

THE SOUTH DAKOTA STATE BOARD OF MEDICAL  
AND OSTEOPATHIC EXAMINERS

\* \* \* \* \*  
IN THE MATTER OF THE CANCELLATION, \*  
REVOCATION OR SUSPENSION OF \* ORDER OF SUMMARY  
SOUTH DAKOTA STATE BOARD OF MEDICAL \* SUSPENSION  
AND OSTEOPATHIC EXAMINERS LICENSE \*  
#3509 ISSUED TO FRANCIS BANDETTINI, \*  
D.O. \*  
\* \* \* \* \*

WHEREAS, the South Dakota State Board of Medical and  
Osteopathic Examiners, hereinafter referred to as Board, has  
appointed an investigative committee composed of James R.  
Reynolds, M.D., Robert D. Johnson, and Charvin Dixon to  
investigate the practice and conduct of Francis Bandettini, D.O.

WHEREAS, the investigative committee of the Board has  
advised the Board that based upon the findings of its  
investigation, the continued practice of medicine by Francis  
Bandettini, D.O., poses a serious threat to the public health,  
safety and welfare and imperatively requires the Board to take  
emergency action, and

WHEREAS, based upon the facts as alleged in the Board's  
Complaint and as reported to the Board by its investigative  
committee and served upon you with this Order and incorporated  
herein by reference, the Board finds that the public health,  
safety and welfare imperatively require emergency action.

IT IS HEREBY ORDERED pursuant to SDCL 36-4-29.1 that license #3509 issued to Francis Bandettini, D.O., be summarily suspended pending final order of the Board.

Dated this 2<sup>nd</sup> day of February, 1998.

SOUTH DAKOTA STATE BOARD OF MEDICAL  
AND OSTEOPATHIC EXAMINERS

By: Robert D. Johnson  
Robert D. Johnson  
Executive Secretary

STATE OF SOUTH DAKOTA } S.S.  
MINNEHAHA COUNTY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By: JFP for MBH  
Date: 3-20-08

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

\* \* \* \* \*

IN THE MATTER OF THE CANCELLATION,	*
REVOCATION OR SUSPENSION OF SOUTH	*
DAKOTA STATE BOARD OF MEDICAL AND	*
OSTEOPATHIC EXAMINERS LICENSE #3509	*
ISSUED TO FRANCIS BANDETTINI, D.O.	*
	*

STIPULATION ON  
AGREED DISPOSITION

\* \* \* \* \*

This Stipulation, made and entered into by the South Dakota State Board of Medical and Osteopathic Examiners, hereinafter referred to as Board, by and through its duly appointed Investigative Committee consisting of James Reynolds, M.D., Robert Johnson and Charvin Dixon, and licensee Francis Bandettini, D.O., WITNESSETH:

WHEREAS, the above named Francis Bandettini, D.O., was previously licensed by the South Dakota State Board of Medical and Osteopathic Examiners, and was a practicing physician in Sioux Falls, South Dakota, and

WHEREAS, the Board on February 2, 1998, summarily suspended license #3509 issued to Francis Bandettini, D.O., for the reason that he suffered from a mental illness, and that his continued practice of medicine at that time posed a serious threat to the public health, safety, and welfare, and that such threat imperatively required emergency action by the Board to protect the public, and

WHEREAS, since February 3, 1998, Francis Bandettini, D.O., has been under the care and treatment of J.C.N. Brown, M.D., and

WHEREAS, Francis Bandettini, D.O., continues to the present to be under the care, treatment, and monitoring of J.C.N. Brown, M.D., and

WHEREAS, J.C.N. Brown, M.D., certifies that Francis Bandettini, D.O., is safe to return to the practice of medicine, and

WHEREAS, Francis Bandettini, D.O., has informally met with the above committee pursuant to SDCL 1-26-29, in order to permit him an opportunity to show compliance with all lawful requirements for reinstatement of his license, and

WHEREAS, the Board is permitted pursuant to SDCL 1-26-20 to informally settle contested cases of this nature;

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NOW, THEREFORE, based upon the foregoing, the parties stipulate and agree as follows:

1. That Francis Bandettini, D.O., waives any and all rights, administrative and judicial, that he may enjoy pursuant to SDCL 1-26 or SDCL 36-4.
2. That license #3509 previously issued to Francis Bandettini, D.O., shall be reinstated and placed on probation for two (2) years from the date this document is fully executed, and that during the term of this Agreement, Francis Bandettini, D.O., shall abide by and comply with all of the following terms and conditions:
  - A. That Francis Bandettini, D.O., shall comply with all laws applicable and relating to the

practice of medicine as set forth in SDCL 36-4 as well as all rules and regulations pertaining to such practice in South Dakota.

- B. That during the term of this Agreement, Francis Bandettini, D.O., shall permit the Board, its authorized agents or monitors to have free access to all records relating to medical services provided by him to patients and answer questions and disclose information thereon as requested by the Board, its authorized agents or monitors.
- C. That Francis Bandettini, D.O., shall make every effort to assure that no false or untrue information is entered into the record of any patient under his care.
- D. That Francis Bandettini, D.O., is required to comply with and cooperate with requests from the Board, its authorized agents or monitors.
- E. That Francis Bandettini, D.O., shall make appearances annually, and/or upon request, before the Board. Francis Bandettini, D.O., shall be given reasonable notice of the date, time and place for the appearance.
- F. That Francis Bandettini, D.O., meet with J.C.N. Brown, M.D., on a monthly basis for the first six (6) months of this Agreement, and thereafter for the remainder of the term of

this Agreement, Francis Bandettini, D.O., shall meet with J.C.N. Brown, M.D., once every two (2) months.

