

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

In the Matter of

Don A Spivak, M.D.
License Number: 43-01-042556

FILE NO.: 43-11-122114

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, 2012, I sent the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

FINAL ORDER dated February 13, 2012.

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

TO: Don A Spivak, M.D.
625 Purdy
Birmingham, MI 48009

By Interdepartmental Mail to:

Bill Hurth, Manager
Bureau of Health Professions
Enforcement Section

Marcie M. Anderson
Marcie M. 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

DON A. SPIVAK, M.D.

License Number: 43-01-042556

File Number: 43-11-122114

FINAL ORDER

On November 3, 2011, the Department of Licensing and Regulatory Affairs, Bureau of Health Professions, hereafter Department, filed an Administrative Complaint, hereafter Complaint, with the Disciplinary Subcommittee of the Michigan Board of Medicine, hereafter Disciplinary Subcommittee, charging Don A. Spivak, M.D., hereafter Respondent, with violating section 16221(h) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq.

The Complaint notified Respondent that, pursuant to sections 16231(7) and 16231(8) of the Public Health Code, supra, Respondent's failure to respond to the Complaint within 30 days from receipt would be treated as an admission of the allegations contained in the Complaint and would result in transmittal of the Complaint directly to the Disciplinary Subcommittee for imposition of an appropriate sanction.

Contrary to section 16231(7) of the Public Health Code, supra, Respondent failed to provide a written response to the allegations set forth in the Complaint within 30 days from receipt.

The Disciplinary Subcommittee, having read the Complaint, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on January 25, 2012, and imposed a sanction pursuant to section 16231(8) of the Public Health Code, supra. Now therefore,

IT IS HEREBY ORDERED that for the violations of section 16221(h) of the Public Health Code, supra, Respondent is REPRIMANDED.

IT IS FURTHER ORDERED that for the violations of section 16221(h) of the Public Health Code, supra, Respondent is placed on PROBATION for a period of TWO YEARS, commencing on the effective date of this order. The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Respondent shall successfully complete 56.25 hours of Michigan Board of Medicine-approved continuing education. These 56.25 hours of continuing education shall be completed during the probationary period, and shall not apply in computing Respondent's current continuing education requirements for license renewal.

Evidence of satisfactory completion of the continuing education shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, Michigan 48909. The timely filing of the continuing education required herein shall be Respondent's responsibility, and failure to file within the time limitations herein provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

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 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 \$1,000.00 to be paid to the State of Michigan within 60 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 file number **43-11-122114**.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this order, and if such violation is deemed to constitute an independent violation of the Public Health Code or the rules promulgated thereunder, 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's Chairperson or authorized representative, as set forth below.

Dated: 2/13/2012

**MICHIGAN BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE**

By Rae Ramsdell
Rae Ramsdell, Director
Bureau of Health Professions

This is the last and final page of a Final Order in the matter of Don A. Spivak, M.D., File Number 43-11-122114, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of four pages, this page included.

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

In the Matter of

DON A. SPIVAK, M.D.
License Number: 43-01-042556

File Number: 43-11-122114

ADMINISTRATIVE COMPLAINT

COMPLAINANT, the Michigan Department of Licensing and Regulatory Affairs, by Rae Ramsdell, Director, Bureau of Health Professions, files this Complaint against Respondent, Don A. Spivak, M.D., and says:

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. Respondent failed, upon demand, to submit satisfactory evidence demonstrating that Respondent obtained 150 hours of continuing education credit (with a minimum of 75 hours in category 1 or category 6) during the period of February 1, 2008, to

January 31, 2011, required for license renewal. Respondent submitted evidence of earning 93.75 hours of acceptable continuing education credit during the audit period, including 45.75 hours in category 1.

COUNT I

Respondent's conduct, as set forth above, evidences a failure to complete not less than 150 hours of Board-approved continuing education required for license renewal, contrary to 1991 AACS, R 338.2371, in violation of section 16221(h) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences a failure to complete a minimum of 75 hours of Board-approved continuing education credit in category 1 or category 6 required for license renewal, contrary to 1979 AACS, R 338.2373(1), in violation of section 16221(h) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences a failure to submit evidence upon demand demonstrating compliance with continuing education requirements for license renewal, contrary to section 1991 AACS, R 338.2381(2), and section 17033(1) of the Public Health Code, supra, in violation of section 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: 11-3-2011



Rae Ramsdell, Director
Bureau of Health Professions

This is the last and final page of an Administrative Complaint in the matter of Don A. Spivak, M.D., File Number 43-11-122114, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of three pages, this page included.
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