

**SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**  
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**IN THE MATTER OF THE APPLICATION**  
**FOR SOUTH DAKOTA MEDICAL LICENSURE SUBMITTED BY**  
**SAMUEL W. DOWNING, MD**  
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**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

WHEREAS, the investigative review panel of the South Dakota Board of Medical and Osteopathic Examiners having performed due diligence with regard to the application of Samuel W. Downing, MD, for licensure, and the South Dakota Board of Medical and Osteopathic Examiners, being fully advised of the premises, hereby makes and enters its:

**FINDINGS OF FACT**

1. Samuel Downing, MD, hereinafter called Applicant, signed and submitted his initial application for licensure. He provided affirmative answers on the application, but did not provide explanations. At the request of Board staff, he then submitted an amendment to his application and provided details of the death of an obstetrical patient and the subsequent investigation and discipline imposed by the Colorado Board of Medical Examiners. He stated that his practice was monitored, and that he retired from practice at the end of 2003 per an agreement with the Colorado Board.
2. Applicant was notified that his amended application was under investigation, and staff acquired a signed Authorization for Release of Information form from Applicant which was sent to the Colorado Board of Medical Examiners.
3. Applicant sent a letter stating that he no longer needed a South Dakota medical license, and requesting that his application be withdrawn.
4. A letter was sent to Applicant acknowledging receipt of his request, and informing him that because he was under investigation, the Board may grant his request to withdraw while under investigation.
5. Applicant met with members of the Board's Investigative Review Panel on June 16, 2009, and at that time, he requested withdrawal while under investigation which is reportable to the Federation of State Medical Boards, and published on the Board's Web site.

**CONCLUSIONS OF LAW**

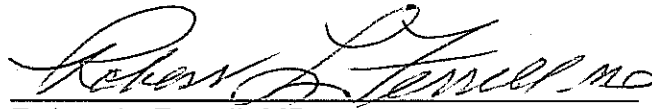
1. The Board has jurisdiction over the application for licensure under the provisions of SDCL Chapter 36-4C.
2. The Applicant has the burden of proving that he is qualified, competent and is of good moral character. Applicant did not meet this burden.

3. The Applicant requested withdrawal of his initial application, which was under investigation.
4. The application of Dr. Samuel W. Downing is hereby considered "withdrawn while under investigation".

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law herein are approved.

Dated this 15<sup>th</sup> day of September, 2009

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

A handwritten signature in cursive script, reading "Robert L. Ferrell, MD". The signature is written in black ink and is positioned above a horizontal line.

Robert L. Ferrell, MD  
President, SDBMOE

**THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**

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IN THE MATTER OF THE INITIAL  
APPLICATION FOR A SOUTH  
DAKOTA MEDICAL LICENSE  
SUBMITTED BY  
SAMUEL W. DOWNING, MD

ORDER TO GRANT  
WITHDRAWAL OF INITIAL  
MEDICAL LICENSE  
APPLICATION WHILE UNDER  
INVESTIGATION

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The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by members of the Board's Investigative Review Panel due to information found during the application process; and the applicant subsequently requesting that he be allowed to withdraw the initial application for licensure; and the Board being fully advised in the premises and having heretofore made and entered its Findings Of Fact And Conclusions Of Law;

IT IS THEREFORE ORDERED that the request from Samuel W. Downing, MD, to withdraw his initial application while under investigation is approved, and

IT IS FURTHER ORDERED that its Findings of Fact and Conclusions of Law and the Order are public documents and will be reported as the Board deems necessary, and placed in the investigative file for further investigation and consideration should the applicant submit an application for licensure in the future.

Dated this 15<sup>th</sup> day of September, 2009

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, MD  
President, SDBMOE