BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Christopher Peter Lombardo, M.D. Physician's & Surgeon's Certificate No G43247 Respondent	Case No. 800-2019-058638

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 30, 2021.

IT IS SO ORDERED April 1, 2021.

MEDICAL BOARD OF CALIFORNIA

By: Ronald H Lewis, MD

Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
CAITLIN ROSS
Deputy Attorney General
State Bar No. 271651
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3615
Facsimile: (415) 703-5480
E-mail: Caitlin.Ross@doj.ca.gov
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CHRISTOPHER PETER LOMBARDO, M.D.** **19555 Old Creek Road** **Hidden Valley Lake, CA 95467-8578** **Physician's and Surgeon's Certificate No. G 43247,** Respondent.	Case No. 800-2019-058638 OAH No. 2020090778 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). This action was brought and maintained in the official capacity of the Board's Executive Director, who is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Caitlin Ross, Deputy Attorney General.

2. Respondent Christopher Peter Lombardo, M.D. (Respondent) is represented in this proceeding by attorney Summer McKeivier, 1441 West Long Lake Rd, #310, Troy, MI 48098.

3. On or about September 8, 1980, the Board issued Physician's and Surgeon's Certificate No. G 43247 to Christopher Peter Lombardo, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-058638, and will expire on October 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-058638 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 29, 2020. Respondent filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-058638 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-058638. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2019-058638.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that the Respondent, Christopher Peter Lombardo, M.D., Physician's and Surgeon's Certificate No. G 43247, shall be and hereby is publicly reprimanded pursuant to California Business and Professions Code, section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Respondent's conduct as set forth in Accusation No. 800-2019-058638, is as follows:

You demonstrated unprofessional conduct through your actions in 2016 that resulted in

your entering into a July 17, 2019 Consent Order and Stipulation with the Michigan Department of Licensing and Regulatory Affairs. The circumstances of the Michigan matter as follows: On or about April 25, 2018, the Michigan Department of Licensing and Regulatory Affairs filed an Administrative Complaint alleging, among other things, that on October 6, 2016, a patient presented to a medical facility to undergo a left mastoidectomy, a surgical procedure on part of the skull near the ear. In the pre-operative area, Respondent placed a small dot behind the patient's left ear to identify the surgical site. The charge nurse present for the surgery requested several times that Respondent place his initials at the surgical site, per facility policy. Instead of complying Respondent aggressively wrote his initials across patient the patient's cheek, circled the initials and threw the marker across the room. Respondent then became irate, ranted about the facility's site-marking policy while screaming and swearing for approximately three minutes. The circulating nurse was able to completely remove the marker from the patient's face before the procedure began. Approximately five minutes later, Respondent returned to the operating room and the surgery proceeded without incident.

In the Michigan Consent Order and Stipulation, Respondent admitted to the allegations laid out in the Administrative Complaint.

Your conduct constituted unprofessional conduct, and consequently, the Board issues this Public Reprimand.

B. <u>IT IS FURTHER ORDERED:</u>

<u>PROFESSIONALISM PROGRAM (ETHICS COURSE)</u>. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in

addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

Failure to enroll in and complete the course within the specified time shall constitute unprofessional conduct and grounds for further disciplinary action.

FUTURE ADMISSIONS CLAUSE

If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2019-058638 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Summer McKeivier. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 01/29/21 Christopher Peter Lombardo M.D.

CHRISTOPHER PETER LOMBARDO, M.D.
Respondent

I have read and fully discussed with Respondent Christopher Peter Lombardo, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and

Disciplinary Order. I approve its form and content.

