

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

In the Matter of

FERNANDO JOSE CASTRO-URRUTIA, M.D.

License Number: 43-01-067134

File Number: 43-14-133828

FINAL ORDER

On April 2, 2015, an Administrative Complaint (Complaint) was executed that charged Fernando Jose Castro-Urrutia, M.D. (Respondent) with violating sections 16221(a), 16221(b)(i), 16221(c)(iv) and 16221(i) 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 July 15, 2015 and imposed a sanction pursuant to section 16231 of the Public Health Code, supra. Therefore,

IT IS ORDERED that for violating sections 16221(a), 16221(b)(i), 16221(c)(iv) and 16221(i) of the Public Health Code, supra, Respondent's license to practice medicine in the state of Michigan is LIMITED for one year, commencing on the effective date of this Order. Reduction of the limitation period shall only occur while Respondent is employed as a physician. The terms of limitation shall be as follows:

1. CONTROLLED SUBSTANCES. Respondent shall not obtain, possess, prescribe, dispense or administer any drug designated as a schedule 2 controlled substance under the Public Health Code or its counterpart in federal law unless the controlled substance is prescribed or dispensed by a licensed physician for Respondent as a patient.

IT IS FURTHER ORDERED that Respondent's limited license in the state of Michigan shall be automatically reclassified at the end of the limitation period to a full and unlimited status, PROVIDED Respondent has paid the fine set forth below, complied with the terms of this Order and not violated the Public Health Code.

IT IS FURTHER ORDERED that for the cited violations of the Public Health Code, Respondent is placed on PROBATION to run concurrent with the period of limitation, commencing on the effective date of this Order. Reduction of the probationary

period shall only occur while Respondent is employed as a physician. The terms of probation shall be as follows:

1. CONTINUING EDUCATION. Within one year from the effective date of this Order, Respondent shall successfully complete and submit proof acceptable to the Department of completing a minimum of five hours of continuing education accepted by the Michigan Board of Medicine (Board) in each of the following areas: 1) documentation and 2) responsible opioid prescribing. This continuing education shall **not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee as set forth below.

2. 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 shall focus on Respondent's prescribing 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 days of the effective date of this Order, Respondent shall contact the Department of Licensing and Regulatory Affairs (Department) 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 the Department at the address set forth below.
3. 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 days of such change, and request

approval of another physician reviewer. Respondent shall submit the request for the designated physician reviewer assignment to the Department at the address set forth below.

4. RECORDS REVIEW: During the period of probation, the designated physician reviewer shall review the charts of 20 of Respondent's current patients. The designated physician reviewer shall check the patient charts for appropriate prescribing and documentation practices, including the presence or absence of the following: medical history and physical examination; diagnostic, therapeutic, and laboratory results; evaluation and consultations; treatment objectives; discussion of risks and benefits; treatments; medications (including date, type, dosage and quantity prescribed); instructions and agreements; and periodic reviews. This review may occur at the quarterly meetings set forth above.
5. DESIGNATED PHYSICIAN REVIEWER REPORTS: Respondent's designated physician reviewer shall file reports with the Department, as further provided below, advising of Respondent's prescribing practices. 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, the designated physician reviewer shall immediately notify the Department.
6. REPORT OF NON-EMPLOYMENT: If, at any time during the period of probation, Respondent is not employed as a physician, Respondent shall file a report of non-employment with the Department. Respondent shall file this report within fifteen days after becoming unemployed. Respondent shall continue to file reports of non-employment on a quarterly basis until Respondent returns to practice as a physician. If Respondent subsequently returns to practice as a physician, Respondent shall notify the Department of this fact within fifteen days after returning to practice.
7. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN: Periods of residency and practice outside Michigan shall not reduce the probationary period of this Consent Order. Respondent shall report any change of residency

or practice outside Michigan no more than 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of sections 16192(1) and 16221(g) of the Public Health Code, supra, regarding Respondent's duty to report name or mailing address changes to the Department.

8. REPORTING PROCEDURE: Unless requiring immediate notification as indicated above, all reports required herein shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports to be filed every three months thereafter until Respondent is discharged from probation.

Respondent authorizes the Department or its authorized representative to periodically contact the reporting individuals or agencies to inquire of Respondent's progress.

**Respondent shall direct all communications required by the terms of this Consent Order, *except fines*, to: Department of Licensing and Regulatory Affairs, Regulatory and Compliance Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

The timely filing of all information relating to this Order shall be Respondent's responsibility, and failure to file the required information within the time limitations herein provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

9. 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.
10. 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 upon reclassification of Respondent's license from a limited to a full and unlimited status, 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 cited violations of the Public Health Code, Respondent is FINED \$10,000.00 to be paid to the State of Michigan within 90 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, Regulatory and Compliance Division, Sanction Monitoring, P.O. Box 30189, 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 **43-14-133828**.

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 Data Bank, and any other entity as required by state or federal law, in accordance with 42 USC 11101-11152.

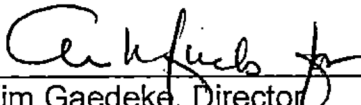
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Disciplinary Subcommittee may proceed to take disciplinary

action pursuant to Mich Admin Code, 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: 9/8/2015

**MICHIGAN BOARD OF MEDICINE  
DISCIPLINARY SUBCOMMITTEE**

By   
Kim Gaedeke, Director  
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Fernando Jose Castro-Urrutia, M.D., File Number 43-14-133828, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of seven pages, this page included.

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