

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

In the Matter of

ISMATH KHATOON KHAN, M.D.  
License No. 43-01-039139,  
Respondent.

File No. 43-21-001781

CONSENT ORDER

On July 12, 2021, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee (DSC) may enter this Consent Order. The DSC 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 DSC finds that the allegations of fact contained in the Complaint are true and constitute violation(s) of MCL 333.16221(w) of the Public Health Code.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Public Health Code, Respondent is FINED \$500.00 to be paid within 60 days of the effective date of this Order. Respondent shall mail 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 file number **43-21-001781**.

Failure to pay the fine within the time period set forth in this Order shall result in suspension of the license and denial of any license or registration renewal and relicensure until compliance with this Order. If, within six months of the suspension of the license, Respondent complies with the terms of this Order, the license shall be automatically reinstated. If Respondent's license remains suspended for more than six months, Respondent must apply for reinstatement of the license, in accordance with MCL 333.16245 and MCL 333.16247.

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

**MICHIGAN BOARD OF MEDICINE**

By:  For  
Chairperson, Disciplinary Subcommittee

Dated: January 19, 2022

STIPULATION

1. Respondent neither admits nor denies the allegations of fact and law in the Complaint but agrees that the Disciplinary Subcommittee may accept the allegations as true and may enter an order treating the allegations as true.

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

- a) Respondent has been licensed since 1978 with no prior disciplinary actions against her license.
- b) Respondent retired from active practice in February 2021 and does not intend to resume seeing patients.
- c) Respondent believes she reviewed MAPS as often as required by law and any non-compliance was unintentional.
- d) Respondent has retired her DEA registration and has no intention of continuing to prescribe controlled substances.
- e) Respondent has agreed, as an express condition of this resolution, not to renew her current controlled substance license after its next expiration date.

5. 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.


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:

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

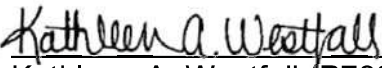
Dated: November 8, 2021

AGREED TO BY:

  
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Ismath Khatoon Khan, M.D.  
Respondent.

Dated: 11/8/2021

APPROVED AS TO FORM BY:

  
\_\_\_\_\_  
Kathleen A. Westfall (P78874)  
Attorney for Respondent  
Kerr, Russell and Weber, PLC  
500 Woodward Avenue, Suite 2500  
Detroit, MI 48226

Dated: 11/8/2021

LLC

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
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File No. 43-21-001781

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 licensees for violations of the Public Health Code.

2. The Michigan Automated Prescription System (MAPS) is an electronic information system for tracking the prescribing and dispensing of schedule 2-5 controlled substances in the state. MAPS is an important tool for detecting and preventing drug abuse and diversion.

3. Pursuant to MCL 333.7303a(4) and (5), a licensed prescriber is required to register with MAPS and to obtain a report of a patient's controlled substance history prior to prescribing or dispensing schedule 2-5 controlled substances, as follows:

(4) Beginning June 1, 2018, before prescribing or dispensing to a patient a controlled substance in a quantity that exceeds a 3-day supply, a licensed prescriber shall obtain and review a report concerning that patient from the electronic system for monitoring schedule 2, 3, 4, and 5 controlled substances established under section 7333a. . . .

\* \* \*

(5) Beginning June 1, 2018, before prescribing or dispensing a controlled substance to a patient, a licensed prescriber shall register with the electronic system for monitoring schedule 2, 3, 4, and 5 controlled substances established under section 7333a.

4. Respondent is licensed as a physician in the state of Michigan and has an active controlled substance license. She practices as a member of a group practice called Lincoln Behavioral Services and specializes in neurology and psychiatry.

5. On December 13, 2018, Respondent registered with the MAPS system.

6. Between June 1, 2020, and June 6, 2021, Respondent wrote 681 new prescriptions for patients for schedule 2-5 controlled substances in a quantity exceeding a 3-day supply. Respondent failed to obtain a MAPS report prior to issuing 515 of those prescriptions – a 75.62% rate of noncompliance.

7. During that period, Respondent prescribed controlled substances for several patients that, in combination with controlled substances the patients were already receiving from other prescribers, substantially increased the overdose risk for those patients.

#### COUNT I

The facts set forth above evidence a failure to obtain and review a report from the MAPS system before prescribing or dispensing a schedule 2-5 controlled substance in a quantity that exceeds a 3-day supply, contrary to MCL 333.7303a(4), in violation of MCL 333.16221(w).

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 MCL 333.16192(2) of the Code, Respondent is deemed to be in receipt of the complaint three days after the date of mailing listed on 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 respond 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).

Date: 7-12-2021



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Forrest Pasanski, Director  
Enforcement Division  
Bureau of Professional Licensing

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