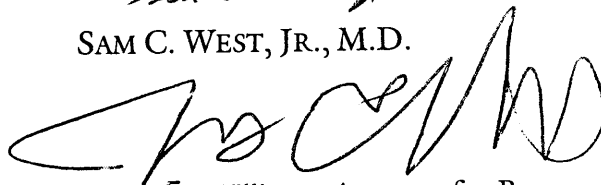


Order are subject to the Commission's approval. It is further agreed by the Respondent that the Medical Licensure Commission shall be permitted to examine and review, prior to approval of the Stipulation, the records and documents now in the possession of the Board of Medical Examiners concerning the stipulation of facts set forth herein. It is further agreed by the Respondent and the Board of Medical Examiners that, in the event the Medical Licensure Commission shall decline to accept this Stipulation and Consent Order as a basis for the disposition of the alleged grounds for imposition for disciplinary sanctions and requires the Board of Medical Examiners to present testimony and documentary exhibits at a subsequent hearing, any admissions by the Respondent in this Stipulation shall be null and void, shall not be binding upon the Respondent and shall not be admissible into evidence at the hearing or any other proceeding, and any consideration by the Commission of the Stipulation and Consent Order and the documentary evidence referred to herein, shall not be prejudicial to the rights of the Respondent to receive a fair and impartial hearing.

STIPULATED AND AGREED this 21st day of May, 2001.

Sam C. West Jr

SAM C. WEST, JR., M.D.



James E. Williams, Attorney for Respondent,
Sam C. West, Jr., M.D.

James R. Seale

James R. Seale, Attorney for
the Alabama Board of Medical Examiners

CONSENT ORDER


This matter is before the Medical Licensure Commission of Alabama pursuant to an Administrative Complaint filed by the Alabama Board of Medical Examiners on February 26, 2001, and pursuant to a signed Stipulation entered into by the Board of Medical Examiners and the Respondent, Sam C. West, Jr., M.D., on the 21st day of May, 2001. The Commission hereby finds that it has jurisdiction of the Administrative Complaint and of the parties hereto pursuant to *Ala. Code* §34-24-361 (1997).

In consideration of the allegations in the Administrative Complaint and based upon the Stipulation of the parties, the Commission hereby finds that the Respondent, Sam C. West, Jr., M.D., has committed acts which violate *Ala. Code* §34-24-360(2) (1997). The Commission concludes, as a matter of law, that the acts committed by Dr. West constitute a violation of *Ala. Code* §34-24-360(2) (1997).

Based upon the foregoing findings of fact and conclusions of law, it is the ORDER of the Medical Licensure Commission:

1. That the license to practice medicine in Alabama of the Respondent, Sam C. West, Jr., M.D., license number 8923 be, and is hereby REPRIMANDED; and
2. That the Respondent, Sam C. West, Jr., M.D., be, and is hereby assessed an administrative fine in the amount of Five Thousand Dollars (\$5,000.00). The administrative fine is due and payable to the Medical Licensure Commission within sixty (60) days of the date of this Consent Order.

ORDERED this 23rd day of May, 2001.


Jerry N. Gurley M. D., Chairman
Medical Licensure Commission

ALABAMA STATE BOARD OF)	
MEDICAL EXAMINERS,)	BEFORE THE MEDICAL LICENSURE
)	COMMISSION OF ALABAMA
Complainant,)	
)	
vs.)	CASE NO. <u>01-004</u>
)	
SAM C. WEST, JR., M. D.)	
)	
Respondent.)	

ADMINISTRATIVE COMPLAINT

Comes now the Alabama State Board of Medical Examiners and submits herein its sworn petition pursuant to the authority of Ala. Code §34-24-361(e)(1997) and respectfully represents to the Medical Licensure Commission the following:

1. The Respondent, Sam C. West, Jr., M. D., was duly licensed to practice medicine in the State of Alabama, license number 8923, on July 18, 1979.

2. The Board of Medical Examiners has caused an investigation to be made into the medical practice of Dr. West and, based upon information developed during the course of its investigation, the Board has determined that there exists probable cause to believe that the Respondent, Sam C. West, Jr., M. D., has committed the following violations of Ala. Code §34-24-360 (1997), and the Rules and Regulations of the Medical Licensure Commission of Alabama:
 - a. Committed unprofessional conduct by engaging in sexual misconduct with a patient, as defined in the Medical Licensure Commission Rule 545-X-4-.07, a violation of Ala. Code §34-24-360(2) (1997);

 - b. Engaged in immoral, unprofessional or dishonorable conduct as defined in the Rules and Regulations of the Medical Licensure Commission, a violation of Ala. Code § 34-24-360(2) (1997).

