

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BUREAU OF HEALTH SERVICES
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

FRED WOOLLEY STELSON, M.D.
_____ /

Complaint No. 43-01-0308-00
CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on May 2, 2002 charging Fred Woolley Stelson, M.D., (Respondent) with having violated sections 16221(a), (b)(i), (b)(vi), and (c)(iv) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq.*

Respondent has admitted by stipulation contained in this document that the facts alleged in the complaint and amended within this stipulation are true and constitute violation of the Public Health Code.

The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and constitute violation of sections 16221(a), (b)(i), (b)(vi), and (c)(iv) of the Public Health Code.

Accordingly,

IT IS ORDERED that for each of the violations Respondent's license is SUSPENDED for a period of six months and one day commencing on the effective date of this order. The periods of suspension shall run concurrently.

IT IS FURTHER ORDERED that should Respondent violate any term or condition set forth here, it may be determined that Respondent has violated an order of the Disciplinary Subcommittee, 1996 AACS, R 338.1632, and section 16221(h) [formerly section 16221(g)] of the Public Health Code.

IT IS FURTHER ORDERED that in the event Respondent petitions for reinstatement of the license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and rules promulgated thereunder. Further, Respondent must demonstrate by clear and convincing evidence that he is of good moral character, is able to practice the profession with reasonable skill and safety, and that it is in the public interest for the license to be reinstated.

IT IS FURTHER ORDERED that in addition to the statutory requirements for reinstatement and the guidelines promulgated by the Department for reinstatement, Respondent shall fulfill the following requirements prior to filing for reinstatement:

- a. Respondent will receive an evaluation by a Board approved psychiatrist to explore issues surrounding exploitive relationships with patients. The psychiatrist will provide a copy of the evaluation report to the Board.
- b. Respondent will complete the following continuing medical education requirements:
 - 24 hours in the area of boundary violations;
 - 8 hours in the area of prescribing medications; and
 - 8 hours in the area of borderline patients.

IT IS FURTHER ORDERED that a petition for reinstatement may not be filed sooner than 90 days prior to the end of the suspension period.

IT IS FURTHER ORDERED that should Respondent meet the requirements for reinstatement, he will be required to be on probation for a minimum of one year during which he will be required to meet monthly with a Board Certified Psychiatrist to discuss case management. Furthermore, the Board has the right to order other probationary conditions deemed necessary at the time of reinstatement.

IT IS FURTHER ORDERED that all costs and expenses incurred in complying with the terms and conditions of this consent order and stipulation shall be paid by Respondent.

IT IS FURTHER ORDERED that this order shall be effective on the date signed by the Disciplinary Subcommittee or its authorized representative, as set forth below.

Signed this 14th day of May, 2003.

MICHIGAN BOARD OF MEDICINE

By 
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate and agree as follows:

1. The allegations of fact contained in the complaint and amended within this document are true and constitute violation of sections 16221(a), (b)(i), (b)(vi), and (c)(iv) of the Public Health Code.

2. Respondent understands and intends that by signing this stipulation he is waiving the right pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq*, to require the State to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative.

3. There are technical corrections to be made to the complaint:

Respondent was a shareholder and associate in Psychiatric Medicine, P.C. between 1994 and 1997. This entity was distinct from ADD Life Center, P.C. which was under the complete control of Respondent and began in 1997.

There are also some incorrect dates listed in the complaint relating to the incidents of sexual contact. The last office therapy session occurred in August 2000, with phone contacts after that time.

The acts of sexual intercourse followed and occurred between October 20, 2000 and November 6, 2000.

4. Factors taken into consideration when determining the proposed sanction include the following:

Respondent acknowledges that the acts of sexual intercourse occurred within two years of the end of the therapeutic relationship.

Respondent contends he was unaware that his conduct constituted an ethical violation. He considered the relationship to be consensual.

5. Respondent understands that reinstatement of the license at the end of the suspension period is not automatic but that pursuant to sections 16245 and 16247 of the Public Health Code, and rules promulgated thereunder, a petition for reinstatement must be filed and Respondent must establish by clear and convincing evidence that he is of good moral character, is able to

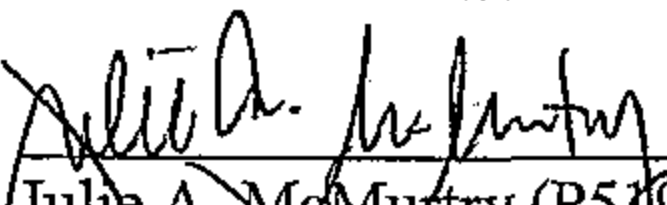
practice the profession with reasonable skill and safety, and that it is in the public interest for the license to be reinstated. Respondent has also agreed as part of the settlement of this case that he will complete certain educational and therapeutic requirements prior to requesting the reinstatement of his license.

6. The Board's conferee, Linda Hotchkiss, M.D., who has indicated support of this proposal, and the Department's representative or the undersigned assistant attorney general are free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the consent order.


7. This consent order is approved by the respective parties and may be entered as the final order of the Disciplinary Subcommittee in this cause.

8. This proposal is conditioned upon its acceptance by the Disciplinary Subcommittee, the parties expressly reserving the right to further proceedings without prejudice should the consent order be rejected.

AGREED TO BY:

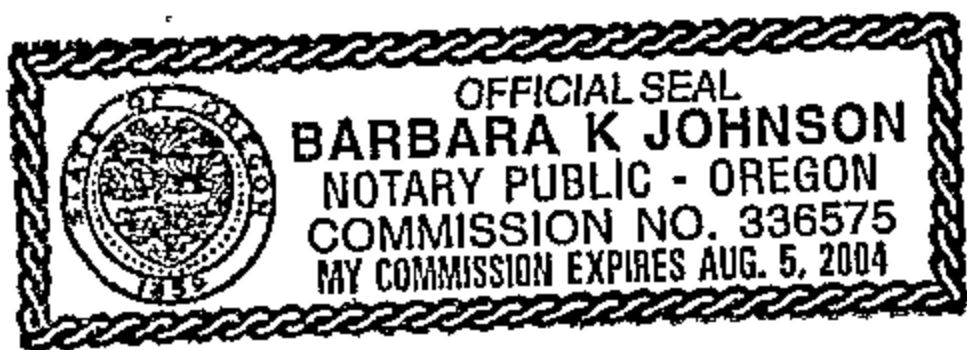

Julie A. McMurry (P51989)
Assistant Attorney General
Attorney for Complainant
Dated: 3-25-03

AGREED TO BY:


Fred Woolley Stelson, M.D.
Respondent
Dated: 3/17/03

State of Oregon)
County of Douglas)ss

On the 17th day of March, 2003, Fred Woolley Stelson, M.D., signed this consent order and stipulation in front of me.



Barbara Johnson
Notary Public, Douglas County
State of Oregon
My commission expires: 8/5/2004

I have reviewed and approved the foregoing document both as to form and substance.

James H. Duff
James H. Duff (P35662)
Attorney for Respondent

This is the last and final page of a consent order and stipulation in the matter of Fred Woolley Stelson, M.D., pending before the Disciplinary Subcommittee of the Michigan Board of Medicine, and consisting of 6 pages, this page included.