

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS

In the Matter of

Timothy Lamar Chapman, M.D.
License Number: 43-01-076878

FILE NO.: 43-08-111090

PROOF OF SERVICE

State of Michigan)
)
County of Ingham)

I, Marcie Anderson, of Lansing, County of Ingham, State of Michigan, do hereby state that on December 23, 2009, I sent the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

FINAL ORDER GRANTING REINSTATEMENT dated December 22, 2009


BY: (X) First Class Mail
() Certified Mail, Return receipt requested

TO: Timothy Lamar Chapman, M.D.
23744 Cora Ave
Farmington Hills, MI 48336

Elizabeth Callahan-Morris
Margaret M. Marchak
Hall, Render, Killian, Heath & Lyman, PLLC
201 W. Big Beaver Road
Columbia Center, Ste. 315
Troy, MI 48084

By Interdepartmental Mail to:

Bill Hurth, Manager
Bureau of Health Professions
Enforcement Section


Marcie Anderson
Health Regulatory Division

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

In the Matter of

TIMOTHY LAMAR CHAPMAN, M.D.
License Number: 43-01-076878

File Number: 43-08-111090
Docket Number: 2009-246

FINAL ORDER GRANTING REINSTATEMENT

On January 22, 2009, Timothy Lamar Chapman, M.D. (Petitioner), filed with the Michigan Board of Medicine (Board) an application for reinstatement of his license to practice medicine in the state of Michigan with supporting affidavits, in accordance with the provisions of 1996 AACCS, R 338.1635.

On February 11, 2009, the Department of Community Health, Bureau of Health Professions (Department), issued a Response to Application for Reinstatement, which opposed Petitioner's application for reinstatement.

An administrative hearing was held in the matter before an administrative law judge who, on September 15, 2009, issued a Proposal for Decision setting forth recommended findings of fact and conclusions of law.

The Board, having reviewed the administrative record, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on November 18, 2009, and accepted the administrative law judge's findings of fact and conclusions of law contained in the Proposal for Decision. Now therefore,

IT IS HEREBY ORDERED that Petitioner is granted a FULL and UNLIMITED license to practice medicine in the state of Michigan, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Petitioner is placed on PROBATION for a period of ONE YEAR, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. MONITORING AGREEMENT: Within 30 days of the effective date of this Order, Petitioner shall contact the Health Professional Recovery Program, hereafter Contractor, telephone number 1-800-453-3784 and enter into a disciplinary monitoring agreement with the Contractor. The disciplinary monitoring agreement shall contain the same terms and conditions as the monitoring agreement that Petitioner previously entered into, unless the Contractor determines that a change in terms and conditions is required.

In the event that Petitioner fails to enter into a disciplinary monitoring agreement within 30 days and/or fails to comply with the terms of a disciplinary monitoring agreement, the Contractor shall **immediately** notify the Department of Community Health, hereafter Department, in writing.

To the extent that the terms of the disciplinary monitoring agreement call for reports, Petitioner shall submit all reports in the manner specified by the disciplinary monitoring agreement.

All information and documentation acquired by the Contractor in developing and implementing a disciplinary monitoring agreement required herein, including but not limited to urinalyses, reports of AA/NA attendance, reports of mental and physical evaluations, controlled substance logs, therapist reports, chemical dependency/substance abuse treatment facility or recovery program records or reports, shall be made available to the Department

upon request to establish Petitioner's compliance or non-compliance with the terms of this Order.

The duration of a monitoring agreement required pursuant to the terms of this Order may exceed the period of probation set forth in the Order.

Upon Petitioner's successful completion of the disciplinary monitoring agreement, the Contractor shall promptly notify the Department in writing.

2. COMPLETION OF CRIMINAL PROBATION: Petitioner shall comply with and successfully complete all probationary/parole conditions placed on him by the Third Judicial Circuit Court as a result of his August 14, 2007, felony conviction. Petitioner shall submit evidence concerning his successful discharge from criminal probation/parole to the Department at the address set forth below.
3. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Petitioner shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
4. REPORTING PROCEDURE: In addition to receiving reports as required herein, the Department or its authorized representative may periodically contact reporting individuals or agencies to inquire of Petitioner's progress. Petitioner authorizes release of said information as specifically set forth in the stipulation made a part hereof.

