

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

In the Matter of

BARRY G. SIEGEL, M.D.
License No. 43-01-045655,
Respondent.

File No. 43-20-000443

CONSENT ORDER

On March 6, 2020, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 et seq.

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

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(b)(vi), (b)(ix), (d)(iii), (e)(i), and (f).

Accordingly, IT IS ORDERED that for the cited violation(s) of the Public Health Code:

Respondent is placed on PROBATION for a minimum of one (1) year and not to exceed two (2) years, commencing on the effective date of this Order. The probationary period shall only be reduced while Respondent is employed as a physician.

The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Within six (6) months of the effective date of this Order, Respondent shall successfully complete and submit satisfactory evidence of completing a minimum of five (5) hours of continuing medical education (CME) acceptable to the Board in each of the following areas: a) Billing; b) Supervision; and c) Ethics; for a total of at least 15 hours.

This continuing education **shall not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the CME from the Board Chairperson, or their designee.

Respondent shall send requests for pre-approval and proof of the successful completion of the CME to the Department at the address as set forth below.

2. MEETING WITH BOARD APPROVED REVIEWER: Within 60 days of the effective date of this Order, Respondent shall submit to the Department written correspondence requesting approval of a proposed physician reviewer who shall review Respondent's professional practice and provide quarterly reports to the Department focusing on Respondent's professional practice and records as they relate to the appropriate billing practices. The request shall include, at a minimum, a current curriculum vitae or resume, the individual's name, address, telephone number, and monitoring organization affiliation, if applicable. Respondent shall provide a copy of this Order and the Complaint, to the proposed reviewer before requesting approval.

Respondent shall ensure that the correspondence is submitted to the Department.

Once the approved physician reviewer has been identified and approved, Respondent shall then be responsible for scheduling the time and place of the meetings with the physician reviewer. Respondent shall meet quarterly with the physician reviewer to review Respondent's professional practice. The review shall focus on Respondent's professional practice and records as they relate to the appropriate billing practices. The initial meeting shall occur at the end of the third month of probation, and subsequent meetings shall occur every third month thereafter until the period of probation ends. The physician reviewer shall submit reports to the Department as set forth below.

3. PHYSICIAN REVIEWER CHANGE: If the approved physician reviewer is unable to review Respondent's professional practice, Respondent shall report this information in writing to the Department within 15 days of such change and request approval of another physician reviewer. Respondent shall submit the request for the designated physician reviewer assignment to the Department at the address and in the same manner as set forth below.
4. RECORDS REVIEW: During the period of probation, the designated physician reviewer shall review the charts of 20 of Respondent's current patients per quarter. The designated physician reviewer shall check the patient charts for appropriate documentation practices, including the presence or absence of the following: medical history and physical examination; diagnostic, therapeutic, and laboratory results; evaluation and consultations; treatment objectives; discussion of risks and benefits; treatments; medications (including date, type, dosage and quantity prescribed); instructions and agreements; and periodic reviews. This review may occur at the quarterly meetings set forth above.
5. DESIGNATED PHYSICIAN REVIEWER REPORTS: Respondent's designated physician reviewer shall file four (4) quarterly reports with the Department, as further provided below, advising of Respondent's

billing practices. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice, or appears unable to practice with reasonable skill and safety, the designated physician reviewer shall immediately notify the Department.

Respondent is responsible to ensure that the designated physician reviewer submits quarterly reports.

6. REPORT OF NON-EMPLOYMENT: If, at any time during the period of probation, Respondent is not employed as a physician, Respondent shall file a report of non-employment with the Department. Respondent shall file this report within 15 days after becoming unemployed. Respondent shall continue to file reports of non-employment on a quarterly basis until Respondent returns to practice as a physician. If Respondent subsequently returns to practice as a physician, Respondent shall notify the Department of this fact within 15 days after returning to practice.
7. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN: Periods of residency and practice outside Michigan shall not reduce the probationary period of this Order. Respondent shall report any change of residency or practice outside Michigan no more than 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of MCL 333.16192(1) and MCL 333.16221(g) regarding Respondent's duty to report name or mailing address changes to the Department.
8. REPORTING PROCEDURE: Unless requiring immediate notification as indicated above, all reports required herein shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports to be filed every three (3) months thereafter until Respondent is discharged from probation.

