ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
Facsimile: (415) 703-5480
E-mail: Janezack.simon@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: **JOSEPH EDWARD MOROSCHAN, M.D.** **1263 Bembridge Dr.** **Rochester Hills MI 48307-5718** **Physician's and Surgeon's Certificate** **No. C 51845** Respondent	Case No. 800-2020-070633 **DEFAULT DECISION AND ORDER** [Gov. Code §11520]

FINDINGS OF FACT

1. On September 28, 2021, an employee of the Medical Board of California (Board) served by Certified and First Class Mail a copy of the Accusation No. 800-2020-070633, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 (Accusation package), to JOSEPH EDWARD MOROSCHAN, M.D. (Respondent) at his address of record with the Board, which was and is 1263 Bembridge Drive, Rochester Hills, MI 48307-5718. On October 18, 2021, the Accusation package was returned to the Board. (Exhibit Package, Exhibit 1[1]: (Accusation package, Declaration of Service, and returned mail.)

[1] The evidence in support of this Default Decision and Order is separately contained in the "Exhibit Package" filed herewith.

2. There was no response to the Accusation. On or about October 20, 2021, an employee of the Attorney General's Office sent a Courtesy Notice of Default, by certified mail, addressed to the Respondent at the address of record above. The Courtesy Notice of Default advised Respondent of the service of the Accusation, provided him with an opportunity to file a Notice of Defense and request relief from default. The United States Post Office tracking system shows that the package was unable to be delivered because Respondent ."moved- left no address." (Exhibit Package, Exhibit 2: Courtesy Notice of Default, Declaration of Service and USPS Tracking.)

3. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2020-070633.

FINDINGS OF FACT

4. On September 28, 2021, Complainant William Prasifka, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2020-070633 against Respondent before the Medical Board of California.

5. On January 7, 2005, the Board issued Physician's and Surgeon's Certificate No. C 51845 to Respondent. The Physician's and Surgeon's Certificate is in delinquent status because it expired on July 31, 2020, and has not been renewed. (Exhibit Package, Exhibit 3: License Certification.)

6. On September 28, 2021, Respondent was duly served with an Accusation, alleging causes for discipline against Respondent. A Courtesy Notice of Default was thereafter served on Respondent. Respondent failed to file a Notice of Defense.

7. The allegations of the Accusation are true as follows:

On November 18, 2020, the Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Board of Medicine (Michigan Board) issued a Consent Order accepting the permanent surrender of Respondent's Michigan medical license. Under the terms of the Consent Order, Respondent admitted the allegations set forth in a pending Administrative Complaint. Those allegations include: On September 13, 2019, Respondent, an anesthesiologist,

arrived for his shift at the hospital. Colleagues noted he had slurred speech, was unsteady on his feet, and had difficulty retaining information. Respondent refused to undergo a fitness for duty evaluation, and several days later, resigned his privileges in lieu of termination. On April 28, 2020, the Michigan Board ordered Respondent to undergo a chemical dependence and substance abuse evaluation. Respondent failed to submit to the evaluation. (Exhibit Package, Exhibit 4: Consent Order, Stipulation, Order of Summary Suspension and Administrative Complaint from the State of Michigan Board of Medicine.)

DETERMINATION OF ISSUES

8. The Board has jurisdiction to adjudicate this case by default and, pursuant to Government Code Section 11520, finds that Respondent is in default. The Board will take action without further proceedings or hearing and, based on Respondent's admissions by way of default and on the evidence before the Board contained in the Exhibit Package, finds that the allegations in the Accusation are true and correct. Based on the foregoing findings of fact, Respondent JOSEPH EDWARD MOROSCHAN, M.D. has subjected his Physician's and Surgeon's Certificate No. C 51845 to discipline.

9. Respondent's conduct and the action of the Michigan Board of Medicine constitute cause for discipline within the meaning of the Business and Professions Code sections 2305 and 141(a)

10. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the violations alleged in the Accusation.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 51845, heretofore issued to Respondent JOSEPH EDWARD MOROSCHAN, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on MAR 0 2 2022.

It is so ORDERED JAN 3 1 2022

WILLIAM PRASIFKA
EXECUTIVE OFFICER
FOR THE MEDICAL BOARD OF
CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

SF2021401808
Default Decision and Order.docx

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
Facsimile: (415) 703-5480
E-mail: Janezack.simon@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:	Case No. 800-2020-070633
Joseph Edward Moroschan, M.D. **1263 Bembridge Dr.** **Rochester Hills MI 48307-5718** **Physician's and Surgeon's Certificate No. C 51845,** Respondent.	**A C C U S A T I O N**

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 January 7, 2005, the Medical Board issued Physician's and Surgeon's Certificate Number C 51845 to Joseph Edward Moroschan, M.D. (Respondent). The Physician's and Surgeon's Certificate is delinquent, having expired on July 31, 2020.

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.

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license 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 under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a 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 by 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 the 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."