Petitioner shall direct all communication required by the terms of this Order to: Department of Community Health, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

The timely filing of all information relating to this Order shall be Petitioner's responsibility, and failure to file said information within the time limitations provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

5. COSTS: Petitioner shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Petitioner shall be automatically discharged from probation at the end of the probationary period, PROVIDED Petitioner has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that this order shall be effective on the date signed by the Board's Chairperson or authorized representative as set forth below.

Dated: December 22, 2009

MICHIGAN BOARD OF MEDICINE

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

This is the last and final page of a Final Order Granting Reinstatement in the matter of Timothy Lamar Chapman, M.D., File Number 43-08-111090, Docket Number 2009-246, before the Michigan Board of Medicine, consisting of four pages, this page included.

KP

digest copy!

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Docket No. 2009-246

Timothy Lamar Chapman, M.D.

Agency No. 43-08-111090

Petitioner

Agency: Department of Community Health

v

Case Type: Reinstatement/Board of Medicine

Bureau of Health Professions,
Respondent

Issued and entered
this 15 day of September, 2009
by Renée A. Ozburn
Administrative Law Judge

PROPOSAL FOR DECISION

RECEIVED
SEP 17 2009
DCH
Bureau of Health Professions
Health Regulatory Division
Enforcement Section

PROCEDURAL HISTORY

On March 13, 2008 the Board of Medicine Disciplinary Subcommittee issued an Administrative Complaint and Order of Summary Suspension alleging that Timothy Lamar Chapman, M.D., (Petitioner) violated provisions of the Michigan Public Health Code, (Health Code), 1978 PA 368, as amended; MCL 333.1101 *et. seq.* By Consent Order and Stipulation, the March 13, 2008 Order of Summary Suspension was dissolved and Dr. Chapman's license to practice medicine was suspended for 6 months and 1 day effective July 16, 2008. Dr. Chapman filed an Application for Reinstatement dated January 15, 2009. The Bureau of Health Professions (BHP/Respondent) filed a Response to Application for Reinstatement dated February 11, 2009.

A hearing was held on July 28, 2008. Attorneys Margaret Marchak and Jennifer Viegs appeared on behalf of Dr. Chapman. Attorney Ann Ward-Fuchs appeared on behalf of BHP. Alireza Amirsadri, M.D., LaToshia Baruti, M.S.N., R.N., and Ava Roby testified on behalf of Dr. Chapman who also testified on his own behalf.

ISSUES AND APPLICABLE LAW

The issue in this matter is whether Dr. Chapman's suspended medical license should be reinstated. Reinstatement is governed by Section 16247 of the Health Code, which states:

333.16247 Reinstatement of license or issuance of limited license; requirements.

Sec. 16247.

(1) A board or task force may reinstate a license or issue a limited license to an individual whose license has been suspended or revoked under this part if after a hearing the board or task force is satisfied by clear and convincing evidence that the applicant is of good moral character, is able to practice the profession with reasonable skill and safety to patients, has met the criteria in the rules promulgated under section 16245(6), and should be permitted in the public interest to practice. Pursuant to the rules promulgated under section 16245(6), as a condition of reinstatement, a disciplinary subcommittee, upon the recommendation of a board or task force, may impose a disciplinary or corrective measure authorized under this part and require that the licensee attend a school or program selected by the board or task force to take designated courses or training to become competent or proficient in those areas of practice in which the board or task force finds the licensee to be deficient. The board or task force may require a statement on a form approved by it from the chief administrator of the school or program attended or the person responsible for the training certifying that the licensee has achieved the required competency or proficiency.

(2) As a condition of reinstatement, a board or task force shall place the licensee on probation for 1 year under conditions set by the board or task force. If a licensee whose license has been revoked cannot apply for reinstatement for 5 years after the date of revocation, then, as a condition of reinstatement, the board or task force shall require the licensee to take and pass the current licensure examination.

(3) A board or task force shall not reinstate a license suspended or revoked for grounds stated in section 16221(b)(i), (iii), or (iv) until it finds that the licensee is mentally or physically able to practice with reasonable skill and safety to patients. The board or task force may require further examination of the licensee, at the licensee's expense, necessary to verify that the licensee is mentally or physically able. A licensee affected by this section shall be afforded the opportunity at reasonable intervals to demonstrate that he or she can resume competent practice in accordance with standards of acceptable and prevailing practice.