Respondent authorizes the Department or its authorized representative to periodically contact the reporting individuals or agencies to inquire of Respondent's progress.

Respondent shall direct all communications, except fines, required by the terms of this Order to: BPL-Monitoring@michigan.gov.

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

9. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
10. COSTS. Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

Respondent shall be automatically discharged from probation after one (1) year, upon receipt by the Department of satisfactory evidence of the successful completion of the probationary terms as set forth above, PROVIDED compliance occurs within the maximum two (2) year period, Respondent has paid the fine set forth below, complied with the terms of this Order and has not violated the Public Health Code.

Respondent is FINED \$2,500.00 to be paid to the State of Michigan within four months of the effective date of this Order. The fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the **State of Michigan**, and the check or money order shall clearly display **File Number 43-20-000443**.

If Respondent fails to comply with the terms and conditions of this Order, Respondent's license shall be automatically SUSPENDED for a minimum of one (1) day.

If, within six (6) months of the suspension of the license, Respondent complies with the terms of this Order, the license shall be automatically reinstated.

If Respondent's license remains suspended for more than six (6) months, Respondent must apply for reinstatement of the license. If Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with MCL 333.16245 and 333.16247.

This Order shall be effective 30 days from 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(b)(vi), (b)(ix), (d)(iii), (e)(i), and (f).

2. 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 a violation of the Public Health Code by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. 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.

4. Dr. Michael Chafty, M.D., a member of the Michigan Board of Medicine who supports this proposal, and the Department's representative are both free to discuss this matter with the DSC and recommend acceptance of the resolution set forth in this Order.

5. 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.

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

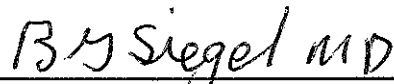
AGREED TO BY:



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Dated: 9-30-2020

AGREED TO BY:



Barry G. Siegel, M.D.
Respondent

Dated: 9/9/20

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Enforcement Division 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 licensed to practice medicine in the state of Michigan and holds a controlled substance license.

3. From January 30, 2013 to September 6, 2013, Respondent executed a scheme to obtain money from Medicaid by submitting materially false claims to Blue Cross Blue Shield of Michigan (BCBSM). Allegations of fraudulent claims include billing BCBSM for neurofeedback procedures, a non-covered service, by submitting claims for psychotherapy services, a covered service, instead.

4. On April 30, 2019, in the 6th Circuit Court in Pontiac, Michigan, Respondent was convicted of Attempt – False Pretenses \$200 or More but Less Than \$1,000, a misdemeanor not punishable by imprisonment for a maximum term of two years, in case number 19-269964-FH. Respondent was sentenced to, in part, 18-months' probation, with terms, and ordered to pay fines, costs, and \$150,000 in restitution. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

5. Respondent failed to notify the Department of the April 30, 2019 conviction within 30 days of the date of the conviction.

COUNT I

Respondent's conduct, as set forth above, demonstrates Respondent's lack of a "propensity . . . to serve the public in the licensed area in a fair, honest, and open manner," MCL 338.41(1), and accordingly a lack of "good moral character," in violation of MCL 333.16221(b)(vi).

COUNT II

Respondent's conviction, as set forth above, constitutes conviction of a misdemeanor involving fraud in obtaining or attempting to obtain fees related to the practice of a health profession, in violation of MCL 333.16221(b)(ix).

COUNT III

Respondent's conduct, as set forth above, evidences fraud or deceit in obtaining or attempting to obtain third party reimbursement, in violation of MCL 333.16221(d)(iii).

COUNT IV

Respondent's conduct, as set forth above, evidences misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in the course of professional practice, in violation of MCL 333.16221(e)(i).

COUNT V

Respondent's conduct, as set forth above, evidences a failure to notify the Department of Respondent's conviction within 30 days from the date of the conviction, as required by MCL 333.16222(3), in violation of MCL 333.16221(f).

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: 3-6-2020

A handwritten signature in black ink, appearing to read "Forrest Pasanski", written over a horizontal line.

Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Attachment

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