

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: 43-16-141023

CONSENT ORDER

On May 12, 2016, the Department of Licensing and Regulatory Affairs (Department) executed an Administrative Complaint which alleged that Fernando Jose Castro-Urrutia, M.D. (Respondent) violated Mich Admin Code, R 338.1632 and § 16221(h) of the Public Health Code (the Code), MCL 333.16221(h).

The Disciplinary Subcommittee of the Board has reviewed this Consent Order and attached Stipulation of the parties and agrees that the public interest is best served by resolution of the outstanding complaint.

IT IS FOUND that the facts alleged in the complaint are true and constitute a violation of Rule 338.1632 and § 16221(h) of the Code.

IT IS ORDERED that Respondent's license to practice medicine in the state of Michigan is LIMITED for a minimum of one year beginning on the effective date of this Consent Order (the Limitation Term). The Limitation Term will only be reduced while Respondent is employed as a physician. During the Limitation Term, Respondent shall not obtain, possess, prescribe, dispense or administer any drug designated as a

Schedule II controlled substance under the Code or the federal Controlled Substances Act unless that controlled substance is prescribed or dispensed by a licensed physician for Respondent as a patient.

IT IS FURTHER ORDERED that Respondent is placed on PROBATION for the duration of the Limitation Term. The terms of Respondent's Probation are as follows:

1. Continuing Education. Within one year from the effective date of this Consent Order, Respondent shall complete and submit proof acceptable to the Department of completing at least 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 toward Respondent's current continuing education requirements for license renewal. Respondent shall seek and obtain preapproval 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. (Physician Reviewer) to review Respondent's professional practice. The review shall focus on Respondent's prescribing practices. The meetings with the Physician Reviewer shall occur at the end of the third, sixth, ninth, and twelfth month of probation. Respondent is responsible for scheduling the time and place of the meetings with the Physician Reviewer.

3. Physician Reviewer Change. If at any time during the Limitation Term, Affiliated Monitors, Inc. cannot designate a suitable Physician Reviewer, Respondent shall report this in writing to the Department within fifteen days, and request Affiliated Monitors, Inc. to approve another Physician Reviewer. Respondent shall submit the request for the Physician Reviewer to the Department at the address set forth below.

4. Records Review. During the Limitation Term, the Physician Reviewer shall review the charts of twenty (20) of Respondent's current patients. The 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, or at another time. Respondent will make appropriate arrangements to accommodate the Physician Reviewer's chart reviews.

5. Designated Physician Reviewer Reports. The Physician Reviewer shall file quarterly reports with the Department, 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. Non-Employment or Residency and Practice Outside Michigan: The Limitation Period is tolled for periods when Resident resides or practices outside Michigan, and periods where Respondent is not employed as a physician. Respondent shall report any change of residency or practice outside Michigan, or any period of non-employment as a physician, in writing within fifteen (15) days of the change. Respondent shall continue to file a report of non-employment on a quarterly basis until Respondent returns to employment as a physician. Respondent shall report, his return to employment as a physician, or residence or practice in Michigan in writing within fifteen (15) days of the change. Compliance with this provision does **not** satisfy the requirements of Code sections 16192(1) and 16221(g) to report name or mailing address changes to the Department.

7. Reporting. Respondent shall direct all communications required by the terms of this Consent Order, **except fines**, to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**. It is Respondent's responsibility timely to make any report or communication required by this Consent Order. Respondent's failure to timely make any report or communication required by this Consent Order is a violation of this Consent Order.

8. Compliance with the Public Health Code. Respondent shall comply with all applicable provisions of the Code and rules promulgated under it.

9. Costs. Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Consent Order.

IT IS FURTHER ORDERED that Respondent shall be discharged from probation and his license will be automatically reclassified from a limited to a full and unlimited status, upon Respondent's full compliance with the terms of this Consent Order.

IT IS FURTHER ORDERED that for the cited violations of the Public Health Code, Respondent is FINED \$10,000.00, to be paid within 90 days of the effective date

of this Order. The fine payment shall be by check or money order, payable to the State of Michigan, shall clearly display file number **43-14-141023**, and shall be mailed to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Sanction Monitoring, P.O. Box 30189, Lansing, MI 48909.**

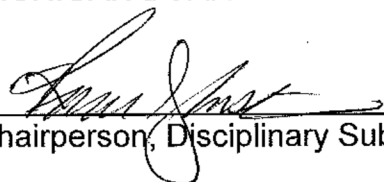
IT IS FURTHER ORDERED that this Order replaces in full the Final Order in File No. 43-14-133828 entered September 8, 2015, except that the fine ordered by this Consent Order is in addition to the fine ordered by the Final Order in File No. 43-14-133828.

This Consent Order is a final order and closes this case. It is a public record pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, MCL 15.241(1)(a). This action may be reported to the National Practitioner Data Bank, and any other entity required by state or federal law, in accordance with the Health Care Quality Improvement Act of 1986, 42 USC 11101 *et seq.*

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.

MICHIGAN BOARD OF MEDICINE

Dated: November 16, 2016


Chairperson, Disciplinary Subcommittee

STIPULATION

Complainant Michigan Department of Licensing and Regulatory Affairs and Respondent Fernando Jose Castro-Urrutia, M.D. stipulate as follows:

1. The facts alleged in the Administrative Complaint are true and constitute a violation of § 16221(h) of the Code, MCL 333.16221(h).

2. Respondent understands and intends that, if the Consent Order is approved and entered, Respondent is waiving the right to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. This matter is a public record required to be made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

4. 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 the Health Care Quality Improvement Act of 1986, 42 USC 11101 *et seq.*

5. Peter Graham, M.D., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in this order.

6. Factors considered in the formulation of this order are as follows:
Respondent has taken good faith steps to assure compliance by engaging Affiliated Monitors, Inc. on August 8, 2016.

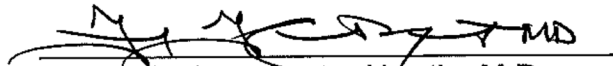
7. The proposed Consent Order is approved as to form and substance by Respondent and the Complainant and may be entered as the final order of the Disciplinary Subcommittee in this matter.

8. Respondent and Complainant reserve the right to further proceedings without prejudice should the order be rejected.

AGREED TO BY:


Kim Gaedeke, Director
Bureau of Professional Licensing
Dep't of Licensing and Regulatory Affairs

Dated: 09/28, 2016


Fernando Jose Castro-Urrutia, M.D.
Respondent

Dated: SEP. 19, 2016

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