3. In support of the allegations of the violations of Ala. Code §34-24-360(2) and Medical Licensure Commission Rule 545-X-4-.07, the Board specifically alleges the following facts:

a. According to a patient medical record maintained by Dr. Sam West, a copy of which was provided to the Alabama Board of Medical Examiners by Dr. West pursuant to a subpoena, an adult female, "A," became a patient of Dr. West on or about March 20, 1997.

b. According to progress notes in the medical record, Dr. West provided medical care to patient, "A," over the period of time, March 20, 1997, through July 1, 1999. Dr. West treated patient, "A," during this period of time in a professional capacity as a psychiatrist.

c. According to Dr. West's progress note dated July 1, 1999, in the medical record, patient, "A," was to return in three (3) months from July 1, 1999, to see her psychiatrist, Dr. West. According to said progress note in the medical record, Dr. West, on July 1, 1999, prescribed to patient, "A," Zoloft 100 mg. q.a.m., ninety (90) tablets, with one (1) refill, and Wellbutrin SR 150 mg. b.i.d., one hundred and eighty (180) tablets, with one (1) refill. The medical chart contains no information that patient, "A," was ever terminated or discharged by Dr. West as a patient or that patient, "A," was ever referred for continuing medical care after July 1, 1999, to another health care provider.

d. According to information received by the Board of Medical Examiners, Dr. West continued to prescribe medication to patient, "A," through November 1999.

e. According to information received by the Board of Medical Examiners, Dr. West began a sexual relationship, specifically a relationship which involved sexual intercourse, with patient, "A," in either Spring 1999 or August or September 1999. The Board specifically alleges

that in both Spring 1999 and August and September 1999, "A" continued to be a current patient of Dr. West, because the medical chart maintained on patient, "A," contains no documentation of termination or discharge of the patient and because Dr. West continued to prescribe medications to the patient through November 1999.

f. The Board of Medical Examiners specifically alleges that Dr. West's professional relationship with patient, "A," blended directly into a sexual relationship with "A" either during the time that she was officially his patient or immediately thereafter. Further, the Board of Medical Examiners specifically alleges that Dr. West's sexual activity with "A," whether "A" was a current or former patient, was unprofessional as defined in Medical Licensure Commission Rule 545-X-4-.06.

g. The Board of Medical Examiners specifically alleges that Dr. West's behavior with and conduct toward patient, "A," constitutes sexual contact as that term is defined in Medical Licensure Commission Rule 545-X-4-.07(17) and, consequently, that Dr. West has committed sexual misconduct with a patient and is guilty of unprofessional conduct.

WHEREFORE, the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Medical Licensure Commission of Alabama take jurisdiction of this Administrative Complaint, set a hearing thereon, and cause notice of such hearing and a copy of this Administrative Complaint to be served upon the Respondent, Sam C. West, Jr., M. D., requiring that he appear and answer the allegations contained in this Administrative Complaint in accordance with the Rules and Regulations of the Medical Licensure Commission. Further, the Board requests that, at the conclusion of the hearing, the Medical Licensure Commission revoke, suspend, or place on probation the license to practice

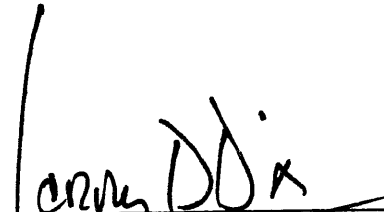
medicine in Alabama of Dr. West, issue an administrative fine, and/or take other action which the Commission deems appropriate based upon the evidence presented for consideration.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board contained in its Resolution adopted on February 21, 2001, a copy of which is attached hereto and incorporated herein.

EXECUTED this the ^{26th} day of February, 2001.



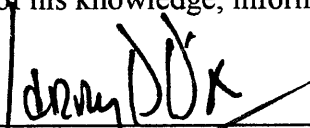
Patricia E. Shaner, Esq.
Attorney for the Alabama Board
of Medical Examiners


Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

James R. Seale, Esq.
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of Medical Examiners
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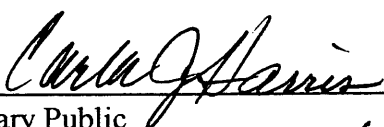
STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this the 26th day of February, 2001.



Notary Public
My commission expires: 10/1/03

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

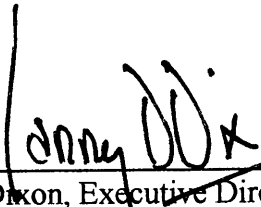
AFFIDAVIT

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners session on February 21, 2001, a quorum of the members of the Board being present, conducted an investigation in to the medical practice of Sam C. West, Jr., M. D. At the conclusion of the discussion, the Board adopted the following resolution:

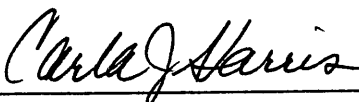
Sam C. West, Jr., M.D., Dothan. The Credentials Committee recommended filing an Administrative Complaint with the Medical Licensure Commission based upon the ground of unprofessional conduct. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 21st day of February, 2001.



Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this the 26th day of February, 2001.



Notary Public
My commission expires: 10/1/03