

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

In the Matter of

Joseph Gluski, M.D.

License Number: 43-01-407615

FILE NO.: 43-11-119607

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 March 28, 2013, 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 March 27, 2013.

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

TO: Joseph Gluski, M.D.
182 Chestnut Street
Battle Creek, MI 49017

Alan T. Rogalski
Foster, Swift, Collins & Smith, P.C.
32300 Northwestern Hwy., Ste. 230
Farmington Hills, MI 48334

By Interdepartmental Mail to:

Bill Hurth, Manager
Bureau of Health Care Services
Enforcement Unit

Marcie M. Anderson
Marcie M. Anderson
Health Professions Division

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

In the Matter of

JOSEPH GLUSKI, M.D.
License Number: 43-01-407615

File Number: 43-11-119607
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on March 2, 2012, charging Joseph Gluski, M.D., hereafter Respondent, with having violated sections 16221(a) and 16221(c)(iv) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent neither admits nor denies the facts alleged in the Complaint dated March 2, 2012, with the exception of Count II, which alleges violations of section 16221(c)(iv) of the Public Health Code, supra, which shall be dismissed, but agrees that the Disciplinary Subcommittee of the Michigan Board of Medicine, hereafter Disciplinary Subcommittee, shall treat the allegations as true, which finding shall have the same force and effect for purposes of this Consent Order as if evidence and argument were presented in support of the allegations; and

WHEREAS, the Disciplinary Subcommittee has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now, therefore,

IT IS HEREBY FOUND that the facts alleged in the Complaint are true for the purposes of this Consent Order and constitute violations of section 16221(a) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that Count II of the Complaint, which charged Respondent with violating section 16221(c)(iv) of the Public Health Code, supra, shall be DISMISSED.

IT IS FURTHER ORDERED that for the aforesaid violations of the Public Health Code, Respondent is placed on PROBATION for a minimum period of one day and not to exceed one year, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. **CONTINUING EDUCATION:** Within one year of the effective date of this Order, Respondent shall successfully complete a minimum of 10 hours of continuing education accepted by the Michigan Board of Medicine, hereafter Board, in the area of prescribing controlled substances. This continuing education shall be completed during the probationary period and shall **not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for pre-approval and proof of the successful completion of the continuing education to the Department at the address set forth below.

2. COMPLIANCE WITH THE DISCIPLINARY SUBCOMMITTEE OF THE MICHIGAN BOARD OF PHARMACY'S SANCTIONS: Respondent shall comply with all sanctions placed on him by the Disciplinary Subcommittee of the Michigan Board of Pharmacy as a result of March 2, 2012, Administrative Complaint issued against Respondent's controlled substance license. Respondent shall submit evidence concerning his successful completion of the Disciplinary Subcommittee of the Michigan Board of Pharmacy's sanctions to the Department at the address set forth below.
3. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
4. REPORTING PROCEDURE: Respondent shall direct all communications required by the terms of this Order to: **Department of Licensing and Regulatory Affairs, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

The timely filing of all information relating to this Order shall be Respondent's responsibility, and failure to file said information within the time limitations herein provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

5. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

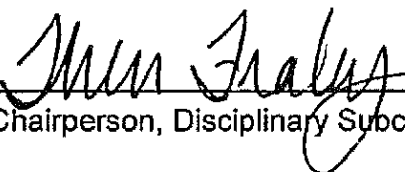
IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Disciplinary Subcommittee or authorized representative, as set forth below.

Dated: 3-27-13

MICHIGAN BOARD OF MEDICINE

By: 
Chairperson, Disciplinary Subcommittee

STIPULATION

1. Respondent and Complainant agree that Count II of the Complaint, which charged Respondent with violating section 16221(c)(iv) of the Public Health Code, supra, shall be dismissed by the Disciplinary Subcommittee.

2. Respondent neither admits nor denies the facts alleged in the Complaint dated March 2, 2012, alleging violations of section 16221(a) of the Public Health Code, supra, but agrees that the Disciplinary Subcommittee shall treat the allegations as true, which finding shall have the same force and effect for purposes of this Consent Order as if evidence and arguments were presented in support thereof.

3. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, 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 appear with an attorney and such witnesses as Respondent may desire to present a defense to said charges.

4. Factors taken into consideration in the formulation of the within Consent Order are as follows:

During a compliance conference held in the matter, Respondent took responsibility for his actions and expressed remorse. Respondent indicated that the practice of accepting and dispensing donated medications had been in place at the facility prior to his employment, and that he continued the practice because he believed it was in the best interest of his patients. Further, Respondent indicated that he would not engage in such conduct in the future.


Respondent has been licensed to practice medicine in the state of Michigan since 1987 and has had no prior allegations or complaints filed against his license.

5. Peter Graham, M.D., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

6. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in said cause.

7. The foregoing proposal is conditioned upon acceptance by the Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.


AGREED TO BY:



Rae Ramsdell, Director
Bureau of Health Professions
Department of Licensing and
Regulatory Affairs

Dated: 12/10/2012


AGREED TO BY:



Joseph Gluski, M.D.
Respondent

Dated: 11/19/2012

Approved as to form by:



Alan T. Rogalski (P44550)
Attorney for Respondent

This is the last and final page of a Consent Order and Stipulation in the matter of Joseph Gluski, M.D., File Number 43-11-119607, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of six pages, this page included.
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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOSEPH GLUSKI, M.D.
License Number: 43-01-407615

File Number: 43-11-119607

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Licensing and Regulatory Affairs, hereafter Complainant, by Rae Ramsdell, Director, Bureau of Health Professions, and files this Complaint against Joseph Gluski, M.D., hereafter Respondent, alleging upon belief and information 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 is currently licensed to practice medicine in the state of Michigan and holds a current controlled substance license.

3. Alprazolam, clonazepam, diazepam, lorazepam, provigil, temazepam, and zolpidem are schedule 4 controlled substances.

4. At all relevant times, Respondent was employed as a physician at Oaklawn Psychological Services Bear Creek Campus, hereafter facility, in Marshall, Michigan.

5. On February 15, 2011, facility administrators received information that Respondent dispensed clonazepam pills to patient M.J. (initials used to protect privacy). Subsequently, the facility initiated an investigation, which revealed the following:

- a. Respondent accepted donated prescription medications from facility patients and gave the medications to a facility nurse to store and dispense. The donated medications included controlled substances and medications that are normally prescribed to treat mood disorders, high blood pressure, movement disorders, muscle spasms, moderate to severe pain, narcolepsy, and schizophrenia;
- b. Respondent failed to maintain a complete and accurate inventory of the donated controlled substances;
- c. Respondent was aware that the aforementioned nurse stored the donated medications (including alprazolam, clonazepam, diazepam, lorazepam, provigil, temazepam, and zolpidem) in an unlocked and unsecured location and dispensed them to facility patients;
- d. Respondent personally dispensed donated clonazepam pills to patient M.J.;
- e. Respondent was aware that the practice of accepting and dispensing donated medications was prohibited, and that the facility was not equipped to dispense controlled substances; and

- f. Respondent failed to document any of the donated medications that were dispensed to facility patients in the patients' medical records.

6. On February 24, 2011, due to the aforementioned conduct, the facility terminated Respondent's employment. Subsequently, the facility reported the termination to Complainant pursuant to section 20175(5) of the Public Health Code, supra.

COUNT I

Respondent's conduct, as set forth above, constitutes violations of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences obtaining, possessing, or attempting to obtain or possess a controlled substance as defined in section 7104 or a drug as defined in section 7105 without lawful authority or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of section 16221(c)(iv) of the Public Health Code, supra.


WHEREFORE, Complainant requests that the within Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance

with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced 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.

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, 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 the Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: 3/2/2012



Rae Ramsdell, Director
Bureau of Health Professions

This is the last and final page of an Administrative Complaint in the matter of Joseph Gluski, M.D., File Number 43-11-119607, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of four pages, this page included.

