

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

In the Matter of

GARY R. PIERCE, M.D.
_____ /

Complaint No. 43-05-95625
CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on September 27, 2007, charging Gary R. Pierce, M.D. (Respondent), with having violated section 16221(a), (b)(i), and (b)(vi) 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 REPRIMANDED.

Respondent is FINED \$2,000.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 43-05-95625 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.

Count II, alleging a violation of section 16221(b)(i), and count III, alleging a violation of section 16221(b)(vi), of the complaint are *DISMISSED*.

Respondent shall mail any fine required by the terms of this order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation, and the 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 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

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 3/19/08, 2007.

MICHIGAN BOARD OF MEDICINE

By Mahesh K. Helra
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, he 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, 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 Theresa L. Fraley. Ms. Fraley or an attorney from the Licensing and Regulation Division are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. The Board Conferee and the parties considered the following factors in reaching this agreement:

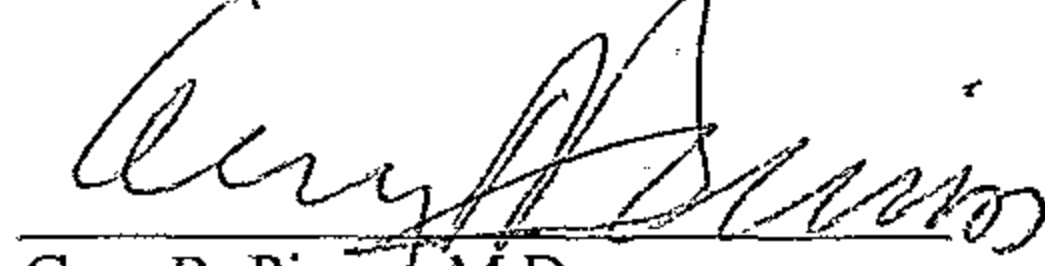
Respondent candidly discussed this matter with the Board's conferee and has fully cooperated in the resolution of this matter. Respondent recognizes that socialization with patients can undermine effective treatment and affect the nature of the doctor-patient relationship. Respondent is committed to maintaining appropriate therapeutic boundaries with his patients.

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

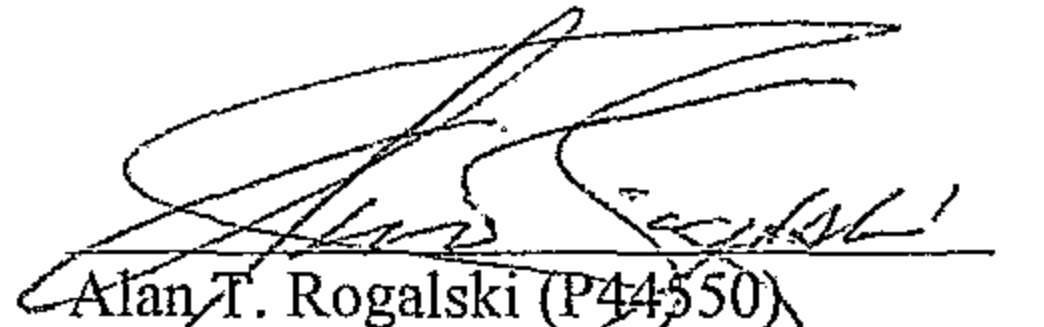
AGREED TO BY:


Virginia Herring Trzaskoma (P53352)
Assistant Attorney General
Attorney for Complainant
Dated: 10/10/2007

AGREED TO BY:


Gary R. Pierce, M.D.
Respondent

Dated: OCTOBER 4, 2007


Alan T. Rogalski (P44550)
Attorney for Respondent
Dated: 10/2/2007