In addition to Section 16247, Rule 35(7) of the Administrative Rules for Health Code Disciplinary Proceedings indicates that compliance with reinstatement guidelines must also be considered in determining the applicant's ability to practice and the public interest. These guidelines are as follows:

1. That he or she has participated in one or more community service or professional volunteer activities since revocation or suspension of his or her license.
2. That he or she has complied with all terms of the order of suspension or revocation including any fines or costs.
3. That he or she has successfully completed one or more continuing education programs during the period of suspension, or consumed current literature concerning the practice of his or her particular profession.

4. That he or she has successfully completed a refresher course or participated in didactic or clinical training if the applicant has been out of practice for a significant period of time.
5. That he or she has been assessed or evaluated by a qualified professional who has submitted a report on the applicant's professional skills and knowledge.
6. That he or she desires in good faith to be restored to the privilege of practicing his or her profession.

SUMMARY OF EXHIBITS

Petitioner's Exhibits:

Exhibit 1	Affidavit of Marian Diceanu
Exhibit 2	Affidavit of Roby Springer
Exhibit 3	Affidavit of Gianina Cristiu
Exhibit 4	Affidavit of Robert Wiedemann
Exhibit 5	Affidavit of William Blake
Exhibit 6	Affidavit of Steven Savage
Exhibit 7	Affidavit of Manuel Tancer, M.D.
Exhibit 8	Affidavit of John Head, D.O.
Exhibit 9	Affidavit of Edward Roberts, M.D.
Exhibit 10	Curriculum Vitae of Alireza Amirsadri, M.D.
Exhibit 11	Recovery Program Certification
Exhibit 12	Not Offered
Exhibit 13	HPRP Endorsement
Exhibit 14	HPRP Contract
Exhibit 15	AA Attendance Log
Exhibit 16	CME Certification

SUMMARY OF EVIDENCE

Timothy Chapman, M.D., is 39 years of age. He grew up in Detroit, Michigan. After graduation from high school in 1988, he entered the Naval Academy. In 1996 he graduated from Wayne State University with a Bachelor of Science degree and entered the Wayne State University School of Medicine. Following graduation from

medical school in 2000, he completed a psychiatric residency in 2004. The facilities where Dr. Chapman has worked as a psychiatrist include Detroit Receiving Hospital, Sinai Grace Hospital, Gateway Community Health Agency and other community mental health clinics in the Detroit area.

Dr. Chapman's exposure to mental health issues in the impoverished community of his youth motivated him to become a physician dedicated to serving this patient population. Before his medical career began, he was already familiar with many of the chronic social issues and substance abuse conditions that he would confront as a psychiatrist working primarily in community mental health.

Dr. Chapman was raised in a family with substance abuse issues, including an alcoholic mother. Dr. Chapman acknowledges that he was a teenager when his personal issues with alcohol surfaced. However, because of his many academic and professional accomplishments he convinced himself that he had drinking under control. In April 2007, Dr. Chapman had an alcoholic blackout and woke up in jail. He was informed that he had been arrested for breaking into a home. He was mortified, accepted responsibility for his actions and pled guilty to one count of home invasion. He paid for damage to the home and served a year in prison from September 2007 to September 2008. By Consent Order and Stipulation effective July 16, 2008, his license to practice medicine was suspended for 6 months and 1 day. Dr. Chapman still has a great deal of remorse for the fear he caused to the homeowner and he continues to experience shame for letting his abuse of alcohol cause harm to others and his career. He is grateful that something more serious did not happen before he got the chance to turn his life around.

While incarcerated (i.e. between September 2007 and September 2008) Dr. Chapman successfully completed a 9 week substance abuse treatment program (Exhibit 11). Subsequent to his release, he has entered a three year HPRP Monitoring Agreement (Exhibit 14). In correspondence dated July 22, 2009, HPRP provides a written endorsement that states: "this Licensee is safe to practice" (Exhibit 13).

Dr. Chapman maintains a schedule of attending Alcoholics Anonymous (AA) meetings 6 to 7 days a week. Exhibit 15 is an AA attendance log covering September 2008 through July 2009. Dr. Chapman has daily contact with his sponsor, Roby Springer (Exhibit 2). In addition to attending regular AA meetings, Dr. Chapman is also active as a spokesperson for AA. He has maintained continuous sobriety since July 2007.

