

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

In the Matter of

SUZETTE LUGO-MEDINA, M.D.
License No. 43-01-078982

File No. 43-15-137236

CONSENT ORDER AND STIPULATION

CONSENT ORDER

The Department of Licensing and Regulatory Affairs received information and evidence that Suzette Lugo-Medina, M.D. (Respondent) engaged in an inappropriate relationship with and failed to maintain adequate medical records for a patient.

Following a comprehensive investigation and review, the parties engaged in pre-complaint settlement discussions.

By a stipulation incorporated in this document, Respondent does not contest that she violated sections 16221(a), (b)(i), and (b)(vi) of the Public Health Code, MCL 333.1101 *et seq.*

Section 16221(a) of the Code authorizes the Disciplinary Subcommittee 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.

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.”

Section 16221(b)(vi) of the Code authorizes the Disciplinary Subcommittee to take disciplinary action against a licensee who exhibits a lack of good moral character. Section 16104(6) of the Code provides that “good moral character” means “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner,” as defined in subsection 1(1) of the Occupational License for Former Offenders Act, MCL 338.41(1).

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

Section 16231(5) of the Code provides that the Department may submit a stipulation and final order to the Disciplinary Subcommittee for approval if an agreement is reached at any time during an investigation or following the issuance of a complaint.

Section 16201(5) of the Code provides that the expiration of a license does not terminate the Board’s authority to impose sanctions on the licensee.

The parties stipulate that the Disciplinary Subcommittee may execute this consent order for the purpose of resolving this matter without the filing of an administrative complaint against Respondent.

The Disciplinary Subcommittee reviewed the stipulation incorporated in this document and agrees the public interest is best served by resolution of this matter without further administrative process. Therefore, the Subcommittee finds that the factual allegations and violations set forth in the stipulation are true and that Respondent violated sections 16221(a), (b)(i), and (b)(vi) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent's license to practice as a medical doctor in the State of Michigan is SUSPENDED for a minimum period of 10 months.

Respondent is FINED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00) to be paid by check, money order, or cashier's check made payable to the State of Michigan (with file number 43-15-137236 clearly indicated on the check or money order) prior to the reinstatement of her license. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Reinstatement of Respondent's license shall not be automatic, and Respondent will have to petition for reinstatement. If Respondent petitions for reinstatement of her license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and Mich Admin Code, R 792.10711. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character, (2) the ability to practice the profession with reasonable skill and safety, (3) satisfaction of the guidelines on

reinstatement adopted by the Department, and (4) that it is in the public interest for the license to be reinstated.

Respondent may not file a petition for reinstatement sooner than 90 days prior to the end of the suspension period. Prior to applying for reinstatement, Respondent shall submit to the Department satisfactory documentation that she (1) paid the fine outlined above, (2) successfully completed the Center for Personalized Education for Physicians "Ethics and Boundaries" course (see www.cpepd.org/programs-courses/probe) or a comparable course pre-approved by the chairperson of the Board of Medicine or the chairperson's designee, and (3) underwent a psychiatric/psychosocial evaluation that concludes Respondent is safe to practice from a psychiatric/psychosocial standpoint. The evaluation must be completed by an individual who is trained or otherwise qualified to make such an assessment and approved in advance by the Board chairperson or the chairperson's designee. When requesting approval of a proposed evaluator, Respondent shall provide a copy of the individual's curriculum vitae to the Department.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

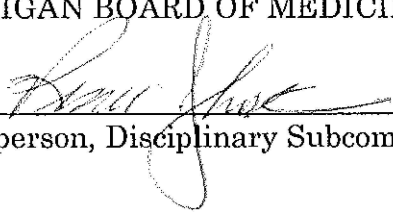
Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

This order supersedes and replaces the final order dated September 8, 2015.

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 11-19-15

MICHIGAN BOARD OF MEDICINE

By 
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties, in consultation with Board of Medicine conferee Richard Burney, M.D., negotiated a settlement and agree to the following:

1. Respondent desires to resolve and settle all issues related to this matter, in lieu of disputing the disciplinary action in a contested case hearing.
2. Respondent does not contest the following factual allegations and violations. Respondent agrees that the Disciplinary Subcommittee may enter an order treating the allegations as true for resolution of this matter.
 - A. Respondent holds a license to practice in Michigan as a medical doctor, along with a current controlled substance license. The licenses were issued in 2001 and will expire January 31, 2017.
 - B. Respondent co-owned and practiced at Psychiatry Subspecialties Consultants in Coldwater, Michigan, at all times relevant to this matter.

Prior Discipline

- C. On April 2, 2015, the Bureau executed an administrative complaint charging Respondent with violating sections 16221(a), (b)(i), (c)(iv), and (i) of the Public Health Code.

