

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 No. 43-01-067134,
Respondent.

File No. 43-19-001171

CONSENT ORDER

On October 14, 2019, 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.*

The parties have stipulated that the Michigan Board of Medicine's Disciplinary Subcommittee (DSC) may enter this Consent Order and Stipulation. The DSC has reviewed this Consent Order and Stipulation and agrees that resolution of the Complaint best serves the public interest.

Therefore, IT IS FOUND that the facts alleged in the Complaint regarding Count II is true and constitute a violation of COUNT II, MCL 333.16221(w).

Accordingly, IT IS ORDERED that for the cited violation of the Public Health Code, Respondent is REPRIMANDED. Count I is DISMISSED.


Respondent is FINED \$1,000.00 for the cited violations of the Public Health Code, to be paid to the State of Michigan within 60 days of the effective date of this Order.

Respondent is currently subject to the terms of a Final Order entered by the Disciplinary Subcommittee of the Board of Medicine on May 17, 2017. The May 17, 2017 Order remains in full force and effect, and Respondent must comply with those terms in addition to the terms of this order.

Respondent shall mail the fine 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 the file number **43-19-001171**.

This Order shall be effective 30 days from the date signed by the DSC, as set forth below.

MICHIGAN BOARD OF MEDICINE

By:  for
Chairperson, Disciplinary Subcommittee

Dated: May 20, 2020

STIPULATION

The Department of Licensing and Regulatory Affairs and Respondent stipulate as follows:

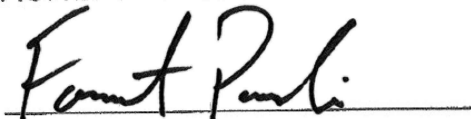
1. The facts alleged in the Complaint are true and constitute a violation of MCL 333.16221(w).
2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove 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 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. 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.

5. The parties took the following factors into consideration in agreeing to the above resolution:

- a. In a compliance conference Respondent stated that when he received the letter from the MAPS section stating that he was not registered he immediately registered for the program and has been checking MAPS as required. A review of MAPS verified Respondent's statement.
- b. Respondent was being monitored by a monitor supplied by Affiliated Monitoring. The monitor stepped down due to time constraints. To date, Affiliated Monitoring has not been able to find a replacement. An Affiliated Monitoring representative stated that Respondent had been compliant and adjusted his practice and adopted the monitor's suggestions up to the point that the monitor stepped down.
- c. Respondent wishes to save the time and expense of an administrative hearing by pleading no contest to Count II.

6. 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:



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Dated: 3-26-2020

AGREED TO BY:



Fernando Jose Castro-Urrutia, M.D.
Respondent

Dated: MARCH 5, 2020

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In the Matter of

FERNANDO JOSE CASTRO-URRUTIA, M.D.
License No. 43-01-067134,
Respondent.

File No. 43-19-001171

FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Enforcement Division 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 currently holds a disciplinary limited license to practice medicine in the state of Michigan and has a controlled substance license.

Violation of Board Order

3. On May 17, 2017, the Board's Disciplinary Subcommittee executed a Consent Order and Stipulation (Order) that, in part, required Respondent to submit quarterly physician reviewer reports.
4. Contrary to the terms of the Order, Respondent failed to provide quarterly physician reviewer reports for the quarters ending September 16, 2018;

December 16, 2018; March 16, 2019; and June 16, 2019; nor did Respondent provide any report of non-employment.

Failure to register for MAPS

5. The Department reviewed data from the Michigan Automated Prescription System (MAPS), the State of Michigan prescription monitoring program which gathers data regarding controlled substances dispensed in Michigan.

6. MAPS data for Respondent from June 1, 2018 through September 16, 2019 revealed Respondent is not registered as a MAPS user as of September 14, 2019.

7. MAPS data revealed that Respondent prescribed 86 new controlled substance prescriptions without checking the patients MAPS data during the period June 1, 2018 through September 16, 2019.

COUNT I

Respondent's conduct, as set forth above, constitutes a violation of a final order executed by the Board's Disciplinary Subcommittee, contrary to Mich Admin Code, R 338.1632, in violation of MCL 333.16221(h).

COUNT II

Respondent's conduct constitutes a failure to register with MAPS and a failure to obtain and review a patient's MAPS report before issuing a controlled substance prescription, a violation of MCL 333.7303a(4) or (5), in violation of MCL 333.16221(w).

The Administrative Complaint previously executed against Respondent on August 28, 2019, 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: 10-14-19



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

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