

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)

v.)

No. 93-6963-LEG

MELVIN NORMAN SEGLIN)
License No. 036-31611, Respondent)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDATION TO THE DIRECTOR

Now Comes the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois ("Board"), and after conducting a hearing and reviewing the record in this matter, a majority of its members hereby makes the following Findings of Fact, Conclusions of Law and Recommendation to the Director:

FINDINGS OF FACT

1. THAT the Board adopts the Findings of Fact contained in the Report and Recommendation of Administrative Law Judge Philip S. Howe, dated January 31, 1997, and incorporates them herein.

CONCLUSIONS OF LAW

1. THAT the Board adopts the Conclusions of Law contained in the Report and Recommendation of Administrative Law Judge Philip S. Howe, dated January 31, 1997, and incorporates them herein.

RECOMMENDATION

Based on the above Findings of Fact and Conclusions of Law, the Medical Disciplinary Board recommends to Director Nikki Zollar that Melvin Norman Seglin's Physician and Surgeon's License, Certificate No. 036-031611, be reprimanded and placed on probation for a period of one(1) years, and that he complete ten (10) hours of professional medical education in the area of ethics during probation.

Dated this 5th day of March, 1997.

Way Morrison

Chairman

Don E. W. Cradock MD

W. S. Murphy MD

Ray H. [Signature]

Adam A. Bennett MD

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DEPARTMENT OF PROFESSIONAL REGULATION

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v.)		No. 93-6963-LEG
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MELVIN NORMAN SEGLIN)		
License No. 036-31611, Respondent)		

ADMINISTRATIVE LAW JUDGE'S REPORT AND RECOMMENDATION

This report is being filed with the Medical Disciplinary Board, pursuant to 225 Illinois Compiled Statutes 60/35 (1994).

CASE HISTORY

The Complaint in this case was filed by the Department on August 6, 1996. Respondent's Answer was filed on August 20, 1996. The Complaint alleges that Respondent was convicted in the Circuit Court of Cook County in April, 1993, of three felonies involving fraud and theft. He was sentenced to probation and ordered to pay restitution. The preliminary hearing occurred on September 16, 1996. The pre-hearing took place on October 23, 1996. The formal evidentiary hearing occurred on November 6, 1996. The Administrative Law Judge received the transcript of the hearing on January 30, 1997.

The Department was represented by Mr. Robert Fiore. Respondent represented himself. Mr. Virgil Wikoff, a member of

the Medical Disciplinary Board, was present. Administrative Law Judge Philip S. Howe presided at the hearing.

EXHIBITS

The Department presented one exhibit, a certified copy of the statement of conviction from the Clerk of the Circuit Court of Cook County, marked as Exhibit 1.

Respondent offered numerous exhibits marked for identification. At the pre-hearing and hearing, only certain relevant documents were admitted into evidence:

1. Exhibit N: Three checks showing restitution made pursuant to Court order.
2. Exhibit O: An updated Curriculum Vitae for Respondent.
3. Exhibit S1: A photocopy of a Board of Psychiatry certification for Respondent in 1959.
4. Exhibit S2: A photocopy of the American Psychiatric Association's Life Fellow designation for Respondent in 1989.
5. Exhibit S3: A photocopy of the American Psychiatric Association's 1973 designation of Respondent as a Fellow.
6. Exhibit T: A 1995 income tax return.
7. Exhibit U: A copy of the June, 1996, contract between Respondent and Correctional Medical Services, Inc.
8. Exhibit V: A letter dated October 29, 1996, from Correctional Medical Services to Respondent.
9. Exhibit W: A copy of a letter dated July 23, 1996 from the Department to Respondent.

10. Exhibit X: A copy of a letter dated August 8, 1996, from the Department to Respondent.

WITNESSES PRESENTED

The Department presented no witnesses.

Respondent present Dr. S. Kruger and himself as witnesses.

FINDINGS OF FACT

The Administrative Law Judge makes the following Findings of Fact based upon the evidence presented:

1. THAT Respondent is the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036-031611, issued by the Department, which is presently in active status.

