

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

In the Matter of

HITEN C. PATEL, M.D.  
License No. 43-01-047581

Complaint No. 43-17-147154

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on August 10, 2018, charging Hiten C. Patel, M.D.

(Respondent) with having violated sections 16221(a), (b)(i) and (c)(iv) of the Public Health Code, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a), (b)(i) and (c)(iv) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED Five Thousand and 00/100 Dollars (\$5,000.00) to be paid by check, money order, or cashier's check made payable to the State of

Michigan (with complaint number 43-17-147154 clearly indicated on the check or money order), and shall be payable within six (6) months of the effective date of this order. 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.

If Respondent fails to timely pay the fine, his license shall be suspended until payment is received. If Respondent's license remains suspended for longer than six months and one day, reinstatement is not automatic. If Respondent petitions for reinstatement of his 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 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.

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

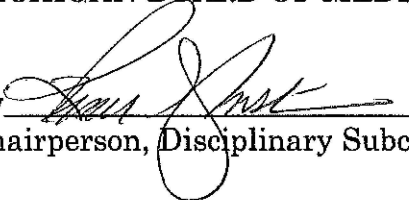
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 9-18-19

MICHIGAN BOARD OF MEDICINE

By   
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges

before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Cara Poland, M.D. Dr. Poland or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Poland and the parties considered the following factors in reaching this agreement:

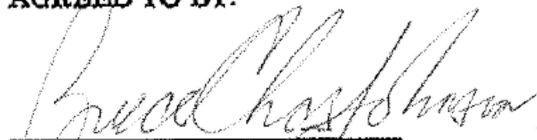
A. The documents associated with this case and the expert report indicate that the violations Respondent committed involved documentation and communication with other professionals rather than in the treatment of the patient. To help him to address these issues in the future, Respondent has voluntarily completed twelve (12) hours of continuing medical education, above and beyond those required for license renewal, in the areas of documentation and professional education.

B. There is no evidence indicating that Respondent was responsible for the death of the patient.

C. Respondent has been licensed since August 9, 1984 and has never previously been disciplined.

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

AGREED TO BY:



Bruce Charles Johnson (P62645)  
Assistant Attorney General  
Attorney for Complainant

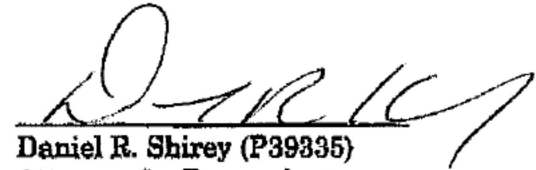
Dated: August 13, 2019

AGREED TO BY:



Hiten C. Patel, M.D.  
Respondent

Dated: 8/13/19.



Daniel R. Shirey (P39335)  
Attorney for Respondent

Dated: 8/13/19

LF: 2019-0254424-A/Patel, Hiten C., M.D., 147154/Consent - Order and Stipulation - 2019-07-19

STATE OF MICHIGAN  
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BOARD OF MEDICINE  
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In the Matter of

HITEN C. PATEL, MD  
License No. 43-01-047581,

File No. 43-17-147154

Respondent.

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent Hiten C. Patel, as follows:

1. The Michigan Board of Medicine is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee (DSC) is empowered to discipline licensees for Code violations.

2. Respondent holds a Michigan license to practice medicine and an active controlled substance license.

3. At all relevant times, Respondent was engaged in private practice in Bingham Farms, MI.

4. Amphetamine salts (e.g., Adderall) are schedule 2 controlled substances.

5. Buprenorphine/naloxone (Suboxone) is an opioid schedule 3 controlled substance commonly used in opioid dependence treatment. Suboxone is

known as "prison heroin," and is commonly abused and diverted. Subutex is buprenorphine without naloxone.

6. Fentanyl is an opioid schedule 2 controlled substance. Fentanyl is between 50 and 100 times as potent as morphine.

7. From 2004 through December 2015, Respondent treated patient AK<sup>1</sup> and prescribed Adderall at various times over the course of this treatment. AK died of a fentanyl overdose on December 13, 2015.

8. Respondent had prescribed Adderall to AK as late as August 28, 2015. Pharmacy records indicate that AK was also prescribed Suboxone by another physician, Dr. Michael Fox, DO, to treat chemical dependency. Dr. Fox had also sent two notices (November 7, 2014 and July 23, 2015) to Respondent, asking that he not prescribe, "any addictive substance to AK."

9. The Bureau's expert analyzed AK's medical records that were provided by Respondent and discovered the following deficiencies:

- (a) Respondent failed to document any assessment of symptoms that the Adderall was designed to treat. In addition, there is no documentation of mental status.
- (b) Respondent failed to document any discussion of the side effects of the Adderall and the risk/benefit of taking the drug.
- (c) The expert also noted that the Respondent failed to document any co-morbid symptoms (such as depression, anxiety, and substance abuse).

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<sup>1</sup> Initials are used to protect the patient's identity.

10. The expert concluded that, based on her review of the medical records Respondent provided, Respondent's documentation of patient AK was below the standard of care and as a result, it is not possible to determine if the care given was appropriate.

#### COUNT I

Respondent's conduct constitutes a violation of a general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, or a condition, conduct, or practice that impairs, or may impair, the ability safely and skillfully to engage in the practice of the health profession in violation of MCL 333.16221(a).

#### COUNT II

Respondent's conduct fails to conform to minimal standards of acceptable, prevailing practice for the health profession in violation of MCL 333.16221(b)(i).

#### COUNT III

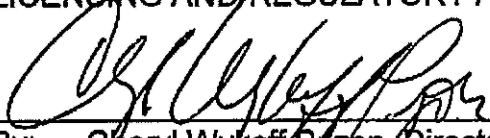
Respondent's conduct constitutes obtaining, possessing, or attempting to obtain or possess a controlled substance or drug without lawful authority, and/or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of MCL 333.16221(c)(iv).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer it in writing and to show compliance with all lawful requirements for retention of the license. Respondent shall submit the written answer to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this complaint. If Respondent fails to answer, the Department shall transmit this complaint directly to the Board's Disciplinary Subcommittee to impose a sanction pursuant to MCL 333.16231(9).

Dated: 8/10/18, 2018

MICHIGAN DEPARTMENT OF  
LICENSING AND REGULATORY AFFAIRS

  
By: Cheryl Wykoff-Pezon, Director  
Bureau of Professional Licensing