DATED: 1-29-21

SUMMER MCKEIVIER
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 1-29-21

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

CAITLIN ROSS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
CAITLIN ROSS
Deputy Attorney General
State Bar No. 271651
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3615
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Christopher Peter Lombardo, M.D.** **702 S. Second Ave.** **Alpena, MI 49707** **Physician's and Surgeon's Certificate** **No. G 43247,** Respondent.	Case No. 800-2019-058638 **A C C U S A T I O N**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about September 8, 1980, the Medical Board issued Physician's and Surgeon's Certificate Number G 43247 to Christopher Peter Lombardo, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

7. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a

disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

8. Respondent Christopher Peter Lombardo, M.D. is subject to disciplinary action under sections 2305 and 141 of the Code in that on or about July 17, 2019, Respondent voluntarily entered into a Consent Order and Stipulation with the Michigan Board of Medicine, attached as **Exhibit A** and incorporated herein. The Consent Agreement Order and Stipulation, which became effective thirty days later, placed Respondent on probation for up to one year, and required completion of an anger management class. The circumstances are as follows:

9. On or about April 25, 2018, the Michigan Department of Licensing and Regulatory Affairs filed an Administrative Complaint alleging, among other things, that on October 6, 2016, patient A.B. presented to a medical facility to undergo a left mastoidectomy, a surgical procedure on part of the skull near the ear. In the pre-operative area, Respondent placed a small dot behind patient A.B.'s left ear to identify the surgical site. The charge nurse present for the surgery requested several times that Respondent place his initials at the surgical site, per facility policy. Instead of complying Respondent aggressively wrote his initials across patient A.B.'s cheek, circled the initials and threw the marker across the room. Respondent then became irate, ranted about the facility's site-marking policy while screaming and swearing for approximately three minutes. The circulating nurse was able to completely remove the marker from Patient A.B.'s face before the procedure began. Approximately five minutes later, Respondent returned to the operating room and the surgery proceeded without incident.

10. In the Consent Order and Stipulation, Respondent admitted to the allegations laid out in the Administrative Complaint.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 43247, issued to Christopher Peter Lombardo, M.D.;

2. Revoking, suspending or denying approval of Christopher Peter Lombardo, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Christopher Peter Lombardo, M.D. if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 29 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Certification of Documents in Response to FOIA Request

Requester: Christina Haydon/Medical Board of California

I, Phillip A. Hendges, Assistant FOIA Coordinator, Michigan Department of Licensing and Regulatory Affairs, acknowledge that a FOIA requesting certified records, dated May 4, 2020, was received by the Department on May 5, 2020. Enclosed are true copies of the only records within the Department's possession related to "certified disciplinary documents for Christopher P. Lombarto." which consists of 10 pages. The Department conducted a thorough search of its electronic databases and other records, and I certify that, to the best of my knowledge, information, and belief, it has no additional records responsive to the request.

Dated: May 8, 2020

Phillip A. Hendges
Assistant FOIA Coordinator
Department of Licensing and Regulatory Affairs
State of Michigan

611 W. OTTAWA • P.O. BOX 30004 • LANSING, MICHIGAN 48909
www.michigan.gov/lara • 517-335-3327

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

In the Matter of

CHRISTOPHER PETER LOMBARDO, M.D., Complaint No. 43-16-144673
License No. 43-01-101636
_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on April 25, 2018, charging Christopher Peter Lombardo, M.D. (Respondent) with having violated sections 16221(a) and (b)(i) 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 sections 16221(a) and (b)(i) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a minimum period of one (1) day not to exceed one (1) year, commencing on the effective date of this order. Respondent shall be automatically discharged from probation upon the

Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within one (1) year. If Respondent fails to complete any term or condition of probation as set forth in this order within one (1) year of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

A. ANGER MANAGEMENT COURSE. Within ninety (90) days of the effective date of this order, Respondent shall contact the AJ Novick Group, Inc. at (949) 715-2694, and enroll in the in-person Physician Anger Management and Coaching for Disruptive Behavior program. This course is approved by the Federation of State Medical Boards. A copy of the program is attached.

The program shall be conducted at Respondent's expense and Respondent shall ensure that a copy of the progress reports are provided to the Department.

Respondent shall successfully complete the program, and shall promptly notify the Department in writing upon successful completion.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED One Thousand and 00/100 Dollars ($1,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 43-16-144673 clearly indicated on the check or money order), and shall be payable within ninety (90) days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

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

Signed on 7-17-2015

MICHIGAN BOARD OF MEDICINE

By _____
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.

2. Respondent understands and intends that, by signing this stipulation, he 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 Michael Chrissos, M.D. Dr. Chrissos 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. Chrissos and the parties considered the following factors in reaching this agreement:

> A. Respondent was remorseful for his actions. He indicated that he recognizes that he stepped over the line, and that he has taken action, and undergone therapy as a result.

