

COPY

STATE OF MAINE

BOARD OF REGISTRATION IN MEDICINE

IN RE)
STEVE S. T. YOUNG, M.D.)

BOARD ORDER AND FINAL
DECISION

On December 15, 1993, the Board held an adjudicatory hearing on a Complaint issued on the Board's own motion alleging incompetence by licensee Steve S. T. Young, M.D. Board Staff was represented by Assistant Attorney General Polly Haight Frawley. Dr. Young did not attend the hearing nor was he represented by counsel at the hearing. The hearing was held according to Title 5 M.R.S.A. §9051, *et seq.* The Presiding Officer was Edward David, M.D., J.D., Chairman of the Board of Registration in Medicine.

Dr. David inquired if Dr. Young had been duly noticed of the adjudicatory hearing. Ms. Frawley produced evidence to the Presiding Officer that Dr. Young had been duly noticed. The Presiding Officer examined the evidence and ruled that proper notice had been given. The Presiding Officer further ruled that by his absence and the absence of counsel, Dr. Young had waived his right to appear in person or through counsel.

Under pre-hearing matters, Ms. Frawley presented to the Board a letter from Dr. Young dated November 27, 1993. After the notice of the hearing was given, Dr. Young wrote requesting to withdraw from licensure. Pursuant to 10 M.R.S.A. §8003(5)(D), the Board may refuse to accept a request to withdraw from licensure if a licensee is under investigation or the subject of a pending proceeding. The Board, on a unanimous vote, refused to accept Dr. Young's letter of withdrawal.

ALLEGATIONS: Board Staff charged Dr. Young with incompetence. The allegations were contained in an evidence file compiled on Dr. Young by the Olin Teague Veteran's Center in Temple, Texas, based on Dr. Young's practice as an anesthesiologist. The allegations were outlined in a letter dated February 21, 1992 to Steve S. T. Young, M.D., from E.A. Borrell, Director, Olin Teague Veteran's Center. The specific allegations presented to the Board from the letter were: Count 1, Count 2, Count 4, Count 6, Count 7, Count 11, Count 15, Count 16, Count 20, Count 21,

Count 23 and Count 24. It was alleged that these counts constitute incompetency in the practice for which Dr. Young is licensed in violation of Title 32 M.R.S.A. §3282-A(2)(E) which states:

Incompetence in the practice for which he is licensed. A licensee shall be deemed incompetent in the practice if the licensee has:

- (1) Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to client or patient or the general public; or
- (2) Engaged in conduct which evidences a lack of knowledge, or inability to apply principles or skills to carry out the practice for which he is licensed.

The evidence presented included patient records and/or incident reports in support of each count alleged as well as expert testimony from an anesthesiologist. The evidence demonstrated, *inter alia*, instances where Dr. Young did not keep accurate records, dozed while serving as the attending anesthesiologist, left patients unattended while serving as the attending anesthesiologist, was unaware of how to use medications commonly used by an anesthesiologist and was unable to deal with issues involving cardiac life support. After the facts were entered into evidence, Dr. David adjourned the hearing and the Board held a deliberative session. At the conclusion of the deliberative session, the Board found that the evidence presented demonstrated that Dr. Young lacked the ability and fitness to discharge the duty owed to the patients in the counts alleged as well as the knowledge and ability to apply the principles and skills of an anesthesiologist.

SANCTIONS: Pursuant to Title 32 M.R.S.A. Section 3282-A(2)(E), quoted above, these violations of the Medical Practice Act are punishable by sanctions. As provided for by 10 M.R.S.A. Section 8003(5)(A-1)(2) the Board imposes three consecutive 90

day suspensions of Dr. Young's license based on the information contained in the Olin Teague evidence file, more specifically, Counts 11, 15-16 and 20, as outlined in Mr. Borrell's letter to Dr. Young dated February 21, 1992.

Pursuant to Title 32 M.R.S.A. Section 3282-A(1)(C) the Board also further determined not to renew Dr. Young's license when it comes up for renewal on July 1, 1994.

APPROVED: By a vote of 5 - 0 with Dr. Harry Bennert, Dr. Emily Bray, Dr. D. Joshua Cutler, Mr. Harold Jones and Mrs. Sandra Tuttle voting in the affirmative and Dr. Edward David abstained.

NOTICE OF APPEAL RIGHTS: Dr. Young may appeal this Final Decision and Board Order by filing a petition for Review in Administrative Court pursuant to 10 M.R.S.A. §8003(5). Any such petition for review must be filed within thirty (30) days of his receipt of this Final Decision and Board Order. Any other person aggrieved by this Final Decision and Board Order may petition for judicial review within forty (40) days of the date appearing below.

Date: 1-19-94



Edward David, M.D., J.D., Chairman
Board of Registration in Medicine