2. THAT Respondent was found guilty on April 21, 1993, in the Circuit Court of Cook County of vendor fraud (Ill.Rev.Stat.1987, Chapter 23, paragraph 8A-3(a)); and two counts of theft (Ill.Rev.Stat.1987, Chapter 38, paragraph 16-1(b)(1)), all felonies under Illinois law, for offenses occurring from 1987 to 1991.

3. THAT Respondent was sentenced on September 8, 1993, to probation for thirty (30) months, and ordered to pay restitution of \$200,000.00, with \$100,000.00 being for the Illinois Department of Public Aid, and \$100,000.00 for the U.S. Department of Health and Human Services, on October 10, 1993, and the probation being completed successfully.

4. THAT Respondent paid \$100,000.00 to the Illinois Department of State Police Medicaid Fraud and Abuse Fund on October 10, 1993.

5. THAT Respondent is 70 years old and was first licensed to practice medicine in Illinois in 1951.

6. THAT Respondent had no income from the practice of medicine in 1995 and 1996, and he is currently employed by Correctional Medical Services, Inc., under contract, to provide psychiatric services to prisoners in the Lake County, Illinois, jail.

7. THAT Respondent has a Controlled Substances License and a DEA license at present.

8. THAT Respondent is married, with two grown children, and lives in Skokie, Illinois.

9. THAT Respondent has no discipline on his record with the Department.

10. THAT the Department received the first information concerning Respondent's conviction on September 24, 1993.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Administrative Law Judge makes the following Conclusions of Law:

1. THAT the Medical Disciplinary Board has jurisdiction over the parties and the case herein.

2. THAT the Department has proven by clear and convincing

evidence violations of the Illinois Medical Practice Act, 225 Illinois Compiled Statutes 60/22(A), subparagraph 5, and 68 Ill. Adm. Code 1285.240(a)(2)(A).

RECOMMENDATIONS

Based upon the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge makes the following recommendations: that the Certificate of Registration of Melvin Norman Seglin as a Physician and Surgeon, No. 036-031611, be reprimanded and placed on probation for a period of one (1) year, during which time he must complete ten (10) hours of professional medical education on the subject of ethics.

This recommended sanction is deemed appropriate because the Circuit Court imposed a punishment of sufficient magnitude to deter reoccurrences, there was no evidence anywhere of improper patient treatment, Respondent's long and distinguished record of service as a psychiatrist, the successful completion of the Court-ordered probation prior to the Department's Complaint being filed and the prompt payment of the ordered restitution, and the conviction was not the subject of a Complaint for almost three years after sentence was imposed.

All reports of the professional medical education must be submitted to: Mr. Alan Cutler, Probation Compliance Officer,

Illinois Department of Professional Regulation, 100 West Randolph Street, 9th Floor, Chicago, Illinois 60601.

Respondent is placed on notice that any failure to comply with any the terms of this Recommendation or violate any provisions of the Medical Practice Act while on probation, could be grounds for possible further disciplinary action against Respondent's license.

Date: January 31, 1997

Respectfully submitted:

Philip S. Howe

Philip S. Howe, Administrative Law Judge

STATE OF ILLINOIS
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois)
Complainant)

v.)

MELVIN NORMAN SEGLIN) **No. 93-6963-LEG**
License No.: 036-31611)
Respondent.)

ORDER

This matter coming to be heard before the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, and the Medical Disciplinary Board having made certain Findings of Fact, Conclusions of Law and a Recommendation to the Director of the Department; and the Department having complied with all required notices; and the time allowed for filing a Motion for Rehearing before the Director of the Department having now passed;

NOW, THEREFORE, I, NIKKI M. ZOLLAR, DIRECTOR OF THE DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, do hereby adopt the Findings of Fact, Conclusions of Law, and Recommendation of the Medical Disciplinary Board in this matter.

I THEREFORE ORDER that the Certificate of Registration, license No. 036-31611, issued to Melvin Norman Seglin to carry on the practice of Physician and Surgeon in the State of Illinois is to be Reprimanded and placed on Probation for a one(1) year period under the terms of the Medical Disciplinary Board's recommendation.

DATED THIS 14th DAY OF April, 19 97.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

Nikki M. Zollar

NIKKI M. ZOLLAR
DIRECTOR