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Other Jurisdictions)

4. On November 18, 2020, the Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Board of Medicine (Michigan Board) issued a Consent Order accepting the permanent surrender of Respondent's Michigan medical license. Under the terms of the Consent Order, Respondent admitted the allegations set forth in a pending Administrative Complaint. Those allegations include: On September 13, 2019, Respondent, an anesthesiologist, arrived for his shift at the hospital. Colleagues noted he had slurred speech, was unsteady on his feet, and had difficulty retaining information. Respondent refused to undergo a

fitness for duty evaluation, and several days later, resigned his privileges in lieu of termination. On April 28, 2020, the Michigan Board ordered Respondent to undergo a chemical dependence and substance abuse evaluation. Respondent failed to submit to the evaluation. Copies of the Michigan Consent Order and Administrative Complaint are attached as Exhibit A.

5. Respondent's conduct and the action of the Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Board of Medicine, as set forth above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

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 C 51845, issued to Joseph Edward Moroschan, M.D.;

2. Revoking, suspending or denying approval of Joseph Edward Moroschan, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Joseph Edward Moroschan, 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: SEP 28 2021

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

SF2021401808
42874133.docx

EXHIBIT A

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

In the Matter of

JOSEPH EDWARD MOROSCHAN, M.D.
License No. 43-01-113656
Respondent.

File No. 43-19-002317

CONSENT ORDER

On July 20, 2020, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint (Compliant) charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

Based upon the Complaint and after consultation with the Chairperson of the Michigan Board of Medicine, the Department summarily suspended Respondent's license to practice medicine in the state of Michigan by Order of Summary Suspension dated July 20, 2020.

Respondent has admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Public Health Code. The Disciplinary Subcommittee of the Michigan Board of Medicine has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Respondent has agreed to voluntarily surrender to the Board the license to practice medicine in the state of Michigan previously issued to Respondent by the Board

pursuant to the Public Health Code. Respondent further agrees to relinquish any claim to reinstate, renew, or reactivate the license, limited or otherwise at any future date.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a), (b)(i), and (h).

Accordingly, IT IS ORDERED that the Order of Summary Suspension dated July 20, 2020, is DISSOLVED, as of the effective date of this Order.

Respondent's license to practice medicine in the state of Michigan is PERMANENTLY SURRENDERED, commencing on the effective date of this Order.

The surrender of licensure shall be deemed PERMANENT and that the license shall not be renewed, reinstated, reissued, or reactivated, limited or otherwise, at any future date.

This Order shall not be modifiable for any cause whatsoever.

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

MICHIGAN BOARD OF MEDICINE

By: _____ for
Chairperson, Disciplinary Subcommittee

Dated: November 18, 2020

STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a), (b)(i), and (h).

2. Respondent agrees to permanently surrender to the Board the license to practice medicine previously issued to Respondent pursuant to the Public Health Code.

3. Respondent further agrees to relinquish any claim to reinstate, renew, reissue, or reactivate the license, limited or otherwise, at any future date.

4. Respondent understands and agrees that by permanently surrendering to the Board the license to practice medicine, Respondent's controlled substance license and drug control licenses are void and cannot be renewed.

5. 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 waving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

6. 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.

7. A factor taken into consideration in the formulation of this Order is as follows:

a. Respondent has no plans to renew his license and no longer desires to practice medicine in the state of Michigan.

b. Respondent has been licensed to practice medicine for 58 years and has no disciplinary history with the Board.

8. 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.

9. This proposal is conditioned upon acceptance by the DSC. Respondent and the Department expressly reserve the right to further proceedings without prejudice should the Order be rejected

AGREED TO BY:

Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Dated: 9-9-2020

AGREED TO BY:

Joseph Edward Moroschan, M.D.
Respondent

Dated: 8/31/2020

LFM

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

In the Matter of

JOSEPH EDWARD MOROSCHAN, M.D.
License No. 43-01-113656,
Respondent.

File No. 43-19-002317

ORDER OF SUMMARY SUSPENSION

The Department filed an Administrative Complaint against Respondent, as provided by the Public Health Code, MCL 333.1101 *et seq*; the rules promulgated under the Code; and the Administrative Procedures Act, MCL 24.201 *et seq*.

After careful consideration, and after consultation with the Chairperson of the Board of Medicine, pursuant to MCL 333.16233(5), the Department finds that the public health, safety, or welfare requires emergency action.

Further, the Department finds that Respondent failed to comply with an examination ordered by the Department pursuant to MCL 333.16236 and that such failure constitutes grounds for suspension of the license under MCL 333.16224(1).

Therefore, IT IS ORDERED that Respondent's license to practice medicine in the state of Michigan is SUMMARILY SUSPENDED, commencing the date this Order is served.

MCL 333.7311(6) provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15 of the Code. MCL 333.17747(4) provides that a drug control license is automatically void if a board suspends or revokes the licensee's health professional license.

Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of this Order by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department by email to LARA-BPL-RegulationSection@michigan.gov.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 07/20/2020

By: Debra Gagliardi, Director
Bureau of Professional Licensing

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

In the Matter of

JOSEPH EDWARD MOROSCHAN, M.D.
License No. 43-01-113656,
Respondent.

File No. 43-19-002317

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Debra Gagliardi, 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 holds both a controlled substance license and a drug control license.

3. Pursuant to MCL 333.16233(5):

> After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, MCL 24.292.

4. Pursuant to MCL 333.16224(1):

> Failure or refusal to submit to an examination that the department, a disciplinary subcommittee, or a board or task force is authorized to require under this part after reasonable notice and opportunity for a hearing constitutes a ground for denial or suspension of a license or registration until the examination is taken.

5. At all relevant times, Spectrum Health-Lakeland (facility) in St. Joseph, Michigan, employed Respondent as an anesthesiologist.

6. On September 13, 2019, Respondent arrived for his shift at approximately 5:00 p.m. and appeared to be impaired. Respondent could not retain information given to him or remember whom he was relieving. Facility staff observed that Respondent was slurring his speech and that he was unsteady on his feet.

7. The physician Respondent was going to relieve had concerns with having Respondent relieve her because of his behavior. Respondent had difficulty logging into a patient's chart and did not recall the patient's case that was provided to him upon arrival for his shift.

8. Respondent is a diabetic and, due to his behavior, a glucose test was conducted with a result of 309. When asked if his blood sugar was normally that high, he replied that it was not but that it was fine, and he knew what to do. Respondent was diaphoretic and almost falling out of the office chair on which he was seated. Respondent was then asked to submit to a fit-for-duty examination, which he refused, and he then immediately left the facility.

9. On September 16, 2019, when notified of the suspension of his privileges and while under investigation relating to professional competence/conduct, Respondent resigned in lieu of termination from the facility. Respondent's clinical privileges at the facility were revoked.

10. On April 28, 2020, the Department executed an Investigative Order Compelling Chemical Dependency and Substance Abuse Evaluation (Order) that required Respondent to undergo an evaluation by a designated evaluator within 30 days from the date the Order was served.

11. On May 4, 2020, the Order was served by first-class mail and by certified mail to Respondent's last known address of record with the Department.

12. Respondent failed to submit to a chemical dependency/substance abuse evaluation within 30 days of the date the order was served. A copy of the Affidavit of Dr. Colin King, Ph.D., L.P.C., marked Exhibit A, is attached, and incorporated.

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 that 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, demonstrates Respondent's "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", and accordingly "incompetence," in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct, as set forth above, evidences a failure or refusal to submit to an examination that the Department is authorized to require after reasonable notice and opportunity for a hearing, contrary to Mich Admin Code, R 338.1611(8) and MCL 333.16224(1), in violation of MCL 333.16221(h).

RESPONDENT IS NOTIFIED that, after consultation with the chairperson of the Board, or his or her designee, and pursuant to MCL 333.16233(5), the Department states that the public health, safety, or welfare requires emergency action, and, accordingly, Respondent's license to practice medicine in the state of Michigan is summarily suspended, pending a hearing and final determination of this matter.

RESPONDENT IS FURTHER 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 section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in 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 submit 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).

Dated: 07/20/2020

Debra Gagliardi, Director
Bureau of Professional Licensing

Attachment

LFM

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

In the Matter of

JOSEPH EDWARD MOROSCHAN, M.D.
License No. 43-01-113656,
Licensee,

File No. 43-19-002317

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

AFFIDAVIT OF DR. COLIN KING, PH.D., L.P.C.

Dr. Colin King, Ph.D., L.P.C. (Affiant) who, after being duly sworn and upon oath, states on information and belief as follows:

1. Affiant was retained by the State of Michigan on or about on May 4, 2020, to perform a chemical dependency, substance abuse, and mental health evaluations on Licensee. This evaluation was to take place on or before June 4, 2020, as arranged by Licensee, pursuant to an Investigative Order Compelling Chemical Dependency and Substance Abuse Evaluation And Order Compelling Mental Health Evaluation executed by the Department of Licensing and Regulatory Affairs on April 28, 2020.

2. Licensee has not contacted me to arrange the evaluation.

Thus, to date, I have been unable to perform a chemical dependency, substance abuse, and mental health evaluations on Licensee.

Further Affiant saith not.

Dr. Colin King, Ph.D., L.P.C.

State of Michigan)
County of Wayne)ss

On the 9 day of July, 2020, before me, a Notary Public in and for said county, appeared Dr. Colin King, Ph.D., L.P.C., who, upon oath, stated that she has read the foregoing Affidavit, she knows the contents thereof to be true, and the signing of said Affidavit is by her free act and deed.

Notary Public, Wayne County
State of Michigan
My Commission expires

mlw

WENDY SMITH
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
MY COMMISSION EXPIRES [illegible]
Acting in the County of Wayne