

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS

In the Matter of

Albert Norman Bayer, M.D.
License Number: 43-01-407044

FILE NO.: 43-11-119411

PROOF OF SERVICE

State of Michigan)
)
County of Ingham)

I, Marcie Anderson, of Lansing, County of Ingham, State of Michigan, do hereby state that on November 30, 2011, I sent the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

CONSENT ORDER AND STIPULATION dated November 16, 2011

BY: (X) First Class Mail
() Certified Mail, Return receipt requested

TO: Albert Norman Bayer, M.D.
7490 Vintage Lane
West Bloomfield, MI 48322

Christine A. Derdarian
Attorney at Law
2055 Orchard Lake Rd.
Sylvan Lake, MI 48320

By Interdepartmental Mail to:

Bill Hurth, Manager
Bureau of Health Professions
Enforcement Section

Kelly K. Elizondo
Department of Attorney General
Licensing & Regulation Division
Detroit, MI

Marcie Anderson

Marcie Anderson
Health Regulatory Division

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

Albert Norman Bayer, M.D.
License No. 43-01-407044

Complaint No. 43-11-119411

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on July 13, 2011, charging Albert Norman Bayer, M.D. (Respondent) with having violated sections 16221(a), (b)(ii), (b)(iii), and (h) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*, and 1996 AACS, R 338.1632.

Based on the administrative complaint and after consultation with the Chairperson of the Board of Medicine, the Department summarily suspended Respondent's license to practice medicine by order dated July 13, 2011.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. 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 that Respondent has violated section 16221(a) of the Public Health Code.

Accordingly, for this violation, IT IS ORDERED:

The order of summary suspension previously issued is DISSOLVED.

Respondent's license is SUSPENDED for a period of one year.

Counts II, III, and IV of the administrative complaint are DISMISSED.

If Respondent petitions for reinstatement of his license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and 1996 AACS, R 338.1635. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

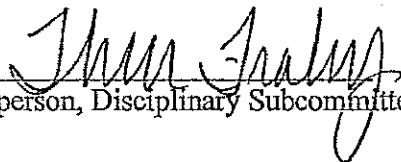
Respondent may not file a petition for reinstatement sooner than ninety days prior to the end of the suspension period.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of 1996 AACS, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 11-16-11

MICHIGAN BOARD OF MEDICINE

By 
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint.

Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary

Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee George Shade, Jr. M.D. Dr. Shade or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

Kelly K. Elizondo
Kelly K. Elizondo (P45534)
Assistant Attorney General
Attorney for Complainant
Dated: 10-26-2011

AGREED TO BY:

Albert N. Bayer
Albert Norman Bayer, M.D.
Respondent
Dated: 10/19/2011

Christine Derdarian
Christine Derdarian (P23377)
Attorney for Respondent
Dated: 10/19/2011

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS

In the Matter of

ALBERT NORMAN BAYER, M.D.
License Number: 43-01-407044

STATE OF MICHIGAN)
)
COUNTY OF INGHAM)

FILE NO.: 43-11-119411

PROOF OF SERVICE

I, Marcie M. Anderson, of Lansing, County of Ingham, State of Michigan, do hereby state that on July 14, 2011, I mailed the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

ORDER OF SUMMARY SUSPENSION signed July 13, 2011; ADMINISTRATIVE COMPLAINT signed July 13, 2011, with attached Exhibit.

By: Certified Mail, Return Receipt Requested
 First Class Mail

To: Albert Norman Bayer, M.D.
 7490 Vintage Lane
 West Bloomfield, MI 48322

By: Interdepartmental Mail

To: Bill Hurth, Manager
 Enforcement Section
 Bureau of Health Professions

Marcie M. Anderson

Marcie M. Anderson
Enforcement Section
Health Regulatory Division

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ALBERT NORMAN BAYER, M.D.
License Number: 43-01-407044

File Number: 43-11-119411

ORDER OF SUMMARY SUSPENSION

An Administrative Complaint has been filed against the above-named Respondent as provided by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; and

After careful consideration of the documentation filed in said cause and after consultation with the Chairperson of the Board of Medicine pursuant to section 16233(5) of the Public Health Code, supra, the Department hereby finds that the public health, safety, or welfare requires emergency action; now therefore,

IT IS HEREBY ORDERED that Respondent's license to practice medicine in the state of Michigan shall be and hereby is SUMMARILY SUSPENDED, commencing on the date this order is served.

Section 7311(6) of the Public Health Code, supra, provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15 of the Public Health Code.

