

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

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against Kimberly Trever, D.O., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Osteopathic Medicine and Surgery, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is currently licensed to practice osteopathic medicine and surgery in the state of Michigan and holds a current controlled substance license.

3. Good moral character is defined at Section 1 of 1974 PA 38, as amended; MCL 338.41 et seq as "the propensity of the person to serve the public in the licensed area in a fair, honest, and open manner."

4. At all relevant times, Respondent was engaged in private practice in Rockford, Michigan.

5. Between September 2003 and May 20, 2004, Respondent prescribed schedule 3 and schedule 4 controlled substances via the Internet without a valid physician-patient relationship. Specifically, Respondent reviewed completed patient questionnaires submitted to Medical Web Services and authorized requested prescriptions without examining the patients.

COUNT I

Respondent's conduct, as set forth above, evidences violations 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, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences a lack of good moral character, in violation of section 16221(b)(vi) of the Public Health Code, supra.

WHEREFORE, Complainant requests that the within complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the

Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 et seq.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: *September 2, 2009*

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

This is the last and final page of an Administrative Complaint 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 three pages, this page included.

KRS