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

In the Matter of

Joseph Gluski, M.D.
License Number: 43-01-407615

FILE NO.: 53-12-123477

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 February 15, 2013, 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 February 13, 2013.

BY: First Class Mail
 Certified Mail, Return receipt requested

TO: Joseph Gluski, M.D.
 182 Chestnut Street
 Battle Creek, MI 49017

 Alan T. Rogalski
 Foster, Swift, Collins & Smith, P.C.
 32300 Northwestern Hwy., Ste. 230
 Farmington Hills, MI 48334

By Interdepartmental Mail to:

 Bill Hurth, Manager
 Bureau of Health Care Services
 Enforcement Unit

Marcie M. Anderson
Marcie M. Anderson
Health Professions Division

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

In the Matter of

JOSEPH GLUSKI, M.D.
CS License Number: 43-01-407615

File Number: 53-12-123477
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on March 2, 2012, charging Joseph Gluski, M.D., hereafter Respondent, with having violated sections 7311(1)(e), 7311(1)(f), 7311(1)(h), 16221(a), 16221(c)(iv), and 16221(h) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent neither admits nor denies the facts alleged in the Complaint dated March 2, 2012, with the exception of Count I, which alleges violations of section 7311(1)(e) of the Public Health Code, supra, which shall be dismissed; Count III, which alleges violations of section 16221(c)(iv) of the Public Health Code, supra, which shall be dismissed; and Count IV, Count V, Count VI, and Count VII, which allege violations of sections 7311(1)(f), 7311(1)(h), and 16221(h) of the Public Health Code, supra, which shall be dismissed; but agrees that the Disciplinary Subcommittee of the Michigan Board of Pharmacy, hereafter Disciplinary Subcommittee, shall treat the allegations as true, which finding shall have the same force and effect for purposes of this Consent Order as if evidence and argument were presented in support of the allegations; and

WHEREAS, the Disciplinary Subcommittee has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now, therefore,

IT IS HEREBY FOUND that the facts alleged in the Complaint are true for the purposes of this Consent Order and constitute violations of section 16221(a) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that Count I of the Complaint, which charged Respondent with violating section 7311(1)(e) of the Public Health Code, supra; Count III of the Complaint, which charged Respondent with violating section 16221(c)(iv) of the Public Health Code, supra; and Count IV, Count V, Count VI, and Count VII of the Complaint, which charged Respondent with violating sections 7311(1)(f), 7311(1)(h), and 16221(h) of the Public Health Code, supra, shall be DISMISSED.

IT IS FURTHER ORDERED that for the aforesaid violations of the Public Health Code, Respondent is placed on PROBATION for a period of one year, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Within one year of the effective date of this Order, Respondent shall successfully complete a minimum of 10 hours of continuing education accepted by the Michigan Board of Pharmacy, hereafter Board, in the area of pharmacy

law. This continuing education shall be completed during the probationary period and shall **not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for pre-approval and proof of the successful completion of the continuing education to the Department of Licensing and Regulatory Affairs, hereafter Department, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

2. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
3. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has paid the fine set forth below, has complied with the terms of this Order, and has not violated the Public Health Code.

IT IS FURTHER ORDERED that for the aforesaid violations of the Public Health Code, Respondent is FINED in the amount of \$3,000.00 to be paid to the State of Michigan within 90 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Bureau of Health Professions, Sanction**

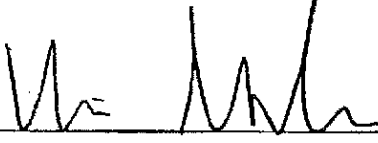
Monitoring, P.O. Box 30185, Lansing, MI 48909. The fine shall be paid by check or money order made payable to the state of Michigan, and the check or money order shall clearly display the file number 53-12-123477.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Disciplinary Subcommittee or authorized representative, as set forth below.