Dr. Chapman has exceeded the Continuing Medical Education (CME) requirements by securing 211 CME credits during the period November 10, 2008 through June 29, 2009 (Exhibit 16). He also keeps his knowledge and skills current through his work at Gateway Community Health where he has been the Coordinator of Special Projects since December 2008. In this position, he interviews patients, reviews case files and consults with staff on diagnoses and appropriate treatment and services. Dr. Chapman is still perceived and valued as a skillful, effective, knowledgeable and moral member of the Gateway team. These opinions were offered in testimony and affidavits from Gateway's Medical Director Alireza Amirsadri, Gateway's CEO William Blake (Exhibit 5), Gateway's Residential Department Director LaToshia Baruti, and Gateway's Vice President of Operations Steven Savage (Exhibit 6).

Every week Dr. Chapman volunteers at the Eastwood Clinic. Eastwood is a residential substance abuse treatment facility. House Monitor Robert Wiedemann attests to the sincerity and commitment shown by Dr. Chapman to Eastwood's recovering residents (Exhibit 4). Dr. Chapman also has a history of providing volunteer services to the Community Outreach Program developed by Psychiatric Nurse Practitioner Gianina Cristiu. This program provides education to individuals in impoverished socioeconomic areas of Detroit regarding mental illness, substance abuse and available services. Dr. Chapman was involved with this program before his license suspension and most recently from October 2008 through February 2009. Ms. Cristiu attests to Dr. Chapman's ability to connect with patients on a personal level and notes that many mental health recipients still request Dr. Chapman for services. Nurse Cristiu supports Dr. Chapman's reinstatement and opines that he is truly valuable to the community. (Exhibit 3). In addition to the above volunteer services, Dr. Chapman delivers meals twice a month to home bound residents through Focus Hope's Meals on Wheels program.

Dr. Chapman is married to a supportive wife and they are expecting a child. He also has shared custody of his 13 year old son. He attends First Baptist Church of Farmington and is active in the church's community outreach projects. As Senior Pastor of First Baptist, Marian Diceanu attests to several counseling sessions with Dr. Chapman regarding his recovery program and spirituality. She attests to the responsibility he has shown as a father and his passion and commitment to the practice of medicine. Ms. Diceanu opines that Dr. Chapman is a person of good moral character, integrity, honesty, and candor (Exhibit 1).

Psychiatrist Alireza Amirsadri, M.D. is an Associate Chair for Clinical Services with Wayne State's Department of Psychiatry and Behavioral Neurosciences.

Dr. Amirsadri specializes in emergency psychiatry and bipolar disease. He works primarily with community mental health recipients. This is a patient population with multiple social and compliance issues, and there is a shortage of qualified psychiatrists willing to work in this area.

Dr. Amirsadri has known Dr. Chapman for 8 or 9 years. Dr. Amirsadri was a supervising physician during Dr. Chapman's psychiatric residency at Wayne State. Subsequently, Dr. Amirsadri has worked with and supervised Dr. Chapman in a number of medical and mental health facilities in the Detroit area including Detroit Receiving Hospital, Sinai Grace Hospital and Gateway Community Health Agency where Dr. Amirsadri is the Medical Director.

Dr. Amirsadri opines that Dr. Chapman is particularly good at understanding the social and family issues of community mental health patients. Dr. Chapman exhibits the ability to put patients at ease and establish trust in situations that often involve patients who are being admitted involuntarily. Dr. Amirsadri attests to Dr. Chapman's punctuality, efficiency and competence with charting and diagnoses. Dr. Amirsadri also attests that Dr. Chapman is well respected by both colleagues and patients.

In an affidavit submitted in conjunction with Dr. Chapman's application for reinstatement, Dr. Amirsadri notes that Dr. Chapman always presented himself in a competent and professional manner, even outside of the work setting. Dr. Chapman's conviction and the conduct preceding it came as a complete surprise to Dr. Amirsadri

and other admirers of Dr. Chapman's work ethics. Dr. Amirsadri opines that the events that led to Dr. Chapman's conviction were so outside of his normal character that the influence of alcohol was obvious as a contributing factor. Dr. Amirsadri serves as Dr. Chapman's supervising physician pursuant to the HPRP monitoring contract. Dr. Amirsadri submits the HPRP reports required under the contract.

