

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

KIMBERLY TREVER, D.O.
License Number: 51-01-015472

File Number: 51-09-112074
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on September 2, 2009, charging Kimberly Trever, D.O., hereafter Respondent, with having violated sections 16221(a) and 16221(b)(vi) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint, with the exception of Count II alleging violations of section 16221(b)(vi) of the Public Health Code, supra, are true and constitute violations of the Public Health Code, supra; and

WHEREAS, the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine and Surgery, hereafter Disciplinary Subcommittee, has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now, therefore,

IT IS HEREBY FOUND that the allegations of fact and law set forth in the Complaint are true and constitute violations of section 16221(a) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that pursuant to the attached Stipulation, Count II of the Complaint, which charged Respondent with violating section 16221(b)(vi) of the Public Health Code, supra, is DISMISSED

IT IS FURTHER ORDERED that for the violations of section 16221(a) of the Public Health Code, supra, Respondent is placed on PROBATION for a period of TWO YEARS, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Respondent shall successfully complete 20 hours of continuing education accepted by the Michigan Board of Osteopathic Medicine and Surgery, hereafter Board, in the area of medical law/ethics. This continuing education shall be completed during the probationary period and **shall not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for pre-approval and proof of the successful completion of the continuing education to the **Department of Community Health, Bureau of Health Professions, Sanction Monitoring, 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 at the end of the probationary period, PROVIDED Respondent has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that for the aforesaid violations of the Public Health Code, Respondent is FINED in the amount of \$1,000.00 to be paid to the State of Michigan within 180 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Community Health, Bureau of Health Professions, Sanction Monitoring, P.O. Box, 30185, 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 **51-09-112074.**

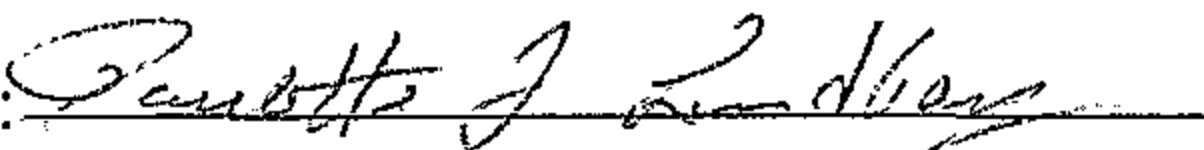
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, and if such violation is deemed to constitute an independent violation of the Public Health Code or the rules promulgated thereunder, the Disciplinary

Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

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

Dated: 2-04-2010

MICHIGAN BOARD OF OSTEOPATHIC
MEDICINE AND SURGERY

By: 
Chairperson, Disciplinary Subcommittee

STIPULATION

1. Respondent and Complainant agree that Count II of the Complaint dated September 2, 2009, which charged Respondent with violating section 16221(b)(vi) of the Public Health Code, supra, shall be dismissed by the Disciplinary Subcommittee.

2. The allegations of fact and law contained in the Complaint dated September 2, 2009, are true and constitute violations of section 16221(a) of the Public Health Code, supra.

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 of 1969, 1969 PA 306, as amended;

MCL 24.201 et seq., to require the Department of Community Health, hereafter Department, to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to said charges.

4. Factors taken into consideration in the formulation of the within Consent Order are as follows:

As a result of her involvement with Medical Web Services, Respondent has paid restitution in the amount of \$10,000.00 to the United States Marshals Service for the Northern District of Iowa.

In her written response to the Complaint, Respondent states she was unaware that these were actual patients and thought she was approving "test" questionnaires.

In a letter dated June 22, 2009, the United States Attorney stated that Respondent's name, Federal Drug Enforcement Agency registration number, and electronic signature were used by Medical Web Services without her permission. Respondent had declined certain prescription requests, but the company approved and filled these nonetheless. Respondent has been fully cooperative in the resolution of this matter.

5. Charles E. Kelly, D.O., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

6. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in said cause.

7. The foregoing proposal is conditioned upon acceptance by the Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings should the Consent Order be rejected.

AGREED TO BY:

Melanie Brim
Melanie B. Brim, Director
Bureau of Health Professions
Department of Community Health

Dated: December 16, 2009

AGREED TO BY:

Kimberly Trever, D.O.
Kimberly Trever, D.O.
Respondent

Dated: 12/4/09

Approved as to form by:

Shawn C. Worden
Shawn C. Worden (P66943)
Attorney for Respondent

This is the last and final page of a Consent Order and Stipulation in the matter of Kimberly Trever, D.O., File Number 51-09-112074, before the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine and Surgery, consisting of six pages, this page included.

KRS