the Indiana State Medical Association (ISMA) stated that the Respondent was arrested for a DUI in April 2005 and was immediately put on leave by his employer. Following the Respondent's evaluation by Rush the report made reference to a prior DUI occurring in September 2004 which was not disclosed by the Respondent to ISMA or the Board.

b. The Respondent failed to attend his quarterly appearance before the Board on June 23, 2005.

3. Paragraphs a and b of section 2 placed the Respondent in violation of the following terms of his probation order issued July 14, 2003:

a. Paragraph #1(b): "Respondent shall maintain a contract with the Indiana State Medical Association's Impaired Physician's program ("ISMA"), and shall be compliant with the terms and conditions at all times."

b. Paragraph #1(c): "Respondent shall submit evidence of compliance with his ISMA contract to the Board in care of the Indiana Professional Licensing Agency on a quarterly basis."

classified as a narcotic, addicting, or dangerous drug to a known addict or habitué as evidenced by Respondent's prescribing controlled substances to patient A after Respondent was informed that Patient A had undergone a methamphetamine binge in July, 2007.

**COUNT II**

10. Paragraphs 1-7 are incorporated by reference herein.

11. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4)(A) in that Respondent has continued to practice although Respondent has become unfit to practice due to professional incompetence in that Respondent failed to take reasonable precautions to identify or address Patient A's addiction.

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

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all the cost incurred in the prosecution of this case; and,
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

GREGORY F. ZOELLER  
Attorney General of Indiana

By: 

Jason Gross  
Deputy Attorney General  
Licensing Enforcement and Homeowner  
302 West Washington Street, Fifth Floor  
Indianapolis, Indiana 46204  
Phone (317) 232-6308  
Fax (317) 233-4393  
Email: Jason.gross@atg.in.gov

- h. The Board took judicial notice of its file and quarterly appearances made by the Respondent.
- i. At Respondent's March 24, 2005 appearance, Respondent falsely testified that his sobriety date was February 12, 1999.

Pursuant to Indiana Code § 4-21.5-3-24, the Board, by a vote of 5-0-0, also ISSUES a Notice of Proposed Default Order on the following grounds:

1. Respondent's address on file with the Board is One Riverpointe Plaza #718, Jeffersonville, Indiana 47130. He has been issued Indiana doctor of medicine license number 01043877A.
2. An Order to Show Cause was filed by the Board in this matter on July 14, 2005 due to the Respondent's non compliance with the probationary terms as set forth in the Board's Order of July 14, 2003.
3. On July 14, 2005, the Board sent notice to the Respondent at his address on file with the Board informing him of the time, date, and place of the final hearing on this matter.
4. Respondent replied to the Board on July 23, 2005, in response to the Order to Show Cause from the Board, thus implying notice had been received.
5. On July 28, 2005, Respondent failed to appear for the hearing in person or by counsel.
6. Pursuant to I.C. 4-21.5-3-20, Respondent was provided adequate notice of the final hearing date and failed to appear for said hearing on July 28, 2005.
7. The Board issued its Summary Suspension Order and Notice of Proposed Default on August 9, 2005.

8. The Respondent submitted a response to the Notice of Proposed Default on August 15, 2005, informing the Board that was currently in treatment at Rush Behavioral Health in Chicago, Il.

9. The Respondent was notified of the hearing to determine whether or not the Respondent's Summary Suspension imposed by the Board on July 28, 2005 should be renewed on or about October 21, 2005 and appeared in person for the hearing held on October 27, 2005.

10. The Board did not find the Respondent in default and by vote of 4-0-0 extended the Summary Suspension for an additional 90 days based upon the Board's file and testimony from the Respondent during the hearing.

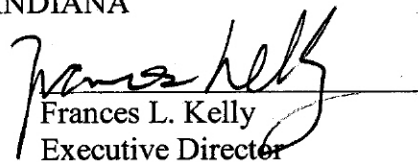
**WHEREFORE, RESPONDENT IS ORDERED** to immediately cease and desist from all acts constituting the practice of medicine for an additional period of 90 days from the date of this Order.

**IT IS FURTHER ORDERED** that Respondent shall immediately surrender all indicia of licensure, including his pocket license and wall license, to the Board in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room 072, Indianapolis, Indiana 46204.