- G. That during the term of this Agreement Francis Bandettini, D.O., shall comply with all treatment and prescription requirements made by J.C.N. Brown, M.D.
- H. That during the term of this Agreement Francis Bandettini, D.O., shall request that J.C.N. Brown, M.D., make quarterly reports to the Board regarding the condition and prognosis of Francis Bandettini, D.O., and it shall be the responsibility of Francis Bandettini, D.O., to ensure that such reports are made to the Board.
- I. That Francis Bandettini, D.O., submit to blood and/or urinalysis tests at times requested by the Board or its authorized agents, such testing to comply with the following protocol:
- (1) At the time of testing, Francis Bandettini, D.O., shall receive a specimen cup labeled with his name, and the individual witnessing the sample must personally witness Francis Bandettini, D.O., giving the required sample, such witness to be approved or appointed by the Board;

- (2) In the presence of Francis Bandettini, D.O., the witness will cover the sample and seal the sample with evidence tape;
- (3) Both Francis Bandettini, D.O., and the witness must check and confirm the identification of the sample and both must initial, date and record the time of the sample on the evidence tape;
- (4) The witness must then, in the presence of Francis Bandettini, D.O., complete the first entry on a chain of custody envelope and place the sample within such envelope;
- (5) The sample must then be secured by the witness in an ice chest in his personal vehicle;
- (6) The sample must then be delivered to a laboratory chosen by the Board, and the witness and Francis Bandettini, D.O., must assure that the chain of custody envelope properly reflects appropriate entries for every change of custody;
- (7) The laboratory chosen by the Board must conduct drug screens as requested by the Board;
- (8) If a sample is tested negative, no further testing will be conducted and the

sample discarded, but if the sample tests positive, laboratory personnel must contact the Board relative to instructions for mailing a portion of the sample to a second laboratory for further testing;

(9) Laboratory personnel must submit to the Board a written final analysis of the sample within 30 days of testing.

J. That Francis Bandettini, D.O., is responsible for insuring compliance with the above referred to protocol, is responsible for all costs associated with the above referred to testing, and this Stipulation shall constitute a waiver of confidentiality and the physician patient privilege and be sufficient authority for any facility conducting test(s) to transmit such test results directly to the Board without any additional authorization from Francis Bandettini, D.O.

K. That any positive drug test results, shall permit the Board to summarily enforce the indefinite suspension of license #3509 issued to Francis Bandettini, D.O.

L. Francis Bandettini, D.O., shall permit the Board or its authorized agents to have free access to all records relating to medical



services provided by him to patients and shall agree to answer questions and disclose information thereon as requested by the Board or its authorized agents.

4. In the event that any conduct of Francis Bandettini, D.O., during the term of this agreed disposition, violates the provisions set forth in this Agreement, the Board may summarily suspend license #3509 issued to Francis Bandettini, D.O.
5. That in the event Francis Bandettini, D.O., leaves South Dakota to reside or practice outside the state, Francis Bandettini, D.O., shall notify the South Dakota State Board of Medical and Osteopathic Examiners in writing of all changes of address as well as the dates of departure and return. Periods of residence or practice outside of South Dakota shall not apply to the duration of the informal settlement of the above entitled matter.
6. That this Agreement for the disposition of the above entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of South Dakota and current Board policy.

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7. That Francis Bandettini, D.O., understands that he has the right and has been afforded the opportunity to have this Agreement reviewed by his attorneys, and that in the event he chooses to execute this document without taking the opportunity to avail himself of this right

such failure shall be deemed to be a waiver of such right.

8. That Francis Bandettini, D.O., specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of the consideration of this Agreement have prejudiced his rights to a fair and impartial hearing in the event this Agreement is not accepted by the full Board and if further proceedings ensue.
9. Francis Bandettini, D.O., further agrees that there have been no inducements, threats or promises made in order to obtain his entry into this Agreement.
10. That the parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this Agreement.

Dated this 11<sup>th</sup> day of April, 1998.

STATE OF SOUTH DAKOTA } S.S.  
MINNEHAHA COUNTY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By ITP for MBH  
Date 3-20-08

The South Dakota State Board of  
Medical and Osteopathic  
Examiners

By

Robert D. Johnson  
Robert D. Johnson

Francis Bandettini D.O.  
Francis Bandettini, D.O.

Brian A. Stewart  
Attorney for Francis  
Bandettini, D.O., if any.

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

\* \* \* \* \*

IN THE MATTER OF THE CANCELLATION,  
REVOCATION OR SUSPENSION OF SOUTH  
DAKOTA STATE BOARD OF MEDICAL AND  
OSTEOPATHIC EXAMINERS LICENSE #3509  
ISSUED TO FRANCIS BANDETTINI, D.O.

ORDER OF REINSTATEMENT

\* \* \* \* \*

WHEREAS, on April 21, 1998, license #3509 issued to Francis Bandettini, D.O., was placed on probation for two (2) years pursuant to the South Dakota State Board of Medical and Osteopathic Examiners' Stipulation on Agreed Disposition, and

WHEREAS, on April 20, 2000, Francis Bandettini, D.O., successfully completed such probationary period by complying with all terms of probation.

THEREFORE, IT IS HEREBY ORDERED that license #3509 issued to Francis Bandettini, D.O., is hereby REINSTATED.

Dated this 6th day of June, 2000.

SOUTH DAKOTA STATE BOARD OF  
MEDICAL & OSTEOPATHIC EXAMINERS

By: L. Paul Jensen  
L. Paul Jensen  
Executive Secretary

STATE OF SOUTH DAKOTA } S.S.  
MINNEHAHA COUNTY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary  
By: JTP for MBH  
Date: 3-20-08