

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

In the Matter of

DON ALLAN SPIVAK, M.D.

License Number: 43-01-042556

File Number: 43-14-133703

FINAL ORDER

On July 30, 2014 an Administrative Complaint (Complaint) was executed that charged Don Allan Spivak, M.D. (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 section 16231 of the Public Health Code, supra, Respondent's failure to respond to the Complaint within 30 days from the date of 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 of the Michigan Board of Medicine (Disciplinary Subcommittee), for imposition of an appropriate sanction.

Contrary to section 16231 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 the date of receipt.

The Disciplinary Subcommittee, having read the Complaint, considered this matter at a regularly scheduled meeting held in Lansing, Michigan, on November 19, 2014

and imposed a sanction pursuant to section 16231 of the Public Health Code, supra.
Therefore,

IT IS ORDERED that for the violation of section 16221(h) of the Public Health Code, supra, Respondent's license to practice medicine in the state of Michigan is SUSPENDED for a minimum period of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license to practice medicine shall be automatically reinstated to a full and unlimited status IF WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDER, the Department has received documentation that Respondent has successfully completed 56.25 hours of continuing education credit, has paid the fine set forth below, has complied with the terms of this Order, and has not violated the Public Health Code. The continuing education shall be approved by the Michigan Board of Medicine (Board) and shall **not** apply in computing Respondent's current continuing education requirements for license renewal. Respondent shall mail proof of successful completion of the continuing education to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

IT IS FURTHER ORDERED that in the event Respondent's license expires during the period of suspension, Respondent must apply for relicensure, in accordance with section 16174 of the Public Health Code, supra.

IT IS FURTHER ORDERED that, in the event Respondent's license does not expire and remains suspended for longer than six months, Respondent shall file an application for reinstatement of the suspended license in accordance with sections 16245 and 16247 of the Public Health Code, supra.

IT IS FURTHER ORDERED that for the cited violation of the Public Health Code, Respondent is FINED in the amount of \$10,000.00 to be paid to the state of Michigan prior to reinstatement of the license or relicensure.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, and shall clearly display file number **43-14-133703**.

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. Pursuant to section 7311(6) of the Public Health Code, supra, Respondent's controlled substance license is automatically void, commencing on the effective date that Respondent's license to practice medicine in the state of Michigan is suspended.

IT IS FURTHER ORDERED that if Respondent's license to practice medicine is expired or expires during the period of suspension, Respondent must apply for relicensure in accordance with section 16174 of the Public Health Code, supra.

This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a); and this action may be reported to the National Practitioner's Data Bank and any other entity as required by state or federal law, in accordance with 42 USC 11101 et seq.

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 AACCS, 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 date signed by the Disciplinary Subcommittee's Chairperson or authorized representative, as set forth below.

Dated: 01/20/2015

**MICHIGAN BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE**

By: Kim Gaedeke

Kim Gaedeke, Acting Director
Bureau of Health Care Services

This is the final page of a Final Order in the matter of Don Allan Spivak, M.D., File Number 43-14-133703, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of four pages, this page included.

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