

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

In the Matter of

Peter T. Smith, M.D.
License No. 43-01-053454

Complaint No. 43-13-129566

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on October 21, 2014, charging Peter T. Smith, M.D.

(Respondent) with having violated sections 16221(a), (b)(i) and (c)(iv) of the Public Health 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 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:

Respondent is FINED \$5,000.00 (Five Thousand Dollars) to be paid by check, money order or cashier's check made payable to the State of Michigan (with

complaint number 43-13-129566 clearly indicated on the check or money order) within 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 Health Care Services, Enforcement Division, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Counts II and III of the complaint, alleging a violation of sections 16221(b)(i) and (c)(iv) of the Public Health Code, are DISMISSED.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely payment of his fine. 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 5-26-15

MICHIGAN BOARD OF MEDICINE

By Neil F. Jorreau
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 James Sondheimer, MD. Dr. Sondheimer 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. Sondheimer and the parties considered the following factors in reaching this agreement:

- A. Respondent attended a compliance conference with Dr. Sondheimer and AAG Elizondo on January 12, 2015.
- B. Respondent provided a certificate of completion for 21 AMA PRA Category I credits for the course "PBI Prescribing Course: Opioids, Pain Management and Addiction" which was approved by Dr. Sondheimer.
- C. Respondent explained that he practices general psychiatry and is not a pain specialist. Respondent also explained that his patient population is predominantly Medicaid patients who do not have a primary care physician.
- D. Respondent worked at Community Mental Health in Saginaw and obtained a DEA waiver to prescribe Buprenorphine as part of this practice.
- E. Respondent worked at the Samaritan Clinic for 3 years where there was a very high volume practice. Respondent saw patients for conditions including: ADHD; anxiety; mood disorder; thought disorder; and personality disorder.
- F. Many of Respondent's patients at the clinic were opiate dependent, having been on these medications for years before seeing the Respondent.
- G. Respondent explained that he did not own the Samaritan Clinic and that documentation errors and coding errors occurred making it appear he was prescribing Methadone for addiction when the patients were already on Methadone for pain. Many of the notes in patient charts regarding prescriptions were made by office personnel other than Respondent. Respondent acknowledged that there were some administrative issues related to the accuracy of charting.
- H. Respondent has left the clinic and has his own private practice where he utilizes opioid contracts and monitor's patients for compliance by querying the MAPS program.

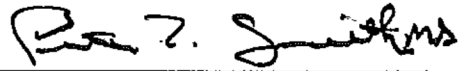
By signing this stipulation, the parties confirm that they have read,
understand and agree with the terms of the consent order.

AGREED TO BY:



Kelly K. Elizondo
Assistant Attorney General
Attorney for Complainant
Dated: 4-7-2015

AGREED TO BY:



Peter T. Smith, M.D.
Respondent

Dated: 3-31-2015



Richard C. Kraus
Attorney for Respondent
Dated: 4-2-15