After Dr. Chapman was released from incarceration, Dr. Amirsadri hired him to work as Gateway Community Health's Coordinator of Special Projects, understanding that he would be restricted from clinical practice under the terms of his license suspension. Dr. Amirsadri has weekly contact with Dr. Chapman and attests that there has been no deterioration in his skills related to diagnosis and analysis of appropriate treatment. Dr. Amirsadri has no doubt that Dr. Chapman can return to clinical practice with all of the safety, skill and good moral character that has been characteristic of his practice throughout his career. Dr. Amirsadri would serve as a worksite supervisor/monitor if required by the Board of Medicine as a condition of reinstatement.

LaToshia Baruti, M.S.W., R.N., is Director of the Residential Department at Gateway Community Health. She has known Dr. Chapman since he worked at Gateway during his residency in 2002 and 2003. Ms. Baruti now works with Dr. Chapman in his capacity as Coordinator of Special Projects, where they discuss patient cases in weekly team meetings. Gateway's staff continues to be impressed by Dr. Chapman's competence, how he processes tasks, his timeliness and work ethic. Ms. Baruti opines that Dr. Chapman is extremely organized and exhibits above average

critical thinking skills. Dr. Chapman is not easily stressed, he is responsible and he is able to handle the workload.

Ms. Baruti also notes that not many African American psychiatrist choose to focus their practice on impoverished patients with severe and chronic mental impairments (e.g. schizophrenia, bipolar disease) compounded by substance abuse, making Dr. Chapman a particularly valued staff member. His dedication, character and

propensity to serve the public is evident in how successfully he works with young African American male patients. Ms. Baruti opines that Dr. Chapman is a role model for many of these patients.

Ava Roby is a Parole Officer with the Department of Corrections, where she has worked for 20 years. After his release from incarceration in September 2008, Ms. Roby became Dr. Chapman's supervising parole officer. He reports once a month. His 24 month parole term will be discharged on September 17, 2010. Ms. Roby attests that Dr. Chapman has been fully compliant with all terms of his parole. He timely reports and all of his drug tests have been negative. He is considered a minimum supervision parolee. Ms. Roby opines that Dr. Chapman is of good moral character. She also believes it would be in the public interest to reinstate his license because of the great need for psychiatrists willing to address mental health needs in urban communities.

Psychiatrist Manuel Tancer, M.D. is Chair of the Department of Psychiatry and Behavioral Neurosciences at Wayne State University. He is also a clinical psychiatrist, an HPRP medical consultant and an interim CEO and board member of Gateway. Dr. Tancer has known Dr. Chapman since his residency at Wayne State. Dr.

Tancer attests to Dr. Chapman's competent performance in satisfying the residency requirements related to patient care, medical knowledge, interpersonal and communication skills, professionalism, practice-based learning and systems-based practice. Dr. Tancer currently interacts with Dr. Chapman in their mutual involvement with Gateway. Dr. Tancer opines that Dr. Chapman is well suited to serve Gateway's mental health clientele. Dr. Tancer adds his voice to those attesting to the need for psychiatrists like Dr. Chapman who are skilled and dedicated to serving the impoverished population needing mental health services. (Exhibit 7)

Psychiatrist John Head, D.O. has worked with Dr. Chapman for many years. They have collaborated on a number of difficult cases. Dr. Head sees evidence of Dr. Chapman's skills, compassion and empathy in the strong therapeutic relationships he forms with patients. Dr. Head opines that Dr. Chapman has a reputation as an outstanding clinician who is well regarded by patients and fellow clinicians. Dr. Head opines that, despite the alcoholic behavior that lead to the suspension of Dr. Chapman's license, there is overwhelming support to have him back working in his full capacity as a licensed physician. Dr. Head has observed a profound sense of spirituality, enthusiasm and humility during Dr. Chapman's recovery process. Dr. Head opines that Dr. Chapman's personal experience with the insidious nature of alcohol likely gives him enhanced insight to effectively assist patients with similar issues (Exhibit 8).