Under 1996 AACS, R338.1610, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a "Petition for Dissolution of Summary Suspension" and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Health Professions, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF LICENSING
AND REGULATORY AFFAIRS

By: Rae Ramsdell
Rae Ramsdell, Acting Director
Bureau of Health Professions

Dated:

7/13/2011

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ALBERT NORMAN BAYER, M.D.
License Number: 43-01-407044

File Number: 43-11-119411

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Licensing and Regulatory Affairs, hereafter Complainant, by Rae Ramsdell, Acting Director, Bureau of Health Professions, and files this complaint against Albert Norman Bayer, M.D., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Medicine, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent holds a disciplinary limited license to practice medicine in the state of Michigan and holds a current controlled substance license.

3. Section 16233(5) of the Public Health Code, supra, provides, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws

4. "Substance abuse" is defined at section 6107(3) of the Public Health Code, supra, as follows:

The taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.

5. Marihuana is a schedule 1 controlled substance. Cocaine is a schedule 2 controlled substance. Klonopin is a schedule 4 controlled substance. Soma is a prescription medication with addictive properties.

6. On December 28, 2006, and on April 15, 2007, an Order of Summary Suspension and a Superseding Administrative Complaint were issued, respectively, against Respondent based on his sexual misconduct with a patient, negligent prescribing of controlled substances, and possession of marihuana and cocaine. On May 21, 2008, in resolution of the matter, the Board's Disciplinary Subcommittee issued a Consent Order and Stipulation, which dissolved the summary suspension and limited Respondent's license for a minimum period of one year. The terms of the limitation require, in part, that Respondent practice under the general supervision of a licensed psychiatrist, pre-approved

by the Board. Further, Respondent was placed on concurrent probation with specified terms. A copy of the Consent Order and Stipulation, marked Exhibit A, is attached and incorporated.

7. On May 10, 2011, local law enforcement observed Respondent exit a bar and enter into the driver side of a vehicle and drive away. Subsequently, after stopping *the vehicle for speeding, law enforcement smelled an odor of intoxicants coming from* Respondent. Upon searching the vehicle, police found prescription medications (42 Klonopin 0.5 mg tabs and 45 Soma tabs) in Respondent's bag, which were prescribed by Respondent to another person. As a result, he was arrested for possession of a controlled substance and subsequently tested positive for alcohol and controlled substances.

8. Complainant's investigation into the matter revealed that Respondent's Drug Enforcement Administration, hereafter DEA, registration expired July 31, 2009. A review of Respondent's Michigan Automated Prescription System report indicates that Respondent has continued to prescribe controlled substances after his DEA registration had expired. Additionally, Respondent failed to practice under the general supervision of a *licensed psychiatrist*.

9. Contrary to the terms of the Consent Order and Stipulation, Respondent has failed to practice under the general supervision of a licensed psychiatrist, and failed to comply with the Public Health Code based on his conduct as set forth above.

COUNT I

Respondent's conduct, as set forth above, evidences a conduct, practice, or condition, which impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences substance abuse, in violation of section 16221(b)(ii) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, indicates that Respondent suffers from a mental or physical inability reasonably related to and adversely affecting Respondent's ability to practice in a safe and competent manner, in violation of section 16221(b)(iii) of the Public Health Code, supra.

COUNT IV

Respondent's conduct, as set forth above, evidences violations of a final order issued by the Board's Disciplinary Subcommittee, contrary to 1996 AACCS, R 338.1632, in violation of section 16221(h) of the Public Health Code, supra.

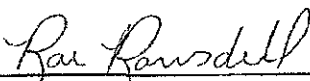
WHEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, MCL 24.201 et seq; the Public Health Code, and the rules promulgated thereunder, to determine whether disciplinary action should be taken against Respondent for the reasons set forth above.

FURTHER, pending a hearing and final determination of the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health, safety, and welfare requires emergency action and Respondent's license to practice medicine in the state of Michigan shall be accordingly summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Rae Ramsdell, Acting Director, Bureau of Health Professions, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: 7/13/2011



Rae Ramsdell, Acting Director
Bureau of Health Professions

Attachment

This is the last and final page of an Administrative Complaint in the matter of Albert Norman Bayer, M.D., File Number 43-11-119411, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of five pages, this page included.