Dated: 2/13/13

MICHIGAN BOARD OF PHARMACY

By: 
Chairperson, Disciplinary Subcommittee

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STIPULATION

1. Respondent and Complainant agree that Count I of the Complaint, which charged Respondent with violating section 7311(1)(e) of the Public Health Code, supra; Count III of the Complaint, which charged Respondent with violating section 16221(c)(iv) of the Public Health Code, supra; and Count IV, Count V, Count VI, and Count VII of the Complaint, which charged Respondent with violating sections 7311(1)(f), 7311(1)(h), and 16221(h) of the Public Health Code, supra, shall be dismissed by the Disciplinary Subcommittee.

2. Respondent neither admits nor denies the facts alleged in the Complaint dated March 2, 2012, alleging violations of section 16221(a) of the Public Health Code, supra, but agrees that the Disciplinary Subcommittee shall treat the allegations as true, which finding shall have the same force and effect for purposes of this Consent Order as if evidence and arguments were presented in support thereof.

3. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, 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 appear with an attorney and such witnesses as Respondent may desire to present a defense to said charges.

4. Factors taken into consideration in the formulation of the within Consent Order are as follows:

During a compliance conference held in the matter, Respondent took responsibility for his actions and expressed remorse. Respondent indicated that the practice of accepting and dispensing donated medications had been in place at the facility prior to his employment, and that he continued the practice because he believed it was in the best interest of his patients. Further, Respondent indicated that he would not engage in such conduct in the future.

Respondent has held a controlled substance license in the state of Michigan since 1998 and has had no prior allegations or complaints filed against his license.

5. Patricia Smeelink, R.Ph., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

6. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in said cause.

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7. The foregoing proposal is conditioned upon acceptance by the Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.

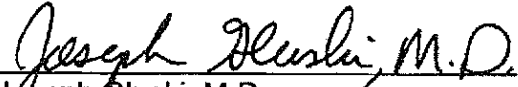
AGREED TO BY:

AGREED TO BY:



Rae Ramsdell, Director
Bureau of Health Professions
Department of Licensing and
Regulatory Affairs

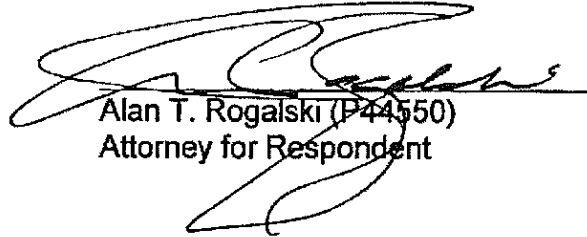
Dated: 12/10/2012



Joseph Gluski, M.D.
Respondent

Dated: 11/19/2012

Approved as to form by:



Alan T. Rogalski (P44550)
Attorney for Respondent

This is the last and final page of a Consent Order and Stipulation in the matter of Joseph Gluski, M.D., File Number 53-12-123477, before the Disciplinary Subcommittee of the Michigan Board of Pharmacy, consisting of seven pages, this page included.

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

In the Matter of

JOSEPH GLUSKI, M.D.
CS License Number: 43-01-407615

File Number: 53-12-123477

ADMINISTRATIVE COMPLAINT

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

1. The Michigan Board of Pharmacy, 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 is currently licensed to practice medicine in the state of Michigan and holds a current controlled substance license.

3. Section 7311(1)(e) of the Public Health Code, supra, authorizes the Board's Disciplinary Subcommittee to take disciplinary action against a licensee who

holds a controlled substance license if the licensee has not maintained effective controls against diversion of controlled substances to other than legitimate and professionally recognized therapeutic, scientific, or industrial uses.

4. Section 7311(1)(f) of the Public Health Code, supra, authorizes the Board's Disciplinary Subcommittee to take disciplinary action against a licensee who holds a controlled substance license if the licensee is not in compliance with applicable federal, state, and local laws.

5. Section 7311(1)(h) of the Public Health Code, supra, authorizes the Board's Disciplinary Subcommittee to take disciplinary action against a licensee who holds a controlled substance license for a violation of Article 7 of the Public Health Code or rules promulgated thereunder.

6. Section 16221(a) of the Public Health Code, supra, authorizes the Board's Disciplinary Subcommittee to take disciplinary action against a licensee for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results.

