

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

In the Matter of
MARILYN EILEEN CONLON, M.D.
License No. 43-01-072857

Complaint No. 43-20-000639

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A first superseding administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on November 23, 2021, charging Marilyn Eileen Conlon, M.D. (Respondent) with having violated section 16221(a) of the Public Health Code, 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 FINED \$1,000.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 43-20-000639 clearly indicated on the check or money order), and shall be payable within 30 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to:

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing,
Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan
48909.

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

Respondent shall be responsible for all costs and expenses incurred in
complying with the terms and conditions of this consent order.


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

This order shall be effective 30 days from the date signed by the Chairperson
of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized
representative, as set forth below.

Signed on January 19, 2022

MICHIGAN BOARD OF MEDICINE

By  For
Chairperson, Disciplinary
Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.
2. Respondent understands and intends that, by signing this stipulation, she is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 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 Michael Chafty, M.D. Dr. Chafty or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.
4. Dr. Chafty and the parties considered the following factors in reaching this agreement:
 - A. Respondent repeatedly asked F.C. for proof of licensure but she did not provide it.
 - B. Respondent had previously worked with F.C. at a mental health facility and believed her to be licensed.
 - C. F.C. was issued a bachelor's limited social worker's license in July 2018; it was suspended in March of 2020 as a result of her actions relating to this matter. F.C. did not appear in the administrative proceeding against her license.

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

AGREED TO BY:

Jennifer Fitzgerald

Jennifer Fitzgerald (P60109)

Assistant Attorney General

Attorney for Complainant

Dated: November 23, 2021

AGREED TO BY:

Marilyn Eileen Conlon

Marilyn Eileen Conlon, M.D.

Respondent

Dated: 11/17/2021

Kathleen A. Westfall

Kathleen A. Westfall (P78874)

Attorney for Respondent

Dated: 11/17/2021

LF: 2021-0312697-A / Conlon, Marilyn Eileen MD / Consent Order and Stipulation / 2021-11-16

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

In the Matter of

MARILYN EILEEN CONLON, M.D.
License No. 43-01-072857

Complaint No. 43-20-000639

_____ /

FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

Attorney General Dana Nessel, through Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this superseding complaint against Marilyn Eileen Conlon, M.D. (Respondent), alleging upon information and belief as follows:

1. The Board of Medicine, an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.*, is authorized to find that a licensee has violated the Code and impose sanctions through its Disciplinary Subcommittee under the Code.

2. Respondent is currently licensed to practice medicine and holds a controlled substance license pursuant to the Code.

3. At all relevant times, Respondent practiced medicine at Well Spring Psychiatry in Traverse City, Michigan.

4. Section 16221(a) of the Code authorizes the Disciplinary Subcommittee to sanction a licensee for 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.

5. In November of 2017, Respondent interviewed F.C.¹ for a position as an assistant at Well Spring. Respondent is the owner of Well Spring. F.C. represented that she was a licensed master's social worker.

6. From January 16, 2018 to June 25, 2018, Respondent employed F.C. at Well Spring, where she engaged in social work and provided therapy sessions to multiple patients. At no point during this period of time did F.C. possess a license to practice social work in the state of Michigan.

7. On March 8, 2019, when interviewed by the Department's investigator, Respondent admitted she employed F.C., and that she failed to verify F.C.'s credentials prior to and during the course of F.C.'s employment.

8. After learning F.C. did not have a Michigan license to practice social work, Respondent terminated her employment and reported F.C.'s conduct to the Department.

COUNT I

9. Respondent's conduct as described above constitutes a violation of general duty, consisting of negligence or failure to exercise due care, including

¹ Initials are used to protect individuals' identities

negligent delegation to, or supervision of employees or other individuals, whether or not injury results, in violation of section 16221(a) of the Code.

THEREFORE, 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 aforesaid licenses. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, and associated administrative rules.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from receipt of this first superseding 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 with a copy mailed to the undersigned assistant attorney general. 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, with a copy mailed to the undersigned assistant attorney general.

Pursuant to section 16231(9) of the Code, failure to submit a written response within the 30-day period shall be treated as an admission of the allegations

contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

In the event Respondent's license is suspended or revoked, Respondent's controlled substance license shall be automatically void pursuant to section 7311(6) of the Public Health Code.

FURTHER, the administrative complaint previously filed against Respondent on August 5, 2020 is hereby WITHDRAWN and replaced in full by this first superseding complaint.

Respectfully submitted,

DANA NESSEL
Attorney General

/s/ 
Jennifer Fitzgerald (P60109)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, MI 48909
Telephone: (517) 335-7569
Fax: (517) 241-1997

Dated: November 23, 2021

LF: 2021-0312697-A / Conlon, Marilyn Eileen MD / First Superseding Administrative Complaint / 2021-11-16