WH

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ALBERT N. BAYER, M.D.
_____ /

Complaint No. 43-05-99550

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An Administrative Complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on December 22, 2006, charging Albert N. Bayer, 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.*

A Superseding Administrative Complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on April 5, 2007, charging Respondent with having violated sections 16221(a), (b)(i), (b)(ii), (b)(vi), and (c)(iv) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

Based on the Administrative Complaint and after consultation with the Chairperson of the Board of Medicine, the Department summarily suspended Respondent's license to practice medicine by Order dated December 28, 2006. This suspension has remained intact.

The parties have stipulated that the Disciplinary Subcommittee may enter this Consent Order. 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 Superseding

Administrative Complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the Superseding Administrative Complaint are true and that Respondent has violated sections 16221(a), (b)(i), (b)(ii), (b)(vi), and (c)(iv) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

The Order of Summary Suspension previously issued is DISSOLVED.

Respondent's license is LIMITED for a minimum period of one year commencing on the effective date of this Order. Reduction of the limitation period shall occur only while Respondent is employed as a medical doctor. The details of the limitation are as follows:

SUPERVISION. Respondent's practice shall be only under the general supervision of one or more licensed or Board certified psychiatrists pre-approved by the Chairperson of the Disciplinary Subcommittee or the Chairperson's designee. Respondent shall provide a copy of this Order and the First Superseding Administrative Complaint dated April 5, 2007, to the proposed supervisor before requesting Board approval of the supervisor. At the time Respondent submits the name of the proposed supervisor to the Department, he shall include the proposed supervisor's curriculum vitae. Respondent shall not work in any capacity for which a medical license is required until he receives written confirmation from the Department that the proposed supervisor has been approved.

"General supervision" means the oversight or participation in Respondent's work by a supervisor, with continuous availability of direct communication between Respondent and the supervisor in person or by radio, telephone, facsimile, electronic mail, or other communication device. The supervisor shall review Respondent's practice on a regularly scheduled basis, shall provide consultation to Respondent, shall review patient records generated by Respondent on a regularly scheduled basis, and shall further educate Respondent in the performance of his functions.

If Respondent changes employment, or if Respondent's supervisor changes for any other reason, Respondent shall provide copies of this Order and the First Superseding Administrative Complaint dated April 5, 2007, to the successor supervisor, shall request approval of the successor supervisor, and shall not work

under a successor supervisor until he receives confirmation from the Department that the successor supervisor has been approved.

Based on the issues raised by the First Superseding Administrative Complaint dated April 5, 2007, the supervisor shall evaluate every aspect of Respondent's professional practice, paying particular attention to the areas of psychotherapy, psychotropic medication management, opioid analgesic medication management, forensic consultation, transference, counter-transference, and boundary issues. As appropriate, the supervisor shall utilize the reports generated by the Michigan Automated Prescription System (MAPS) to facilitate review of Respondent's prescribing of controlled substances.

Respondent is placed on PROBATION concurrent with the period of limitation commencing on the effective date of this Order. The terms and conditions of the probation are as follows:

- A. SUPERVISOR REPORTS. Respondent's supervisor shall file reports with the Department, as further provided below, advising of Respondent's work performance. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice, or appears unable to practice with reasonable skill and safety, Respondent's supervisor shall immediately notify the Department.
- B. RECORDS REVIEW. During the period of probation, Respondent's supervisor shall review records of patients treated by Respondent as either outpatients or inpatients. This review may occur at the quarterly meetings described in the above paragraph.

During the period of probation, Respondent's supervisor shall also request a report reflecting Respondent's controlled substance prescribing practices from the Michigan Automated Prescription System (MAPS) each quarter. The supervisor shall check the MAPS report against information in Respondent's patient records. The supervisor need not verify every prescription on the MAPS report, but may randomly choose prescriptions to verify through the patient records.

- C. MEETING WITH SUPERVISOR. Respondent shall meet monthly with his supervisor to review Respondent's professional practice as described, *supra*. The initial meeting shall occur at the end of the second month of probation, and subsequent meetings shall occur every month thereafter until the period of probation ends.

