

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

In the Matter of

SYAM P KUNAM, M.D.
License No. 43-01-407311,
Respondent.

File No. 43-20-001657

CONSENT ORDER

On October 21, 2020, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint (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, except Count II, which shall be dismissed. The Michigan Board of Medicine's Disciplinary Subcommittee (DSC) has reviewed this Consent Order and Stipulation (Order) 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, except Count II, are true and constitute violation(s) of MCL 333.16221(b)(x).

Accordingly, IT IS ORDERED that pursuant to the attached Stipulation, Count II of the Complaint, which charged Respondent with violating MCL 333.16221(f) is DISMISSED.

For the violation(s) of the Public Health Code:

Respondent is placed on PROBATION for one (1) day, and not to exceed six (6) months, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Within 120 days of the effective date of this Order, Respondent shall successfully complete and submit satisfactory evidence of completing a minimum of five (5) hours of continuing education (CE) acceptable to the Board in the area of record keeping, for a total of at least five (5) hours.

This CE **shall not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the CE from the Chairperson of the Board or their designee.

Respondent shall send requests for pre-approval and proof of the successful completion of the CE to the Department at BPL-Monitoring@michigan.gov.

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.

Respondent shall be automatically discharged from probation, after one (1) day, upon receipt by the Department of satisfactory evidence of the successful completion of the probationary terms as set forth above, PROVIDED compliance occurs within the maximum six (6) month period, Respondent has paid the fine set forth below, complied with the terms of this Order and has not violated the Public Health Code.

Respondent is FINED \$1,000.00 to be paid to the State of Michigan within 120 days of the effective date of this Order. Respondent shall **direct payment** 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 43-20-001657**.

If Respondent fails to timely pay the fine, Respondent's license shall be automatically suspended for a minimum of one (1) day until payment of the fine. If Respondent's license remains suspended for more than six (6) 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 sections MCL 333.16245 and 333.16247.

Respondent shall direct all communications, except fines, required by the terms of this Order to: BPL-Monitoring@michigan.gov.

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: September 15, 2021

STIPULATION

1. Respondent and the Department agree that Count II of the Complaint, which charged Respondent with violating section MCL 333.16221(f) shall be DISMISSED by the DSC.

2. The facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(b)(x).

3. 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.

4. 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.

5. Factors taken into consideration in the formulation of this Order are:

- a) Count II is being dismissed because paragraph three (3) of the Complaint that referenced the January 18, 2013, California Board disciplinary action and Respondent's failure to report the

disciplinary action was previously addressed under file 43-13-127749.

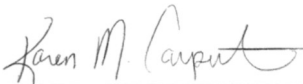
- b) Respondent has been licensed to practice medicine in the state of Michigan since June 27, 1989.

6. Michael Chafty, M.D., a member of the Board who supports this proposal, and the Department's representative are free to discuss this matter with the DSC and recommend acceptance of the resolution set forth in this Order.

7. 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.


8. 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:

 signing for
Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Dated: August 12, 2021

AGREED TO BY:


Syam P. Kunam, M.D.
Respondent

Dated: 8/12/2021

RJP

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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 is currently licensed to practice medicine in the state of Michigan. Respondent's address of record with the Department is Loma Linda, California.

3. On January 18, 2013, the Medical Board of California (California Board) issued a Public Letter of Reprimand based on Respondent's grossly negligent and incompetent care and treatment of a patient with complaints of sleep deprivation and anxiety. A copy of the Public Letter of Reprimand, marked Exhibit A, is attached and incorporated.

4. Respondent failed to notify the Department of the January 18, 2013, action taken by the California Board within 30 days of the date of the action.

5. On April 30, 2020, the California Board executed a Decision adopting the Stipulated Settlement and Disciplinary Order (Order), dated February 21, 2020, which revoked Respondent's California Physician's and Surgeon's Certificate, and simultaneously stayed the revocation and placed Respondent on probation for a term of three (3) years with specified terms and conditions. The California Board action was based on Respondent's negligent care and treatment of four psychiatric patients in his medical practice, failing to maintain adequate and accurate medical records for his patients, and for unprofessional conduct. A copy of the Order marked Exhibit B, is attached and incorporated.

COUNT I

The actions by the California Board on January 18, 2013 and April 30, 2020, as set forth above, constitute final adverse administrative actions by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, in violation of MCL 333.16221(b)(x).

COUNT II

Respondent's conduct, as set forth above, evidences a failure to notify Department of the January 18, 2013, disciplinary action by the California Board within 30

days from the date of the action, as required by MCL 333.16222(4), in violation of MCL 333.16221(f).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained in it. Pursuant to section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in the attached proof of service. The written response shall be submitted by email to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing to LARA-BPL-RegulationSection@michigan.gov. If unable to submit a response by email, Respondent may submit by regular mail to the **Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 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: 10-21-2020

Attachments

rjp



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing