

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

In the Matter of

FRED WOOLLEY STELSON, M.D.
License No. 43-01-056585,
Respondent.

Docket No. 22-035941
File No. 43-20-002651

FINAL ORDER

On August 3, 2021, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing (Department), executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 et seq.

An administrative hearing was held in this matter before an administrative law judge (ALJ) who, on March 6, 2023, issued a Proposal for Decision (PFD), setting forth recommended Findings of Fact and Conclusions of Law.

The Michigan Board of Medicine Disciplinary Subcommittee (DSC), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on July 19, 2023, and accepted the ALJ's Findings of Fact and Conclusions of Law contained in the PFD. Therefore,

IT IS ORDERED that for violating MCL 333.16221(a), (b)(i), and (w):

Respondent is REPRIMANDED.

Respondent is placed on PROBATION for a minimum of one (1) day, not to exceed six (6) months, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Respondent shall successfully complete and submit satisfactory evidence of completing a minimum of six (6) hours of continuing education (CE) acceptable to the board consisting of not less than four (4) hours in documentation; and b) two (2) hours in continuity of care for a total of at least six (6) hours.

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

Respondent shall seek and obtain **pre-approval** of the CE from the Board Chairperson, or the Chairperson's designee.

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

2. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.

Respondent shall be automatically discharged from upon receipt by the Department of satisfactory evidence of the successful completion of the probationary terms as set forth above, PROVIDED compliance occurs within six (6) months, Respondent has complied with the terms of this Order and not violated the Public Health Code.

Respondent shall upload the documentation required by the terms of this Order to the EDOC Record found under the *Enforcement* tab in Respondent's [MiPLUS](#)

[account](#) or send as an email attachment to BPL-Monitoring@michigan.gov. Questions and other communications shall be emailed to BPL-Monitoring@michigan.gov.

Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.


If Respondent violates any provision of this Order, or fails to complete any term of the Order, the DSC may take disciplinary action pursuant to Mich Admin Code, R 338.1632 and MCL 333.16221(h).

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.

This Order shall be effective 30 days from the date signed by the DSC's Chairperson or authorized representative, as set forth below.

Dated: July 24, 2023

**MICHIGAN BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE**

By: 

Michael Draminski, Manager
Compliance Section
Bureau of Professional Licensing
Authorized Representative

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Director, Enforcement Division, Bureau of Professional Licensing, complains against Respondent Fred W. Stelson, M.D. 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 (DSC) is empowered to discipline licensees for Code violations.

2. Respondent is currently licensed to practice medicine in the state of Michigan. Respondent also holds an active controlled substance license.

3. For historical purposes, the following events occurred:

- a) On May 2, 2002, the Michigan Department of Consumer and Industry Services executed an Administrative Complaint against Respondent based on Respondent engaging in an inappropriate relationship with a patient and his psychiatric treatment of that patient.
- b) On May 14, 2003, the Board entered into a Consent Order and Stipulation with the Respondent where his license to practice medicine was suspended for six (6) months and one (1) day.

Respondent would be required to complete continuing education prior to petitioning for reinstatement.

- c) On October 12, 2005, Respondent petitioned the Board for reinstatement. On June 27, 2005, an administrative law judge issued a proposed decision that Respondent's license should be reinstated. As a result of this, on October 11, 2006, the Board granted the Respondent a limited license for one (1) year that required his practice be supervised and placed him on a concurrent probation for one (1) year.
- d) On March 4, 2019, the Michigan Department of Licensing and Regulatory Affairs executed an Administrative Complaint against Respondent for prescribing controlled substances improperly and for poor documentation practices.
- e) On January 15, 2020, the Board entered into a Consent Order and Stipulation with the Respondent where he was placed on probation for a minimum of one (1) day until he completed 10 hours of continuing education and fined \$2,500.

4. Alprazolam (e.g., Xanax), a schedule 4 controlled substance, is a benzodiazepine used to treat anxiety disorders and panic disorder. Alprazolam is a commonly abused and diverted drug, particularly in its 1 mg and 2 mg dosages.

5. Estazolam (Prosom), a schedule 4 controlled substance, is a benzodiazepine used to treat insomnia.

6. Triazolam (Halcion), a schedule 4 controlled substance, is a benzodiazepine used to treat insomnia.

7. At times relevant to this Complaint, Respondent practiced from an office in Livonia, Michigan.

8. From April 2020 through February 2021, Respondent treated Patient DO¹ for a variety of mental health conditions, including anxiety, depression, and stress. DO was seen only via video and never in-person.

¹ Initials are used to protect patient privacy.

9. Patient DO has a history of benzodiazepine abuse, including multiple hospitalizations for drug overdose.

Interview of Respondent

10. As part of an investigation of Respondent's prescribing practices, the Department received and analyzed medical records of Patient DO.

11. On or about February 4, 2021, a Department investigator interviewed Respondent, who stated the following:

- a. The initial tele-medicine visit is 45 minutes, with follow up visits being 15 to 30 minutes. These visits are conducted entirely by phone, with no visual aids.
- b. Respondent occasionally uses urine drug screens, but he did not recall if he obtained urine drug screens from Patient DO
- c. He was unaware of any substance abuse history of DO.
- d. Patient DO had thirteen (13) tele-medicine appointments with Respondent in 2020 and the early part of 2021.
- e. Respondent recalled that a family member of DO contacted his office and reported that DO had a history of benzodiazepine addiction. Respondent admitted that he did not call the family member but asked DO, who denied any addiction.
- f. Respondent initially prescribed alprazolam to DO on April 8, 2020².
- g. Respondent also prescribed estazolam and triazolam, in addition to alprazolam, over the course of DO's treatment.

Expert Overview of Respondent's Practice

12. An expert reviewed the individual medical files Respondent produced for Patient DO and discovered the following deficiencies:

- (a) Respondent failed to evaluate DO in-person or via video.
- (b) Respondent failed to document an adequate history of DO.

² A review of MAPS, the State of Michigan's prescription monitoring program, which gathers data regarding controlled substances dispensed in Michigan, shows that Respondent did not obtain a report prior to authorizing this prescription.

- (c) Respondent failed to document any kind of evaluation for substance abuse.
- (d) Respondent failed to document obtaining and reviewing a MAPS report prior to prescribing controlled substances.
- (e) Respondent failed to appropriately evaluate and respond to DO's family member regarding benzodiazepine addiction.
- (f) Respondent failed to document any urine drug screenings for Patient DO.
- (g) When Respondent did obtain MAPS reports, he failed to respond to information that showed DO was filling prescriptions for alprazolam early, a sign of possible abuse.
- (h) Respondent's care of Patient DO was negligent and below the minimum standard of care.

COUNT I

Respondent's conduct constitutes a violation of a general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, or a condition, conduct, or practice that impairs, or may impair, the ability safely and skillfully to engage in the practice of the health profession in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, demonstrates Respondent's "departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs", and accordingly "incompetence," in violation of MCL 333.16221(b)(i).

COUNT III

Respondent failed to obtain and review a MAPS report prior to prescribing a controlled substance, contrary to MCL 333.7303a(4) and in violation of MCL 333.16221(w).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this 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 three (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 BPL-DMS@michigan.gov. 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.

Respondent's failure to submit an answer within 30 days is an admission of all Complaint allegations. 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).

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 8/3/2021

 signing for

By: Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

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