- D. COUNSELING. Respondent shall obtain/continue treatment on a regular basis with a Board-certified psychiatrist pre-approved by the Chairperson of the Board or his designee. This psychiatrist must be a physician with whom Respondent has never been professionally associated. Respondent shall provide the psychiatrist with a copy of the April 5, 2007 First Superseding Administrative Complaint. Respondent shall remain in treatment throughout the probation period or until he is discharged from treatment, whichever occurs first. The psychiatrist shall submit quarterly reports to the Department addressing Respondent's ability to practice in a safe and competent manner. Respondent shall obtain approval from the Board chairperson or his designee before changing psychiatrists.
- E. CONTINUING EDUCATION CREDITS. Within the first year of probation, Respondent shall successfully complete the ethics program entitled ProBE. This program shall not count toward the number of credit hours required for license renewal. Respondent shall mail proof of successful completion of this course to the Department at the address set forth below.
- F. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. By accepting the terms of this Consent Order and Stipulation, Respondent has authorized the release of all necessary records and information.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent shall direct any communications to the Department that are required by the terms of this Order to: Sanction Monitoring Unit, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan 48909.

Reclassification of Respondent's limited license shall not be automatic, but Respondent may petition for reclassification of the limited license upon conclusion of the limitation period. In the event Respondent petitions for reclassification of the license, the petition shall be in accordance with section 16249 of the Public Health Code and 1996 AACRS, R 338.1636. Under these provisions, Respondent must demonstrate that he (1) will practice the profession safely and competently within the area of practice and under conditions stipulated by the Disciplinary Subcommittee, and (2) should be permitted in the public interest to so practice. Prior to applying for reclassification, Respondent shall undergo an assessment of his medical practice by a psychiatrist agreed to in advance by the parties that confirms that his medical practice conforms with the standard of care. Additionally, before petitioning for reclassification, Respondent shall provide documentation from his supervisor that his medical practice is appropriate and compliant with the standard of care. Although these assessments shall evaluate all aspects of Respondent's practice, particular attention should focus on the areas of psychotherapy, psychotropic medication management, opioid analgesic medication management, forensic consultation, transference, counter-transference, and boundary issues.

Respondent is currently subject to criminal prosecution arising out of the same facts as contained in the Superseding Administrative Complaint. If Respondent is criminally convicted, the Department will not bring a new administrative complaint based on the conviction.

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, including the cost of the psychiatric evaluation referenced, *supra*.

Respondent shall be responsible for the timely compliance with the terms of this Consent Order, including the timely filing of any documentation; failure to comply within the time limitations provided will constitute a violation of this Order.

If Respondent violates any term or condition set forth in this Order, Respondent will be in violation of 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

This Order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 5-21-, 2008.

MICHIGAN BOARD OF MEDICINE

By *John Fralich*
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the Superseding Administrative Complaint. Respondent understands that by pleading no contest, he does not admit the truth of the allegations, but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the Superseding Administrative Complaint and may enter an Order treating the allegations as true.

2. Respondent understands and intends that by signing this Stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Superseding Administrative Complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed Consent Order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee George Shade, M.D. Dr. Shade and/or an Assistant Attorney General from the Licensing and Regulation Division are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

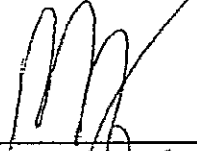
4. Dr. Shade and the parties considered the following factors in reaching this agreement:

- A. Respondent has cooperated fully in the resolution of the Superseding Administrative Complaint.

- B. Respondent has undergone three forensic evaluations that have determined that he can resume the practice of medicine safely with these limitations in place.
- C. As required by this Consent Order and Stipulation, Respondent shall undergo an independent assessment of his professional practice and provide verification from his supervisor that his practice has been in conformance with the applicable standard of care prior to seeking reclassification of his license.
- D. Respondent has undergone assessments to evaluate whether he suffers from chemical dependency or suffers from a mental impairment that would impact his ability to practice the medical profession in a safe and competent manner. These evaluations were performed by the Michigan Health Professional Recovery Program. He passed both evaluations.

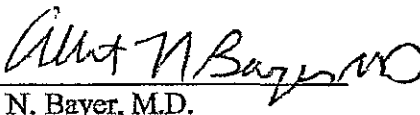
By signing this Stipulation, the parties confirm that they have read, understand and agree with the terms of the Consent Order.

AGREED TO BY:

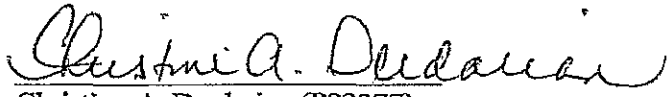


Merry A. Rosenberg (P32120)
Assistant Attorney General
Attorney for Complainant
Dated: 4/2/08

AGREED TO BY:



Albert N. Bayer, M.D.
Respondent
Dated: 4/25/08



Christine A. Dardarian (P23377)
Attorney for Respondent
Dated: 4/25/08

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