CONTINUES ON NEXT PAGE

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

AGREED TO BY:

Eric M. St. Onge (P56630)
Assistant Attorney General
Attorney for Complainant
Dated: 6/12/19

AGREED TO BY:

Christopher Peter Lombardo, M.D.
Respondent
Dated: 6/12/19

Aaron J. Kemp (P55238)
Attorney for Respondent
Dated: 6/12/19

LF: 2018-0218431-A/Lombardo, Christopher Peter, M.D., 144673/Consent – Order and Stipulation – 2019-04-30

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

In the Matter of

CHRISTOPHER PETER LOMBARDO, M.D.
License No. 43-01-101636,
Respondent.

File No. 43-16-144673

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Acting 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 and has a controlled substance license.

3. At all relevant times, Alpena Regional Medical Center (facility) in Alpena, Michigan, employed Respondent as a surgeon.

4. On October 6, 2016, patient A.B. presented to the facility to undergo a left mastoidectomy, a surgical procedure on part of the skull near the ear. In the pre-operative area, Respondent placed a small dot behind patient A.B.'s left ear to identify the surgical site. The charge nurse present for the surgery requested several times that Respondent place his initials at the surgical site, per facility policy. Instead of complying, Respondent aggressively wrote his initials across patient A.B.'s cheek, circled the initials, and threw the marker across the room. Respondent then became irate, ranted about the facility's site marking policy while screaming and swearing for approximately three minutes. The circulating nurse was able to completely remove the marker from patient A.B.'s face before the procedure began. Approximately five minutes later, Respondent returned to the operating room and the surgery proceeded without incident.

5. Later, facility management conducted an investigation of the incident and discussed the findings with the facility's Medical Executive Committee (MEC) on October 17, 2016.

6. On October 18, 2016, based on the facility's investigative findings and the decision of the MEC, Respondent was disciplined, as follows:

a) Respondent's clinical privileges were suspended for 30 days beginning on October 19, 2016;

b) Respondent was required to complete a pre-approved corrective action plan which included a psychiatric evaluation and ongoing surveillance by November 11, 2016;

c) Respondent received a *Letter of Reprimand* to remain as part of his permanent record;

d) Reinstatement on November 15, 2016 predicated on the MEC acceptance of Respondent's psychiatric evaluation and ongoing surveillance; and

e) Respondent's facility clinical privileges were restricted.

11. On October 25, 26, and 28, 2016, Respondent underwent a psychosocial evaluation and met with the evaluator for psychosocial testing.

12. On November 18, 2016, as a result of Respondent's failure to comply with facility management's and the MEC's request to complete an action plan by November 11, 2016, Respondent's facility clinical privileges were suspended.

13. On January 16, 2017, the facility's MEC reinstated Respondent's clinical privileges with probation until July 30, 2017. The terms of probation included the submission of quarterly reports from Respondent's treatment team to the MEC and the submission of monthly monitor reports from Respondent's monitor. Respondent was required to participate in monthly discussions with the designated monitor. Any incidents deemed a major violation by the MEC, or a pattern of minor violations during the probationary period, would result in the automatic relinquishment of privileges.

14. On January 20, 2017, facility management notified Respondent that his employment with the facility would be terminated at the end of 90 days.

15. As part of the investigation into Respondent's above conduct, the Department obtained an expert to review the matter. Upon review, the retained expert concluded that Respondent failed to exercise due care and departed from the minimal

standards of care when he failed to comport to the facility's policy for surgical site marking and that Respondent's showing of disrespect for the anesthetized patient and arguing with facility staff placed patient A.B. at risk for a medical error.

16. On May 26, 2017, in an interview with a Department Investigator, Respondent admitted that he wrote his initials across patient A.B.'s cheek and circled them. Respondent acknowledged that the purpose of the facility policy was to minimize mistakes.

COUNT I

Respondent's conduct, as set forth above, evidences 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 which impairs, or may impair, the ability to safely and skillfully engage in the practice of the health profession, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of MCL 333.16221(b)(i).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 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: 4/25/18

Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

LFM