- D. Respondent failed to timely respond to the complaint, which was forwarded to the Disciplinary Subcommittee for imposition of an appropriate sanction, pursuant to section 16231 of the Code.
- E. On September 8, 2015, the Disciplinary Subcommittee issued a final order imposing (1) a one-year limitation precluding Respondent from dispensing and/or administering schedule 2 controlled substances; (2) a concurrent one-year probation with terms requiring Board-approved continuing education (at least five hours each in documentation and responsible opioid prescribing), quarterly meetings with a physician designated by Affiliated Monitors to review Respondent's practice and records, and quarterly reviewer reports; and (3) a \$10,000.00 fine, payable within 90 days.
- F. The final order took effect October 8, 2015.

Current Matter

- G. In April 2012, Respondent began treating patient John Doe (pseudonym used to protect confidentiality) for severe depression, anxiety, and a history of alcohol abuse. Doe was 23 years old at the time.
- H. On or about June 9, 2014, Respondent picked Doe up from his parents' house, where he was then living, between 2 and 7 a.m. and took him to stay at her office.
- I. Respondent allowed Doe to borrow her vehicle and gave him rides on other occasions during the summer of 2014.
- J. Respondent purchased numerous gifts for Doe, including clothing, shoes, books, and furniture. Some of the items were charged to Respondent's practice.
- K. Respondent engaged in frequent and lengthy telephone conversations with Doe. In July and August 2014, for example, the two often exchanged more than 20 calls per day, including late-night calls and calls that were several hours in length.
- L. Respondent and Doe checked into a Michigan motel together on at least eight occasions in July and August 2014. Some of the motel bills were charged to Respondent's practice. The two also were seen together at an Indiana hotel in September 2014.

- M. In June 2015, Respondent replied to the Bureau's request for all records concerning Doe. Respondent provided limited documentation, most of which was directed to Doe's college to support his efforts to gain readmission after his medical withdrawal and continue his studies after a March 2013 relapse.
- N. Despite providing as much as two hours of therapy to Doe every three days during his initial treatment, Respondent provided no records from any session during the entire course of treatment, other than the April 2012 initial evaluation. The most recent document provided is an April 2013 letter to Doe's college.
- O. According to a May 21, 2015, Michigan Automated Prescription System report, Respondent regularly prescribed dexamethylphenidate hydrochloride and methylphenidate hydrochloride to Doe from June 2012 through April 2015. Both drugs are schedule 2 controlled substances.
- P. Respondent's conduct constitutes negligence and a failure to exercise due care, or a conduct, practice, or condition that impairs or may impair her ability to safely and skillfully practice a health profession, in violation of section 16221(a) of the Code.
- Q. Respondent 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.
- R. Respondent's conduct constitutes a lack of good moral character, in violation of section 16221(b)(vi) of the Code.

3. The Department shall report this resolution as a disciplinary sanction to the National Practitioner Data Bank or any other entity, as required by state or federal law. This consent order and stipulation shall be subject to disclosure under the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

4. Respondent understands and intends that by signing this stipulation, she is waiving her rights under the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to (1) require the Department to prove the factual allegations and violations outlined

above by presentation of evidence and legal authority, and (2) present a defense to the charges.

5. The Disciplinary Subcommittee may enter the above consent order, supported by Board conferee Richard Burney, M.D. Dr. Burney or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee to recommend acceptance of this resolution.

6. Dr. Burney and the parties considered the following factors in reaching this agreement:

- A. Dr. Lugo-Medina represents that she closed her practice and stopped seeing patients on October 13, 2015.
- B. Dr. Lugo-Medina's prescribing and documentation issues leading to the September 8, 2015, final order occurred during the same period of time as her treatment of Doe.
- C. Dr. Lugo-Medina accepts responsibility for a serious lapse in professional judgment in her relationship with Doe.

7. Respondent freely consents to this consent order and stipulation without pressure or duress. She acknowledges that she has had an opportunity to seek independent legal advice and review this agreement with counsel of her own choosing.

8. The above consent order is approved as to form and substance by Respondent and the Department and may be entered as a final order of the Disciplinary Subcommittee in this matter. The parties reserve the right to further administrative proceedings without prejudice to either party if the Disciplinary Subcommittee rejects the proposed consent order.

9. Upon its execution, the above consent order supersedes and replaces the final order dated September 8, 2015.

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

AGREED TO BY:

Erika N. Marzorati
Erika N. Marzorati (P78100)
Assistant Attorney General
Attorney for Complainant
Dated: 10/24/15

AGREED TO BY:

Suzette Lugo-Medina M.D.
Suzette Lugo-Medina, M.D.
Respondent

Dated: 10/22/15

Richard C. Kraus
Richard C. Kraus (P27553)
Attorney for Respondent
Dated: 10/25/2015

LF: 2015-0119293-B/Lugo-Medina, Suzette, M.D., 137236/Consent Order - 2015-10-20