**SO ORDERED**, This 4 day of November, 2005.

MEDICAL LICENSING BOARD  
OF INDIANA

By:

  
Frances L. Kelly  
Executive Director  
Indiana Professional  
Licensing Agency



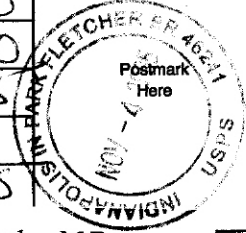
Copies to:

Vishwanath S. Gundur, M.D.  
3708 Kingsley Drive  
Springfield, Illinois 62711  
**Certified Mail No. 7003 3110 0004 5111 2706**  
**Return Receipt Requested**

Daniel J. Cavallini  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, 5th floor  
Indianapolis, IN 46204

7003 3110 0004 5111 2706

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PS Form 3811	Instructions



<b>SENDER: COMPLETE THIS SECTION</b>	<b>COMPLETE THIS SECTION ON DELIVERY</b>
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:  Vishwanath S. Gundur, M.D. 3708 Kingsley Drive Springfield, Illinois 62711	B. Received by (Printed Name) C. Date of Delivery
2. Article Number (Transfer from se <u>7003 3110 0004 5111 2706</u> )	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
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027 11557

BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO.: 2003 MLB 0005

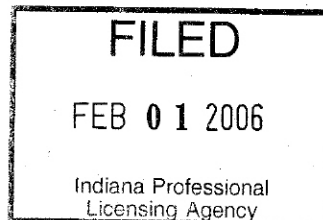
STATE OF INDIANA,

Petitioner,

v.

Vishwanath S. Gundur, M.D.,  
License Number: 01043877A,

Respondent.



**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER ON ORDER TO SHOW CAUSE**

The Medical Licensing Board of Indiana (“Board”) held an administrative hearing on January 26, 2006, in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning the Board’s Order to Show Cause, filed on July 14, 2005, against Vishwanath S. Gundur, M.D. (“Respondent”).

The State of Indiana was represented by Deputy Attorney General Daniel J. Cavallini. The Respondent appeared in person and waived his right to counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 4-0-1, issues the following Findings of Fact and Order:

**FINDINGS OF FACT**

1. Respondent’s address on file with the Board is One Riverpointe Plaza #718, Jeffersonville, Indiana 47130. He has been issued Indiana Doctor of Medicine license number 01043877A.

2. On or about September 18, 2004, Respondent was involved in two (2) motor vehicle accidents within fifteen (15) minutes of each other.

3. At least one (1) officer responding to the accident smelled an odor of alcohol on Respondent.

4. Respondent's evaluation by Rush made reference to a driving under the influence ("DUI") charge occurring on or about September, 2004.

5. Respondent failed to disclose the DUI charge to Indiana State Medical Association or the Board.

6. Respondent was arrested for DUI on or about April, 2005.

7. Respondent's employer, Parkview Psychiatric Service, placed Respondent on suspension as a result of the April, 2005 DUI.

8. Respondent failed to attend his quarterly appearance before the Board on June 23, 2005.

9. The Board took judicial notice of its file and quarterly appearances made by the Respondent.

10. At Respondent's March 24, 2005 appearance, Respondent falsely testified that his sobriety date was February 12, 1999.

11. At the October 27, 2005 hearing, Respondent testified that he had been mistaken as to his sobriety date, and that his actual sobriety date was February 12, 2000.

12. Respondent denied having a relapse in February, 2001.

13. In the settlement agreement executed April 24, 2003 with the Illinois Department of Financial and Professional Regulation, Respondent acknowledged he had two (2) relapses, which occurred in December, 1999, and again in February, 2001.