Psychiatrist Edward Roberts, M.D., has known Dr. Chapman since 2004. They have worked together in various outreach programs and shared patients in various settings. Dr. Roberts attests to Dr. Chapman's reputation among colleagues as moral,

professional and respected. The out-of-character behavior that led to his license suspension has not dampened the high opinion of Dr. Chapman expressed by those who have witnessed his unique ability to help some of the most difficult psychiatric patients. Dr. Roberts' reiterates what others have noted about the shortage of qualified psychiatrists in the field of community mental health. Dr. Roberts opines that Dr. Chapman's past experience, continuing education and recent work as auxiliary staff at Gateway, indicate that he has the requisite level of skill and safety to resume practice in a safe and effective manner. (Exhibit 9).

If relicensed, Dr. Chapman has been offered a position returning to clinical work at Gateway. He has no plans to change his focus from providing psychiatric care to this patient population. He believes that his struggles have given him additional insight that can be used to benefit individuals with mental health issues compounded by substance abuse. He is committed to practicing with skill and safety. Most importantly, he is committed to his sobriety and is cognizant that recovery is a life-long process.

FINDINGS OF FACT

1. Timothy Chapman, M.D. is 39 years of age. In 2000, he graduated from the Wayne State University School of Medicine. In 2004, he completed a psychiatric residency.
2. Dr. Chapman's psychiatric practice has focused on treating patients with chronic and severe mental health issues, who are often impoverished and reliant on community mental health services. Dr. Chapman has provided psychiatric treatment and services through a number of hospitals, clinics, agencies and programs serving this patient population in the greater Wayne County Michigan area.

3. Dr. Chapman is highly regarded and well respected by colleagues, coworkers and patients for his unique ability to provide skillful, competent, efficient and compassionate care to a patient population with ongoing issues of trust, compliance and multiple medical and psychiatric conditions.

4. In April 2007, Dr. Chapman became extremely intoxicated away from work. He had a blackout, and woke up in jail to learn that he had been arrested for home invasion, a felony offense. Dr. Chapman's shame and remorse at this turn of events helped him acknowledge the severity of long standing issues of alcohol abuse. He waived a trial, pled guilty, made restitution to the homeowner and served one year of incarceration between September 2007 and September 2008. He is on parole until September of 2010. His parole agent considers him a model parolee.

5. Pursuant to a Consent Order and Stipulation signed by Dr. Chapman in May 2008, his license to practice medicine was suspended for 6 month and 1 day, effective July 16, 2008. His application for reinstatement was filed on January 15, 2009.

6. During incarceration Dr. Chapman successfully completed a 9 week intensive substance abuse treatment program. He has maintained sobriety since July 2007. He has a solid recovery program that includes attending AA meetings 6 to 7 days a week. He serves as an AA spokesperson and performs weekly volunteer work at a residential substance abuse treatment facility.

7. Dr. Chapman is a participant in HPRP pursuant to a 3 year monitoring contract. He has a written endorsement from HPRP that he is safe to

practice. Psychiatrist Alireza Amirsadri, M.D., is Dr. Chapman's supervising physician for purposes of the HPRP contract and at his work site.

8. Dr. Amirsadri, has known, observed and supervised Dr. Chapman throughout his training and practice. Dr. Amirsadri attests to Dr. Chapman's excellent skills as a psychiatrist both before and after his license suspension. Although his current work at Gateway does not include clinical practice, Dr. Chapman's skills are evident through his work obtaining patient histories, reviewing case files and consulting with the staff on appropriate treatment and services. Dr. Amirsadri is fully supportive of Dr. Chapman's reinstatement based on his continuing competence and good moral character. Further, Dr. Amirsadri is willing to serve in any capacity that the Board might require as a condition of reinstating Dr. Chapman's license to practice medicine.

9. Dr. Chapman has obtained at least 211 credit hours of CME during the period November 2008 through June 2009.

10. Dr. Chapman performs volunteer services for a number of community based programs and projects including Meal on Wheels, community outreach projects through First Baptist Church of Farmington and weekly participation as a panelist at a residential substance abuse facility.

11. Dr. Chapman is sincere in his commitment to maintaining his sobriety and successful recovery. He desires in good faith to return to the practice of medicine in a way that reflects his integrity, honesty and good moral character.

12. If his license to practice medicine is reinstated, Dr. Chapman will continue to work with the community mental health population.

