

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

In the Matter of

TIMOTHY LAMAR CHAPMAN, M.D.
License No. 43-01-076878,
Respondent.

File No. 43-17-147576

CONSENT ORDER

On August 14, 2018, the Department of Licensing and Regulatory Affairs executed a First Superseding Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

Respondent has admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Public Health Code. The Disciplinary Subcommittee of the Board of Medicine (DSC) has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(b)(xi) and (f).

Accordingly, IT IS ORDERED that for the cited violation(s) of the Public Health Code, Respondent is placed on PROBATION for a minimum of one day and not to exceed 30 days, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. **MONITORING AGREEMENT:** Within 30 days of the effective date of this Order, Respondent shall enter into and comply with a disciplinary monitoring agreement with the Health Professional Recovery Program (HPRP). This disciplinary monitoring agreement shall contain the same terms and conditions as the previously entered into non-disciplinary monitoring agreement dated July 27, 2017, unless HPRP determines that a change in terms or conditions is required. The duration of the monitoring agreement may exceed the period of probation.

All information and documentation acquired by HPRP in developing and implementing a monitoring agreement shall be made available to the Department upon request to establish Respondent's compliance or noncompliance with the monitoring agreement and this order.

If Respondent fails to comply with the terms of the monitoring agreement, HPRP shall immediately notify the Department in writing.

Upon Respondent's successful completion of the monitoring agreement, HPRP shall promptly notify the Department in writing to **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

2. **COMPLIANCE WITH THE PUBLIC HEALTH CODE:** Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
3. **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 receipt by the Department of satisfactory evidence from the HPRP verifying that Respondent has entered into a non-confidential regulatory monitoring agreement with HPRP, as set forth above, PROVIDED Respondent has paid

the fine as set forth below, has complied with the terms of this Order and has not violated the Public Health Code.


IT IS FURTHER ORDERED that Respondent is FINED \$5,000.00 to be paid to the State of Michigan within 90 days of the effective date of this Order. The fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, 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 **43-17-147576**.

IT IS FURTHER ORDERED that if Respondent fails to comply with the terms and conditions of this Order, Respondent's license shall be automatically SUSPENDED for a minimum of one day. If, within six months of the suspension of the license, Respondent complies with the terms of this Order, the license shall be automatically reinstated.

IT IS FURTHER ORDERED that if Respondent's license to practice remains suspended for more than six months, Respondent must apply for reinstatement of the license. If Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with MCL 333.16245 and 333.16247.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

MICHIGAN BOARD OF MEDICINE

By: 
Chairperson, Disciplinary Subcommittee

Dated: 1 | 16 | 19

STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(b)(xi) and (f).

2. Respondent understands and intends that, by signing this Stipulation, Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove a violation of the Public Health Code 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 published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, and this action will be reported to the National Practitioner Data Bank and any other entity as required by state or federal law.

4. Factors taken into consideration in the formulation of this Order include the following:

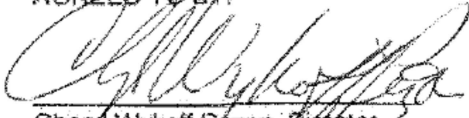
- a. On August 13, 2012, Respondent successfully completed a regulatory HPRP monitoring agreement that was required by the December 22, 2009, Final Order Granting Reinstatement. Immediately after the July 2017, alcohol related conviction, Respondent entered into a non-regulatory HPRP monitoring agreement and provided evidence to the Department that he is compliant with all terms of that agreement.
- b. On June 5, 2017, Respondent notified the Department of his May 14, 2017, misdemeanor conviction within 30 days of the conviction. Respondent stated that his failure to notify the Department of his 2007 misdemeanor conviction was an unintentional oversight on his part.

5. Mohammed Arsiwala, M.D., a member of the Michigan Board of Medicine who supports this proposal, and the Department's representative are both free to discuss this matter with the DSC and recommend acceptance of the resolution set forth in this Order.

6. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the DSC in this matter.

7. This proposal is conditioned upon acceptance by the DSC. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:


Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

Dated:

12/4/18


AGREED TO BY:


Timothy Lamar Chapman, M.D.
Respondent

Dated:

11/25/18

Approved as to form by:


Debra A. Geroux (PS0955)
Attorney for Respondent

Dated:

12.1.18

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FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent 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 is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice medicine in the state of Michigan and has a controlled substance license.

3. For historical purposes, the following events occurred:

- a. On March 13, 2008, an Order of Summary Suspension and an Administrative Complaint were executed against Respondent based on a

violation of the Public Health Code. On July 23, 2013, in resolution of the matter, the Board's Disciplinary Subcommittee executed a Consent Order and Stipulation (Consent Order) that suspended Respondent's medical license for six months and one day. The Consent Order required that Respondent petition the Board for reinstatement of his license to practice medicine in the state of Michigan.

- b. On December 22, 2009, a Final Order Granting Reinstatement was executed against Respondent whereby the Board reinstated Respondent's medical license and placed him on probation for one year. The terms of probation, in part, required that Respondent undergo an evaluation and enter into a monitoring agreement with the Health Professional Recovery Program.

4. On May 14, 2017, law enforcement observed Respondent's vehicle parked in the parking lot of a local business at 3:31 a.m. Law enforcement observed extensive damage to the front of Respondent's vehicle and found Respondent sitting on the driver's side floor board asleep with the door open and observed his face swollen and bleeding. When law enforcement awoke Respondent, the odor of alcohol was detected on his breath and he was unable to hold his balance as he stood up. Respondent admitted to law enforcement that he had been drinking at a bar earlier. Respondent refused to submit to a preliminary breath test and was subsequently arrested for operating while intoxicated.

5. On June 5, 2017, in the 47th Judicial District Court in Farmington Hills, Michigan, Respondent was convicted of Alcohol-Operating While Intoxicated 1st Offense, a misdemeanor not punishable by imprisonment for a maximum term of two

years, in case number 17HO2808A. Respondent was sentenced to serve 93 days in jail (suspended), placed on probation for 24 months, with specified terms, and ordered to pay fines and costs. A copy of the conviction document, marked Exhibit A, is attached and incorporated.

6. On July 5, 2017, the Department became aware that Respondent was convicted on September 27, 2007, in the 36th District Court in Detroit, Michigan, for Open Alcohol in a Motor Vehicle-Driver, a misdemeanor not punishable by imprisonment for a maximum term of two years, in case number 074546631. Respondent was sentenced to pay fines and costs. A copy of the conviction document, marked Exhibit B, is attached and incorporated.

7. Respondent failed to notify the Department of Respondent's September 27, 2007, conviction within 30 days after the date of the conviction.

COUNT I

Respondent's convictions, as set forth above, constitute misdemeanor convictions that are reasonably related to or that adversely affect the licensee's ability to practice in a safe and competent manner, in violation of MCL 333.16221(b)(xi).

COUNT II

Respondent's conduct, as set forth above, in paragraph 7, evidences a failure to notify the Department of the criminal conviction within 30 days after the date of the conviction, as required by MCL 333.16222(3), in violation of MCL 333.16221(f).

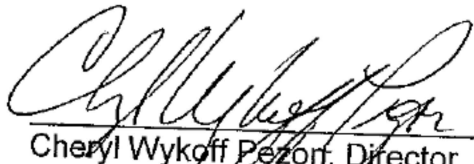
This Complaint is based upon files and records maintained by the Department and the attached Affidavit of Rudi Litterini.

The Administrative Complaint previously executed against Respondent on April 23, 2018, is WITHDRAWN and replaced in full by this First Superseding Administrative Complaint.

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response 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: 8/14/18


Cheryl Wykoff Pezart, Director
Bureau of Professional Licensing

Attachments

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