

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

In the Matter of

ANTHONY JOHN WOLF, M.D.
License No. 43-01-085709
_____ /

Complaint No. 43-17-149126

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on May 17, 2018, charging Anthony John Wolf, M.D. (Respondent) with having violated sections 16221(a), (b)(i), (b)(vi), (b)(iii), and (e)(vi) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

Based on the administrative complaint and after consultation with the Chairperson of the Board of Medicine, the Department summarily suspended Respondent's license to practice medicine by order dated May 17, 2018.

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, Dr. Wolf having invoked the Fifth Amendment to the United States Constitution, 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), (b)(vi), (b)(iii), and (e)(vi) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

The order of summary suspension previously issued is DISSOLVED.

Respondent's license is SUSPENDED for a minimum period of six months and one day.

Respondent is FINED \$20,000 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 43-17-149126 clearly indicated on the check or money order), and shall be payable within prior to petitioning for reinstatement. 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.

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.

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 may not file a petition for reinstatement sooner than ninety days prior to the end of the suspension period.

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 on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 10/12/18

MICHIGAN BOARD OF MEDICINE

By 

Cheryl Wykoff Pezon, by delegation

STIPULATION

The parties stipulate as follows:

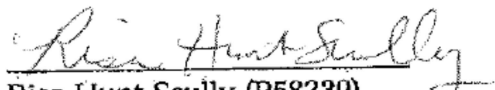
1. For purposes of resolving the administrative complaint only, Dr. Wolf having invoked the Fifth Amendment to the United States Constitution, the Disciplinary Subcommittee shall find that the allegations in the complaint are true and the facts constitute a violation of the Public Health Code.
2. Respondent 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, 1969 PA 306, as amended, 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. 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. The parties considered the following factors in reaching this agreement:
 - A. Respondent attended inpatient treatment for mental health issues at the Menninger Clinic in Houston, Texas from December 7, 2017 through January 19, 2018. This treatment was not covered by insurance and cost \$83,700.00.

- B. Respondent recognizes and appreciates that he needs to address his mental health issues and other life issues before resuming the practice of medicine.
- C. This is the first disciplinary action Respondent has encountered.
- D. Respondent desires to resolve the administrative complaint through a consent order and stipulation rather than incurring the time and expense associated with a contested hearing.

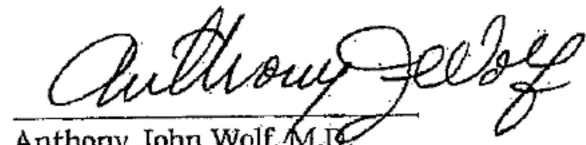
5. This consent order incorporates the conditions of a counteroffer made by the Disciplinary Subcommittee at its meeting held on September 19, 2018.

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

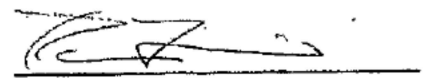
AGREED TO BY:


Risa Hunt-Scully (P58239)
Bridget K. Smith (P71318)
Assistant Attorneys General
Attorney for Complainant
Dated: 9-24-18

AGREED TO BY:


Anthony John Wolf, M.D.
Respondent

Dated: 9-23-18


Daniel J. Ferris (P69633)
Respondent
Dated: 9/24/18

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

In the Matter of

ANTHONY JOHN WOLF, M.D.

License No. 43-01-085709

Complaint No. 43-17-149126

ORDER OF SUMMARY SUSPENSION

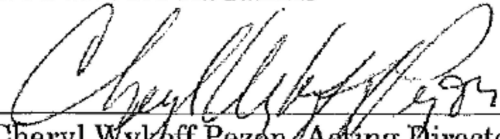
An administrative complaint has been issued against Respondent under the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq*, promulgated rules, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq*.

After consideration of the documentation filed in this case and consultation with the Chairperson of the Board of Medicine, the Department concludes that the public health, safety or welfare requires emergency action, as allowed by section 16233(5) of the Public Health Code and section 92(2) of the Administrative Procedures Act.

THEREFORE, IT IS ORDERED that Respondent's license to practice as a physician in the State of Michigan shall be summarily suspended commencing on the date this order is served.

Under Mich Admin Code, R 792.10702, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, Michigan 48909, with a copy served upon the Department of Attorney General, Licensing & Regulation Division, P.O. Box 30758, Lansing, Michigan, 48909. Questions concerning the Order of Summary Suspension may be directed to (517) 373-1146. Upon receipt of such a petition, an administrative hearing will immediately be scheduled before an administrative law judge, who shall dissolve the order of summary suspension unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

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

Dated: 5/17/18

LF: 2018-0217862-A\Wolf, Anthony John, M.D., 149126\Pleading - Order Sum Susp - Health - 2018-05-15

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
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In the Matter of

ANTHONY JOHN WOLF, M.D.
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Complaint No. 43-17-149126

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Bridget K. Smith, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this complaint against Anthony John Wolf, M.D. (Respondent), alleging upon information and belief as follows:

1. The Board of Medicine (Board), an administrative agency established by the Public Health Code (Code), 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.
2. Respondent is currently licensed to practice as a physician pursuant to the Public Health Code. At all times relevant to this complaint Respondent practiced as a psychiatrist at the State of Michigan Center for Forensic Psychiatry

located in Ann Arbor, Michigan. Respondent also had several private clients that he treated in the evenings.

3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for violation 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 or any conduct, practice or condition that impairs, or may impair, the ability to safely and skillfully practice as a physician.

