



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH CARE SERVICES

STEVE ARWOOD  
DIRECTOR

In the Matter of

Janet Delores Heasley, D.O.  
License Number: 51-01-013119

FILE NO.: 51-11-119991

PROOF OF SERVICE

State of Michigan )  
                                  )  
County of Ingham )

I, Marcie M. Anderson, of Lansing, County of Ingham, State of Michigan, do hereby state that on June 7, 2013, I sent the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

CONSENT ORDER AND STIPULATION dated June 6, 2013

BY:        First Class Mail  
             Certified Mail, Return receipt requested

TO:    Janet Delores Heasley, D.O.  
         Mill St. Psychiatric & Medical Clinic Plc  
         957 Evergreen Ridge  
         Ortonville, MI 48462

         Max R. Hoffman, Jr.  
         Fraser Trebilcock Davis & Dunlap PC  
         124 West Allegan St., Ste. 1000  
         Lansing, MI 48933

By Interdepartmental Mail to:

         Bill Hurth, Manager  
         Bureau of Health Care Services  
         Enforcement Unit

         Kelly K. Elizondo  
         Department of Attorney General  
         Licensing & Regulation Division  
         Lansing, MI

Marcie Anderson  
Marcie M. Anderson  
Health Professions Division

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH CARE SERVICES  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

Janet Delores Heasley, D.O.  
License No. 51-01-013119

Complaint No. 51-11-119991

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Osteopathic Medicine and Surgery on August 30, 2012, charging Janet Delores Heasley, D.O. (Respondent) with having violated sections 16221(a), (b)(i) and (h) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee 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 Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated section 16221(a) of the Public Health Code.


Accordingly, for this violation, IT IS ORDERED:

Respondent is FINED TWO THOUSAND DOLLARS (\$2000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 51-11-119991 clearly indicated on the check or money order) within 60 days from the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Sanction Monitoring, Bureau of Health Care Services, Health Professions Division, Department of Licensing and Regulatory Affairs, P.O. Box 30185, Lansing, Michigan 48909.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 8/26/13

MICHIGAN BOARD OF OSTEOPATHIC  
MEDICINE AND SURGERY

By   
Chairperson, Disciplinary Subcommittee

## STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, she does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, she is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, 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 to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Charles Kelly, D.O. Dr. Kelly or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Kelly and the parties considered the following factors in reaching this agreement:

- A. Respondent had been providing family counseling to R.R., her mother and brother.
- B. R.R.'s mother was an adoption counselor and would sometimes refer patients to Respondent.
- C. R.R.'s mother brought R.R. to see Respondent in November 2009 and described difficulties R.R. was having at school in regard to focusing on her school work. Respondent was in the middle of trying to resolve her first administrative complaint with the Board of Osteopathic Medicine and Surgery and was not sure if she would be able to take R.R. on as a regular patient.
- D. Respondent told R.R.'s mother she would write the prescription for Adderall as an accommodation and advised R.R.'s mother to follow up with another physician for continuity of care.
- E. Following this visit in November, Respondent resolved her matter with the Board and felt comfortable taking R.R. on as her patient as she would be practicing under supervision.
- F. Respondent therefore saw R.R. in January 2012, made a diagnosis of ADD and prescribed Adderall.
- G. Respondent's Consent Order and Stipulation was approved on February 4, 2010.
- H. Respondent successfully completed her probationary term under general supervision on June 20, 2011.
- I. Respondent's practice has changed in a positive manner since the first administrative complaint was filed. Respondent is now employed by Recovery Pathways, LLC which provides substance abuse treatment, mental health evaluations and medication management to both adult and pediatric patients.
- J. Respondent's charts are reviewed by Dr. Morrone at Recovery Pathways and Recovery Pathways provides office support to Respondent with her practice.

- K. Respondent requests records from primary care physicians and if doing an ADD evaluation, from a child's school prior to prescribing medications. Respondent requests neuropsych testing and primary care referral when seeing a new pediatric patient that is being evaluated for ADD.
- L. Administrative rule 338.108 is expected to be rescinded by initiative of the Office of Regulatory Reinvention sometime this year.
- M. Respondent took 12 credit hours of continuing education in risk management put on by Oakstone Publishing and 16 credit hours of continuing education in professional boundaries and boundary violations put on by the University Of California Irvine School Of Medicine. Both courses were accepted by Dr. Kelly in remediation of her actions.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

Kelly K. Elizondo  
Kelly K. Elizondo  
Assistant Attorney General  
Attorney for Complainant  
Dated: 3-29-13

AGREED TO BY:

Janet Delores Heasley  
Janet Delores Heasley, D.O.  
Respondent  
Dated: 3-4-13

Max R. Hoffman, Jr.  
Max R. Hoffman, Jr.  
Attorney for Respondent  
Dated: 3/27/2013

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

Janet Delores Heasley, D.O.  
License No. 51-01-013119

---

Complaint No. 51-11-119991

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Kelly K. Elizondo, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Health Professions (Complainant), files this Administrative Complaint against Janet Delores Heasley, D.O. (Respondent), alleging upon information and belief as follows:

1. The Board of Osteopathic Medicine and Surgery (Board) is an administrative agency established by the Public Health Code (Code), 1978 PA 368, as amended, MCL 333.1101 *et seq.*, and is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).

