

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

In the Matter of

SHUMIN ZHAO, M.D.  
License Number: 43-01-068374

File Number: 43-15-139099

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this complaint against Shumin Zhao, M.D. (Respondent) as follows:

1. The Michigan Board of Medicine (Board) is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.
2. Respondent is licensed to practice medicine in the state of Michigan and has a controlled substance license.
3. "Good moral character" is defined in MCL 338.41 as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

4. Xanax (alprazolam) and Klonopin (clonazepam) are schedule 4 controlled substances.

5. At all relevant times, Respondent was employed as a psychiatrist at Women's Personal Growth and Therapy Center, P.C. and Eastside Therapy and Counseling in Okemos, Michigan.

6. In January 2015, patient K.G. (initials are used throughout to protect the patient's identity) was referred to Respondent for treatment of anxiety and depression. Respondent advised K.G. that she was going to change the anxiety medicine prescribed by K.G.'s primary care doctor from Xanax to Klonopin. Before writing a prescription for the new medicine, however, Respondent required that K.G. surrender her existing supply of Xanax. Respondent explained that this was necessary for "safety" to ensure that K.G. did not overmedicate by taking both medicines at the same time. Respondent further explained that K.G. could have the Xanax back at any time, on request, but that doing so would terminate their doctor-patient relationship. K.G. gave Respondent a bottle containing 237 tablets of Xanax 1 mg.

7. K.G. was a mentally competent adult who had never needed medication supervision, had been receiving three-month supplies of Xanax for approximately 20 years, and was not diagnosed with a substance abuse disorder.

8. On September 11, 2015, K.G. visited Respondent and requested the return of her Xanax because she was relocating to another state. Respondent searched through a desk drawer containing several other bottles of pills from other patients but was

unable to locate K.G.'s medicine. Respondent told K.G. that she may have given K.G.'s medicine to her "poor" patients. Respondent said she would call K.G. after she found K.G.'s medicine.

9. On September 16, 2015, Respondent contacted K.G. to inform her that she had found K.G.'s Xanax and that K.G. could pick it up. However, Respondent would not tell K.G. where the medicine was found. K.G. declined to retrieve the medicine as she did not know where it came from or to whom it belonged.

10. On September 10, 2014, during an interview with Complainant's investigator, Respondent admitted that she required K.G. to surrender her supply of Xanax as a condition of treatment. Respondent also admitted that she sometimes received medicines that patients returned to her, including controlled substances, and dispensed them to other patients. Respondent gave Complainant's investigator a bottle of Xanax that Respondent said was the medicine received from K.G. However, the label bearing the patient's name had been peeled off. Respondent stated she always removed the label for "privacy" reasons. The bottle contained 94 tablets of Xanax.

#### 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 section 16221(a) of the Public Health Code, supra.

#### COUNT II

Respondent's conduct, as set forth above, evidences departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs, in violation of section 16221(b)(i) of the Public Health Code, supra.

#### COUNT III

Respondent's conduct, as set forth above, evidences a lack of good moral character, in violation of section 16221(b)(vi) of the Public Health Code, supra.

#### COUNT IV

Respondent's conduct, as set forth above, evidences obtaining, possessing, or attempting to obtain or possess a controlled substance as defined in section 7104 or a drug as defined in section 7105 without lawful authority; or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of section 16221(c)(iv) of the Public Health Code, supra.

CONTINUED ON THE NEXT PAGE.

## COUNT V

Respondent's conduct, as set forth above, evidences a failure to maintain invoices and other acquisition records for each controlled substance acquired, a log of all controlled substances dispensed, and records of all other dispositions of controlled substances under the licensee's control for not less than five years, contrary to section 7303a(3) of the Public Health Code, supra, in violation of section 17768(e) of the Public Health Code, supra.


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

Pursuant to section 16231(8) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

CONTINUED ON THE NEXT PAGE.

Pursuant to section 16231(9) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Dated: 8/10/2016

  
\_\_\_\_\_  
Kim Gaedeke, Director  
Bureau of Professional Licensing

This is the final page of an Administrative Complaint in the matter of Shumin Zhao, M.D., File Number 43-15-139099, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of six pages, this page included.

LLC