

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

In the Matter of

FERNANDO JOSE CASTRO-URRUTIA, M.D.  
License No. 43-01-067134

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Complaint No. 43-14-133828  
(and 43-14-132660 consolidated)

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette through Assistant Attorney General Erika N. Marzorati, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services (Complainant), files this complaint against Fernando Jose Castro-Urrutia, M.D. (Respondent), alleging upon information and belief as follows:

1. The Board of Medicine, an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).
2. Respondent holds a license to practice in Michigan as a medical doctor pursuant to Article 15 of the Code and has a current controlled substance license.
3. Section 7311(6) of the Code 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 Code.
4. Section 16221(a) of the Code authorizes the DSC to take disciplinary action against a licensee for a violation of a general duty, consisting of negligence or failure to exercise due care, whether or not injury results, or any conduct, practice,

or condition that impairs, or may impair, the ability to safely and skillfully practice a health profession.

5. Section 16221(b)(i) of the Code authorizes the DSC to take disciplinary action against a licensee for incompetence, which is defined in section 16106(1) as “a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs.”

6. Section 16221(c)(iv) of the Code authorizes the DSC 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, or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes.

7. Section 16221(i) of the Code authorizes the DSC to take disciplinary action against a licensee who fails to comply with a subpoena issued pursuant to part 161 of the Code.

8. Section 16226 of the Code authorizes the DSC to impose sanctions against a person licensed by the Board if, after opportunity for a hearing, the DSC determines that the licensee violated one or more subdivisions of section 16221.

## FACTUAL ALLEGATIONS

9. Amphetamine, dextroamphetamine saccharate, dexamethylphenidate hydrochloride, Focalin, and methylphenidate hydrochloride are schedule 2 controlled substances.

10. Respondent co-owned Psychiatry Subspecialties Consultants in Coldwater, Michigan, and worked as a traveling consultant at nursing homes and assisted living facilities at all times relevant to this complaint.

11. According to a Michigan Automated Prescription System (MAPS) report run on April 15, 2014, Respondent prescribed 870 controlled substance tablets to S.L., a family member (patient initials used throughout to protect confidentiality), during the six-month period from October 15, 2013, to April 15, 2014. The prescriptions specifically included:

- a. 450 dexamethylphenidate hydrochloride tablets (all 10-mg)
- b. 420 methylphenidate hydrochloride tablets (330 10-mg, 60 20-mg, and 30 54-mg)

12. The same report shows that Respondent prescribed a total of 750 amphetamine salt combo, dextroamphetamine saccharate, dexamethylphenidate hydrochloride, Focalin, and methylphenidate hydrochloride tablets to S.L. in eight prescriptions issued from January 1 through October 14, 2013.

13. Respondent failed to maintain any patient records on S.L.

14. A MAPS report run on the same date indicates that Respondent issued a prescription for 180 tablets of dexamethylphenidate hydrochloride to Z.C., another family member, on July 20, 2013.

15. Respondent failed to maintain any patient records on Z.C.

16. Another MAPS report run on the same date indicates that Respondent filled prescriptions for 1,670 controlled substance tablets during the six-month period from October 15, 2013, to April 15, 2014. All of the drugs were prescribed by S.L., who also is a licensed medical doctor. The prescriptions specifically included:

- a. 630 dexamethylphenidate hydrochloride tablets (all 10-mg)
- b. 210 Focalin tablets (30 5-mg, 150 10-mg, and 30 20-mg)
- c. 800 methylphenidate hydrochloride tablets (180 5-mg, 290 10-mg, 150 20-mg, 60 27-mg, 90 36-mg, and 30 54-mg)
- d. 30 methylphenidate hydrochloride extended-release tablets (all 27-mg)

17. The same report shows that Respondent filled 15 prescriptions issued by S.L. including a total of 1,740 dexamethylphenidate hydrochloride and methylphenidate hydrochloride tablets from January 1 through October 14, 2013.

18. On or about June 30, 2014, the Department mailed a subpoena to Respondent, ordering him to produce all records by July 11, 2014, pertaining to patient S.L. for all treatment dates.

19. Respondent failed to submit the subpoenaed records or otherwise timely respond to the subpoena.

### COUNT I

20. Respondent's conduct, as set forth above, evidences a violation of a general duty, consisting of negligence or failure to exercise due care, in violation of section 16221(a) of the Code.

### COUNT II

21. Respondent's conduct, as set forth above, evidences that he failed to conform to, minimal standards of acceptable and prevailing practice as a medical doctor, in violation of section 16221(b)(i) of the Code.

### COUNT III

22. Respondent's conduct, as set forth above, evidences that he prescribed or administered drugs for other than lawful diagnostic or therapeutic purposes, in violation of section 16221(c)(iv) of the Code.

### COUNT IV

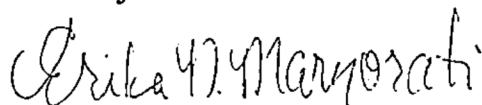
23. Respondent's conduct, as set forth above, evidences that he failed to comply with a subpoena issued pursuant to part 161, in violation of section 16221(i) of the Code.

WHEREFORE, Complainant requests that this complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid 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, MCL 24.201 *et seq.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from receipt of this complaint to respond in writing to the allegations contained in it. The written response shall be submitted to the Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909, with a copy to the undersigned assistant attorney general. Pursuant to section 16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully Submitted,

BILL SCHUETTE  
Attorney General



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Dated: April 2, 2015

LF/2015-0104119-A/Castro-Urrutia, Fernando Jose, M.D., 133828/132660 – Complaint – 2015-04-02