14. Facts giving rise to the original complaint filed on January 22, 2003 are as follows:

- a. Respondent worked as a medical director at Heritage Behavioral Health Center in Decatur, Illinois since October, 1995.
- b. On or about April 26, 2001, Respondent answered "Yes," to the question "has any Health Profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending" on his license renewal.
- c. On or about April 26, 2001, Respondent answered "Yes," to the question "have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending" on his license renewal.
- d. On or about March 16, 1998, Respondent pled guilty to Driving Under the Influence of Alcohol, a class A misdemeanor, Case No. 98 DT 15.
- e. Certain health care professionals who work with or are associated with the Respondent through his employment at Heritage Behavioral Health Center made the following observations regarding the Respondent:
  1. Smell of alcohol on Respondent's breath while he was working;
  2. Slurred speech while he was speaking to the staff;
  3. Pre-signing blank prescriptions; and
  4. Being frequently unavailable when called for consultation regarding psychiatric patients.
- f. Based on the allegations in paragraphs five [d.] and six [e.], Respondent was ordered to undergo a physical and mental examination for the purposes of assessing his potential impairment and fitness to practice medicine.
- g. Pursuant to the aforementioned examination, Respondent was found to suffer from alcohol dependence.
- h. On or about November 8, 1999, the State of Illinois, Department of Professional Regulation placed Respondent's Physician and Surgeon license on Probation for a period of five (5) years.

15. The Board entered a final Order on July 14, 2003, requiring the Respondent to be compliant with the terms of his contract with the Indiana State Medical Association's Impaired Physician's Program.

16. Respondent, through his relapses, failed to maintain sobriety.

17. The Respondent failed to report the aforementioned relapses to the Board.

### **ULTIMATE FINDINGS OF FACT**

Respondent's conduct constitutes a violation of IND. CODE § 25-1-9-4(a)(10), in that, Respondent has failed to comply with an order imposing a sanction under section 9 of this chapter.

### **CONCLUSIONS OF LAW**

Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions that 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.

### **ORDER**

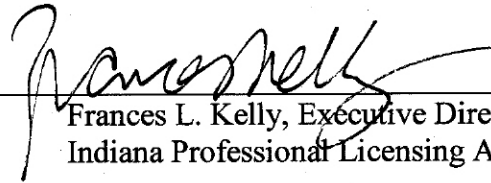
Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

1. Respondent's Indiana medical license is placed on **INDEFINITE SUSPENSION**.

So **ORDERED, ADJUDGED, DECREED**, this 01 day of February 2006.

MEDICAL LICENSING BOARD OF INDIANA

By: \_\_\_\_\_



Frances L. Kelly, Executive Director  
Indiana Professional Licensing Agency

Copies to:

Vishwanath S. Gundur, M.D.  
One Riverpointe Plaza #718  
Jeffersonville, Indiana 47130

**SENT CERTIFIED MAIL NO.7003 1010 0000 9801 4194  
RETURN RECEIPT REQUESTED.**

Deputy Attorney General Daniel J. Cavallini  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, IN 46204-2770

BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NO. 2003 MLB 0005

STATE OF INDIANA, )

Petitioner, )

v. )

VISHWANATH S. GUNDUR, M.D., )  
License No. 01043877A, )

Respondent. )



ORDER REINSTATING LICENSE

Comes now the Board and hearing having been held concerning the reinstatement of the Respondent's license issues its order by a vote of 5-0-0 as follows:

FINDINGS OF FACT

1. This matter is pending before the Board on Respondent Vishwanath S. Gundur's [hereinafter "Respondent"] petition for reinstatement of his license to practice medicine in Indiana, which was suspended by the Board by a Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order issued on February 1, 2006. The Respondent's license was suspended by the Board for noncompliance with his probation. The underlying problem related to alcohol dependence.

2. The Respondent has demonstrated to the Board that he is able to practice with reasonable skill and safety to the public so long as he is under a period of probation to appropriately monitor him.

CONCLUSIONS OF LAW

1. Indiana Code section 25-1-9-11 reads as follows:

The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

2. In order to reinstate a suspended license, the applicant (the individual who has been suspended) must establish that he is able to practice with reasonable skill, safety and competency to the public. Because he has done so, the Respondent does qualify for reinstatement of his license to practice medicine on a probationary status.