CONCLUSIONS OF LAW

Under Health Code Section 16247, reinstatement may be granted if Dr. Chapman presents clear and convincing evidence that he has good moral character, is able to practice with reasonable skill and safety to patients, and shows that it would be in the public interest to allow him to resume practice. Based on the above findings of fact, it is concluded that Dr. Chapman has met his burden of proof in this matter, as discussed below.

Good Moral Character

The term "Good moral character" is defined for purposes of reinstatement applications, by referencing Section 16104(5) of the Licensing of Former Offenders Act, MCL 338.41 *et seq.* In part, this section indicates that an applicant must show "...the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner."

Substantial credible evidence supports a conclusion that Dr. Chapman is of good moral character. The incident that led to suspension of his license was an isolated incident of felony conduct that occurred while he was under the influence of alcohol. Dr. Chapman has shown sincere remorse for his deeds through words and actions. There is no doubt that Dr. Chapman has always had a propensity to serve the public as a psychiatrist in an honest, open and fair manner. With a solid recovery program in place it is highly unlikely that, in the future, he would act contrary to this propensity in his private affairs.

Therefore, Dr. Chapman has shown by clear and convincing evidence that he possesses good moral character, as that term is defined for purposes of reinstatement under Public Health Code Section 16247.

Ability to practice

Although Dr. Chapman has been removed from actual clinical practice for almost two years, for almost a year of that time he has been employed in a clinical setting that has allowed him to keep his analytical and observational skills current. His psychiatric colleagues and mental health coworkers attest that there has been no diminution of his skills regarding discernment of diagnoses and appropriate treatment modalities. HPRP has endorsed Dr. Chapman as safe to practice. Dr. Chapman has obtained more than the required amount of CME certification over the relevant period of time indicating a sincere commitment to keeping abreast of developments in the field of medicine generally and psychiatry specifically. Finally, Dr. Chapman has numerous psychiatrist colleagues who are willing to assist and support his return to practice.

Therefore, Dr. Chapman has shown by clear and convincing evidence that he has the ability to practice with reasonable skill and safety for purposes of reinstatement in accordance with the provisions of Public Health Code Section 16247.

Public Interest

The public interest lies in having competent, caring persons licensed to provide health care in the state. There is also a public interest in providing a second chance to a practitioner who has been rehabilitated. Dr. Chapman has provided ample evidence that he has a true commitment to personal recovery and to the treatment and recovery of an underserved population of individuals with difficult and chronic mental

health problems. He is sincere in his desire to return to the practice of medicine for the purpose of serving this community through both occupational and volunteer work.

Therefore, Dr. Chapman has shown by clear and convincing evidence that it would be in the public interest to reinstate his license to practice medicine in accordance with the provisions of Public Health Code Section 16247.

Reinstatement Guidelines

Pursuant to Section 16245(6) of the Code and Rule 35(7), Dr. Chapman is in compliance with the "Guidelines on Reinstatement" adopted by the Department as follows:

1. He has participated in one or more community service or professional volunteer activities since suspension of his license.
2. He has complied with the 2008 Consent Order suspending his license.
3. He has successfully completed one or more continuing education programs applicable to the practice of medicine since suspension.
4. Dr. Chapman has not been removed from practice for a significant period of time or in a manner that would necessitate completing a refresher program.
5. Dr. Chapman's professional skills have been recently monitored and evaluated by his supervising physician under an HPRP contract, who is also a current work site supervisor. This physician submits regular written reports to HPRP.
6. Dr. Chapman has shown that he desires in good faith to be restored to the privilege of practicing medicine in Michigan.

PROPOSED DECISION

The undersigned Administrative Law Judge proposes that the Board adopt the above Findings of Fact and Conclusions of Law supporting the reinstatement of Petitioner's license to practice medicine.

EXCEPTIONS

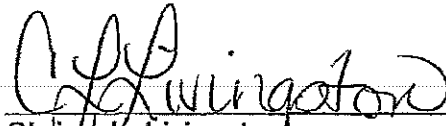
At the hearing on August 3, 2009, the parties waived the filing of exceptions and stipulated that this Proposal for Decision should be referred to the Board without exceptions.

A handwritten signature in cursive script, reading "Renee A. Ozburn". The signature is written in dark ink and is positioned above the printed name and title.

Renee A. Ozburn
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 15 day of September, 2009.



Christy L. Livingston

State Office of Administrative Hearings and Rules

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