7. Section 1622(c)(iv) of the Public Health Code, supra, authorizes the Board's Disciplinary Subcommittee to take disciplinary action against a licensee for obtaining, possessing, or attempting to obtain or possess a controlled substance as defined in section 7104 or a drug as defined in section 7105 without lawful authority;

and/or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes.

8. Section 16221(h) of the Public Health Code, supra, authorizes the Board's Disciplinary Subcommittee to take disciplinary action against a licensee for a violation of Article 15 of the Public Health Code or rules promulgated thereunder.

9. 2002 AACS, R 338.3141(1), promulgated by the Board, provides that a licensee shall provide effective controls against theft and diversion of controlled substances.

10. 2002 AACS, R 338.3141(2), promulgated by the Board, provides that a controlled substance shall be stored in a securely locked, substantially constructed cabinet, room, or cart.

11. 2002 AACS, R 338.3151(1), promulgated by the Board, provides that a licensee shall make and maintain a complete and accurate inventory of all stocks of controlled substances.

12. Alprazolam, clonazepam, diazepam, lorazepam, provigil, temazepam, and zolpidem are schedule 4 controlled substances.

13. At all relevant times, Respondent was employed as a physician at Oaklawn Psychological Services Bear Creek Campus, hereafter facility, in Marshall, Michigan.

14. On February 15, 2011, facility administrators received information that Respondent dispensed clonazepam pills to patient M.J. (initials used to protect privacy). Subsequently, the facility initiated an investigation, which revealed the following:

- a. Respondent accepted donated prescription medications from facility patients and gave the medications to a facility nurse to store and dispense. The donated medications included controlled substances and medications that are normally prescribed to treat mood disorders, high blood pressure, movement disorders, muscle spasms, moderate to severe pain, narcolepsy, and schizophrenia;
- b. Respondent failed to maintain a complete and accurate inventory of the donated controlled substances;
- c. Respondent was aware that the aforementioned nurse stored the donated medications (including alprazolam, clonazepam, diazepam, lorazepam, provigil, temazepam, and zolpidem) in an unlocked and unsecured location and dispensed them to facility patients;
- d. Respondent personally dispensed donated clonazepam pills to patient M.J.;
- e. Respondent was aware that the practice of accepting and dispensing donated medications was prohibited, and that the facility was not equipped to dispense controlled substances; and
- f. Respondent failed to document any of the donated medications that were dispensed to facility patients in the patients' medical records.

15. On February 24, 2011, due to the aforementioned conduct, the facility terminated Respondent's employment. Subsequently, the facility reported the

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termination to Complainant pursuant to section 20175(5) of the Public Health Code, supra.

COUNT I

Respondent's conduct, as set forth above, evidences violations of section 7311(1)(e) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences violations of section 16221(a) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences violations of section 16221(c)(iv) of the Public Health Code, supra.

COUNT IV

Respondent's conduct, as set forth above, is contrary to 2002 AACRS, R 338.3141(1), in violation of sections 7311(1)(f), 7311(1)(h), and 16221(h) of the Public Health Code, supra.

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COUNT V

Respondent's conduct, as set forth above, is contrary to 2002 AACS, R 338.3141(2), in violation of sections 7311(1)(f), 7311(1)(h), and 16221(h) of the Public Health Code, supra.

COUNT VI

Respondent's conduct, as set forth above, is contrary to 2002 AACS, R 338.3141(2), in violation of sections 7311(1)(f), 7311(1)(h), and 16221(h) of the Public Health Code, supra.

COUNT VII

Respondent's conduct, as set forth above, is contrary to 2002 AACS, R 338.3151(1), in violation of sections 7311(1)(f), 7311(1)(h), and 16221(h) of the Public Health Code, supra.

WHEREFORE, Complainant requests that the within Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced 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.

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, 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 the Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: 3/2/2012



Rae Ramsdell, Director
Bureau of Health Professions

This is the last and final page of an Administrative Complaint in the matter of Joseph Gluski, M.D., File Number 53-12-123477, before the Disciplinary Subcommittee of the Michigan Board of Pharmacy, consisting of seven pages, this page included.

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