

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

In the Matter of

JAIME AYALA, M.D.
License Number: 43-01-029142

File Number: 43-15-136742

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Jaime Ayala, M.D. (Respondent) as follows:

1. The Michigan Board of Medicine (Board) is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. "Good moral character" is defined at Section 1 of 1974 PA 381, as amended; MCL 338.41 et seq., as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

3. Respondent is licensed to practice as a medical doctor in the state of Michigan and has a controlled substance license:

4. At all relevant times, Respondent was contracted as a psychiatrist at Woodland Center Correctional Facility (facility) in Whitmore Lake, Michigan.

5. On September 11, 2014, Respondent was required to examine his psychiatric patients that were in restraints every eight hours. In order for Respondent to be able to report to work at a later time (around 6:00 a.m., rather than 5:00 a.m.) on September 12, 2014, Respondent documented that he examined the following patients at times after the examinations occurred:

- a. Respondent examined patient J.P. (initials are used throughout to protect the patients' identities) at 9:00 p.m. However, Respondent documented that he examined patient J.P. at 10:00 p.m.
- b. Respondent examined patient M.R. at 9:14 p.m. However, Respondent documented that he examined patient M.R. at 9:54 p.m.
- c. Respondent examined patient L.B. at 9:20 p.m. However, Respondent documented that he examined patient L.B. at 9:52 p.m.
- d. Respondent examined patient M.C. at 9:23 p.m. However, Respondent documented that he examined patient M.C. at 9:55 p.m.
- e. Respondent examined patient J.W. at 9:33 p.m. However, Respondent documented that he examined patient J.W. at 9:53 p.m.
- f. Respondent examined patient H.M. at 9:45 p.m. However, Respondent documented that he examined patient H.M. at 9:55 p.m.

6. On November 17, 2014, in an interview with the facility's investigator, Respondent admitted that he "changed the times" when documenting his above mentioned examinations.

7. In December 2014, based on the conduct described above, facility management terminated Respondent's contract. Later, facility management notified Complainant of Respondent's termination pursuant to section 20175(5) of the Public Health Code, supra.

COUNT I

Respondent's conduct, as set forth above, evidences violations of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences departures from, or failures to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of section 16221(b)(i) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences a lack of good moral character, in violation of section 16221(b)(vi) of the Public Health Code, supra.

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 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.

Pursuant to section 16231(8) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Pursuant to section 16231(9) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days shall be treated as an admission of the allegations and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED:

10/2/15



Kim Gaedeke, Director
Bureau of Health Care Services

This is the final page of an Administrative Complaint in the matter of Jaime Ayala, M.D., File Number 43-15-136742, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of four pages, this page included.

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