ORDER

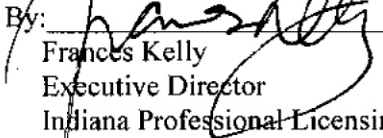
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Respondent's petition for reinstatement of his suspended license to practice medicine in Indiana is granted and, therefore, his license is reinstated.
2. The Respondent's license to practice medicine in Indiana is placed on probation indefinitely with no right to petition for withdrawal of the probation until the conclusion of his contract with the Indiana State Medical Association's Physician Assistance Program.
3. The Respondent's practice of medicine shall be governed by the following terms and conditions of his probation:
  - (a) He shall maintain his contract with the Indiana State Medical Association's Physician Assistance Program and be compliant with all terms and conditions of the contract.
  - (b) He shall practice only in a supervised practice.
  - (c) He shall cause his supervising physician to submit quarterly reports to the Board regarding his practice.
  - (d) He shall continue his relationship with Dr. Goldman and cause Dr. Goldman to submit quarterly written reports to the Board regarding his condition.
  - (d) He shall make quarterly personal appearances before the Board for the first year and then appearances every six months thereafter.
  - (f) He shall obtain forty hours of continuing medical education (CME) each year and shall submit proof that he completed at least eighty hours of CME for the three years prior to January 24, 2008.
4. The failure of the Respondent to comply with the terms and conditions of his probation may subject him to a show cause hearing and the imposition of further sanctions.
5. Pursuant to Indiana Code Section 25-1-9-15, the Respondent shall pay the costs for transcription of the January 24, 2008, hearing. A check in the amount of \$185 shall be made payable to Rutledge Independent Reporters shall be submitted to the Board within 90 days of this order.



ISSUED this 12 day of March, 2008.

MEDICAL LICENSING BOARD  
OF INDIANA

By:   
Frances Kelly  
Executive Director  
Indiana Professional Licensing Agency

Copies to:

Vishwanath S. Gundur, M.D.  
P.O. Box 13044  
Springfield, IL 62791

Sent by Certified Mail No: 7006 2760 0003 4661 1481  
RETURN RECEIPT REQUESTED

Beth Anne Compton  
47 South Meridian Street, Suite 400  
Indianapolis, Indiana 46204

Elizabeth Kiefner  
Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South, 5th Floor  
302 W. Washington Street  
Indianapolis, Indiana 46204

462394

**BEFORE THE MEDICAL  
LICENSING BOARD OF INDIANA  
CAUSE NO. 2003 MLB 0005**

**STATE OF INDIANA,**

**Petitioner**

**v.**

**VISHWANATH GUNDUR, M.D.**

**License Number: 01043877A**

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**ORDER WITHDRAWING PROBATION**

A hearing having been held on October 27, 2011, in the Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana, on the Respondent's petition for withdrawal of probation, the Medical Licenising Board of Indiana ("Board"), by a vote of 6-0-0, now issues its Order Withdrawing Probation as follows:

**FINDINGS OF FACT**

1. This matter is before the Board on Vishwanath Gundur's ("Respondent") petition for withdrawal of his probation. In its Order Reinstating License issued on March 12, 2008, the Board reinstated the Respondent's previously suspended license and placed him on probation with no right to petition for withdrawal of the probation until the conclusion of his contract with the Indiana State Medical Association's Physician Assistance Program. Various terms and conditions were imposed.

2. The Respondent has established that the deficiency that required disciplinary action has been remedied. The last report from his psychiatrist indicates that he is successfully maintaining his sobriety.

**CONCLUSIONS OF LAW**

1. Ind. Code section § 25-1-9-9(b) states in pertinent part that:

The board may withdraw or modify [a] probation [imposed in a disciplinary proceeding] if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.


2. Because the Respondent has established that the deficiency that required disciplinary action has been remedied, he qualifies for withdrawal of his probation.

**ORDER**

IT IS HEREBY ORDERED that the Respondent's petition for withdrawal of his probation is granted and therefore his probation is withdrawn.

ISSUED this 09 day of November, 2011.

MEDICAL LICENSING BOARD OF INDIANA

By:   
Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

Copies to:

Vishwanath S. Gundur, M.D.  
3708 Kingsley Drive  
Springfield, IL 62711

**Sent by Certified Mail No. 91 7190 0005 2720 0013 1659**

**RETURN RECEIPT REQUESTED**

Jason Gross  
Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South, Fifth Floor  
302 West Washington Street  
Indianapolis, Indiana 46204