2. Respondent is currently licensed to practice osteopathic medicine and surgery in Michigan.

3. Section 16221(a) of the Code authorizes the DSC to take disciplinary action against Respondent for a violation 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, or any conduct, practice, or condition that impairs, or may impair, Respondent's ability to safely and skillfully practice osteopathic medicine and surgery.

4. Section 16221(b)(i) of the Code authorizes the DSC to take disciplinary action against Respondent for incompetence, which is defined at section 16106(1) of the Code as "a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs."

5. Section 16221(h) of the Code authorizes the DSC to take disciplinary action against Respondent for a violation, or aiding or abetting in a violation, of this article or of a rule promulgated under this article.

6. 2005 MR 1, R 338.108(4) provides: Recognizing that amphetamine and its salts are therapeutically effective in the treatment of hyperkinetic children, an osteopathic physician may, by issuance of a written order for amphetamine and its salts, prescribe amphetamine and its salts for a hyperkinetic child, if the physician, before writing a prescription for amphetamine and its salts, has done all of the following:

(a) Taken a complete history.

(b) If the child is attending school, secured a report from the child's school regarding the child's current and past behavior.



(c) Completed a physical examination, including a neurological examination. A prescription for amphetamine and its salts ordered for a hyperkinetic child shall indicate on the prescription order, in the physician's own handwriting, the purpose for which the drug is being prescribed.

7. Section 16226 of the Code authorizes the DSC to impose sanctions against a person licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

8. On January 7, 2010, Respondent first saw patient R.R. (D.O.B. 2-20-00).<sup>1</sup> Respondent recorded in her progress note for that date that R.R. had been on Adderall XR 15 mg (an amphetamine and its salts) for two months. In fact, Respondent had prescribed the Adderall XR 15 mg to R.R. on November 11, 2009, before a patient-physician relationship had been established. Prior to prescribing the Adderall, Respondent did not take a complete history, did not obtain a report from R.R.'s school and did not complete a physical examination, including a neurologic examination. The prescription written by Respondent for Adderall on November 11, 2009, did not indicate in Respondent's handwriting the purpose for which the drug was being prescribed.

9. On January 7, 2010, Respondent first diagnosed R.R. with Attention Deficit Disorder (ADD). Respondent continued the Adderall on this date, but again Respondent did not indicate on her handwritten prescription the purpose for which the drug was being prescribed.

---

<sup>1</sup> Initials used to protect patient privacy.

10. The Complainant retained J.P. Leleszi, D.O. to review Respondent's records for R.R. Dr. Leleszi opined that Respondent failed to follow applicable standards of care by failing to see and evaluate the patient before prescribing Adderall on November 11, 2009 and by not following the administrative rule 338.108(4) promulgated by the Board of Osteopathic Medicine and Surgery. Furthermore, Dr. Leleszi opined that Respondent did not perform an adequate assessment in order to form the basis for her diagnosis of ADD on January 10, 2010. Finally, Dr. Leleszi opined that Respondent did not adequately document that she was monitoring R.R. for side effects of the Adderall. Dr. Leleszi noted that Respondent did not record R.R.'s weight in the patient chart and only referred to R.R.'s weight by citing anecdotal information from R.R.'s mother about her weight and by questioning R.R. about her appetite. Weight loss is a known side effect of Adderall.

11. Respondent continued to care for R.R. and treat her for ADD until March 2011. During that time Respondent treated R.R. with Adderall, Vyvanse (amphetamine) and Focalin (amphetamine) without noting on her handwritten prescriptions that the medications were to treat ADD. Further, Respondent did not document that she was monitoring R.R. for side effects associated with these medications.

12. On February 4, 2010, the Board's DSC entered a Consent Order and Stipulation limiting Respondent's license by restricting her ability to prescribe controlled substances and providing for general supervision. Respondent was also placed on probation, the terms of which included supervisor reports, records review, and continuing education. Respondent was also fined \$1000. The Consent Order was based on an administrative complaint dated July 21, 2009

that alleged Respondent prescribed controlled substances without a legitimate medical basis and in excessive amounts. Respondent did comply with the terms of her consent order and her file was closed with Complainant on June 20, 2011.

**COUNT I**

Respondent's conduct as described above constitutes negligence, in violation of section 16221(a) of the Code.

**COUNT II**

Respondent's conduct as described above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

**COUNT III**

Respondent's conduct as described above constitutes a violation, or aiding or abetting in a violation, of this article or of a rule promulgated under this article, in violation of section 16221(h) of the Code.

WHEREFORE, Complainant requests that this Administrative Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of her license to practice osteopathic medicine and surgery. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, Respondent has 30 days from receipt of this Administrative Complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Health Professions, Department of Licensing & Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(8) of the Code, failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the Administrative Complaint and shall result in transmittal of the Administrative Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

BILL SCHUETTE

*Kelly K. Elizondo*

Attorney General  
Kelly K. Elizondo (P45534)  
Assistant Attorney General  
Licensing and Regulation Division  
3030 West Grand Boulevard  
Detroit, Michigan 48202  
Telephone: (313) 456-0040  
Fax: (313) 456-0061

Dated: August 30, 2012