4. Section 16221(b)(i) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for incompetence, which is defined in section 16106(1) of the Code to mean "a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice from the health profession, whether or not actual injury to an individual occurs."

5. Section 16221(b)(vi) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for lack of good moral character, 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."

6. Section 16221(b)(iii) of the Code authorizes the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for personal disqualifications consisting of a mental or physical inability reasonably

related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

7. Section 16221(e)(vi) of the Public Health Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for unprofessional conduct consisting of any conduct by a health professional with a patient while he is acting within the health profession for which he is licensed, including conduct initiated by a patient or to which the patient consents, which is sexual or can reasonably be interpreted as sexual.

8. Section 16233(5) of the Public Health Code provides for the summary suspension of a license, reading, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws. If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action and, in accordance with section 92 of the administrative procedures act of 1969, shall summarily suspend the licensee's license or the registrant's registration.

9. Section 16226 of the Code authorizes the DSC to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

ALLEGATIONS

10. In February 2017, H.G. (initials used to protect patient confidentiality) was referred to Respondent's private practice by her therapist for medication management. Shortly thereafter, Respondent also began treating her spouse, L.G.

11. In or around April 2017, H.G. was hospitalized as a result of an attempted suicide. Shortly thereafter, she and Respondent began exchanging text messages on an almost daily basis. In attempts to gain H.G.'s trust, Respondent began sharing personal information about himself with H.G.

12. In September 2017, H.G. made a second suicide attempt. Shortly thereafter she began expressing romantic and sexual interest in Respondent. As a result of her feelings for Respondent, she asked to be transferred to another psychiatrist.

13. On or about October 25, 2017, Respondent transferred H.G.'s therapy to another provider.

14. On or about October 26, 2017, Respondent contacted H.G. to tell her he had romantic feelings for her and asked her to continue her sessions just so he could see her.

15. Later that same day, Respondent and H.G. met at Respondent's office and engaged in sexual contact. Respondent and H.G. then began an ongoing relationship that was romantic and sexual in nature.

16. When L.G. became aware of H.G.'s relationship with Respondent, L.G. attempted suicide. After L.G. was released from the hospital, Respondent met with L.G. and H.G. to discuss his relationship with H.G.

17. In November 2017, the acting director of the Center for Forensic Psychiatry noted that most of Respondent's assigned patients were missing several months' worth of treatment notes. As a result, he met with Respondent to implement a performance plan to address the inadequacies in his charting.

18. The acting director noted that Respondent had also been unable to focus recently, often spending two hours with patients.

19. During the meeting, Respondent advised the acting director that he needed to take personal time away from the Center to deal with issues related to his own mental health and depression.

20. The following day, Respondent contacted the acting director to advise him of his relationship with H.G. The Center initiated an internal investigation. On February 19, 2018, the Center suspended Respondent's privileges. To date, his privileges remain suspended.

21. Around the same time, Respondent told several other health professionals about his relationship with H.G. Respondent also advised several of the professionals, that H.G. had continued and ongoing suicidal ideations. All of the professionals encouraged Respondent to end the relationship and self-report his

conduct to the Complainant for licensure action. Respondent refused to report, and as of March 2018 was still in a relationship with H.G.

22. Respondent also shared H.G.'s name and protected health information with several of his family members without H.G.'s consent.

23. On December 7, 2017, Respondent entered into the Professional Program at the Menninger Clinic in Houston, Texas. The program was designed to treat medical professionals who are experiencing difficulty managing their careers and relationships because of a psychiatric disorder, addiction, demands, or stress.

24. Respondent was in the program from December 7, 2017 until January 19, 2018. During that time Respondent failed to follow treatment recommendations, including suggestions that he self-report his conduct and disengage with H.G. Menninger providers noted that Respondent did not express remorse for his actions with H.G. and lacked insight into the potential risks their relationship might pose for H.G.

26. During the time Respondent was in Texas, he continued prescribing controlled substances for at least 8 patients.

27. At the time of discharge, Menninger providers recommended that Respondent not return to work, but if he did return to private practice, he should refrain from seeing female patients.

COUNT I

28. Respondent's conduct as described above constitutes negligence and a failure to exercise due care in violation of section 16221(a) of the Code.

COUNT II

29. Respondent's conduct as described above constitutes incompetence in violation of section 16221(b)(i) of the Code.

COUNT III

30. Respondent's conduct as described above constitutes a lack of good moral character in violation of section 16221(b)(vi) of the Code.

COUNT IV

31. Respondent's conduct as described above constitutes a mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner in violation of section 16221(b)(iii) of the Code.

COUNT V

32. Respondent's conduct as described above constitutes unprofessional conduct consisting of any conduct by a health professional with a patient while he is acting within the health profession for which he is licensed, including conduct

initiated by a patient or to which the patient consents, which is sexual or can reasonably be interpreted as sexual in violation of section 16221(e)(vi) of the Code.

THEREFORE, 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 aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as a physician in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act and section 16233(5) of the Public Health Code for the reason that, based upon the allegations set forth herein, to permit Respondent to continue to practice the profession constitutes a danger to the public health, safety and welfare requiring emergency action.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from the receipt of this Complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Professional Licensing, Department of

Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in the transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

BILL SCHUETTE
Attorney General


Bridget K. Smith (P71318)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, Michigan 48909
(517) 373-1146

Dated: May 17, 2018

LF: 2018-0217862-A\Wolf, Anthony John, M.D., 149126\Pleading -- Administrative Complaint -- 2018-05-15