

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

In the Matter of

ROBERT F. SLATTERY, M.D.,
License No. 43-01-049960

Complaint No. 43-13-128893

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on November 9, 2015,¹ charging Robert F. Slattery, M.D. (Respondent) with having violated sections 16221(a) and (b)(i) of the Public Health Code (Code), 1978 PA 368, as amended, MCL 333.1101 *et seq.*

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 in the complaint are true and that Respondent has violated section 16221(a) of the Code.

Accordingly, for this violation, IT IS ORDERED:

Respondent is placed on PROBATION for a period of one year commencing on the effective date of this order. Reduction of the probation period shall occur only

¹ Due to a typographical error, the administrative complaint was dated November 9, 2014.

while Respondent is employed as a medical doctor. Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within one year. If Respondent fails to complete any term or condition of probation as set forth in this order within one year of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

- A. MEETING WITH BOARD APPROVED REVIEWER. Respondent shall meet quarterly with a physician designated by Affiliated Monitors, Inc. to review Respondent's professional practice. The review should focus on Respondent's prescription practices. The initial meeting shall occur at the end of the third month of probation, and subsequent meetings shall occur every third month thereafter until the period of probation ends. Within fifteen (15) days of the effective date of the order, Respondent shall contact the Sanction Monitoring Unit to obtain the contact information for Affiliated Monitors, Inc., and the designated physician reviewer. Respondent shall then be responsible for scheduling the time and place of the meetings with the designated physician reviewer. Respondent shall submit the request for the Affiliated Monitors, Inc., designated physician reviewer to: Sanction Monitoring Unit, Bureau of Professional Licensing, Enforcement Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909, or by fax to (517) 241-1431.
- B. PHYSICIAN REVIEWER CHANGE. If at any time during the period of probation, Affiliated Monitors, Inc. is unable to designate a suitable physician to review Respondent's professional practice, Respondent shall report this information in writing to the Department within fifteen (15) days of such change, and request approval of another physician reviewer or Board Member designated by the Chairperson of the Board of Medicine. Respondent shall submit the request for the designated physician reviewer assignment to: Sanction Monitoring Unit, Bureau of Professional Licensing, Enforcement Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909, or by fax to (517) 241-1431.

- C. RECORDS REVIEW. During the period of probation, the designated physician reviewer shall review records of patients treated by Respondent. This review may occur at the quarterly meetings described in the above paragraph.
- D. DESIGNATED PHYSICIAN REVIEWER REPORTS. Respondent's designated physician reviewer 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, his designated physician reviewer shall immediately notify the Department.
- E. CONTINUING EDUCATION CREDITS. Respondent shall submit successfully proof of successful completion of **five hours** of continuing education credits in the area of **documentation of medical care** and **five hours** of continuing education credits in the area of **appropriate prescription of controlled substances**. These credit hours shall not count toward the number of credit hours required for license renewal. Respondent must seek and obtain advance approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for approval of the courses and of successful completion of the courses to the Department at the address set forth below.
- F. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.

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 is FINED Eight Thousand and 00/100 Dollars (\$8,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 43-13-128893 clearly indicated on the check or money order) to be paid within sixty (60) days from the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent

shall mail the fine to: Sanction Monitoring, Bureau of Professional Licensing, Enforcement Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Count II of the complaint, alleging a violation of section 16221(b)(i) of the Public Health Code, is DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring Unit, Bureau of Professional Licensing, Enforcement Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

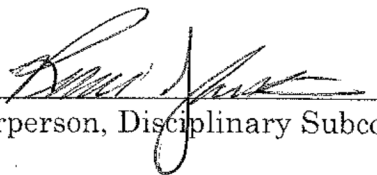
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, 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 7-20-16

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 Kara M. Morley-Smolek, M.D. Dr. Morley-Smolek 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.

4. Dr. Morley-Smolek and the parties considered the following factors in reaching this agreement:

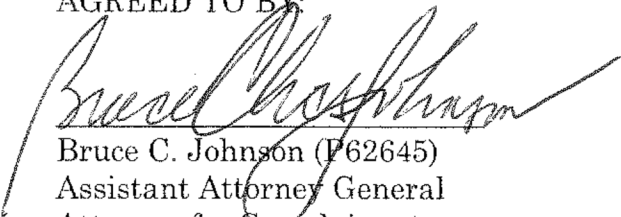
A. Respondent fully accepts responsibility for his prior failure as a psychiatrist to document his evaluation and treatment of his patients. He has expressed strong contrition for this failing, and has acted diligently and effectively to remedy it.

B. Respondent also accepts full responsibility for his prior practice of prescribing controlled substances and authorizing refills of controlled substances for patients without properly ensuring they are justified. He has ceased prescribing controlled substances to patients whom he sees in private practice, and refers them to other professionals for their controlled substance needs. He does prescribe medications as staff psychiatrist at Albion College, but does so only after consulting psychologists who also treat the same patients.

C. Respondent has been licensed to practice medicine in Michigan since 1986 and has never been disciplined before.

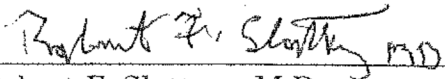
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:


Bruce C. Johnson (P62645)
Assistant Attorney General
Attorney for Complainant

Dated: May 10, 2016

AGREED TO BY:


Robert F. Slattery, M.D.
Respondent

Dated: 5-10-16


Thomas L. Sparks (P25144)
Attorney for Respondent

Dated: 5-11-16