

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

In the Matter of

PAWEL ANDRZEJ GALECKI, M.D.
License No. 43-01-103595,
Respondent.

File No. 43-21-002082

CONSENT ORDER

On August 13, 2021, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

Based upon the Complaint and after consultation with the Chairperson of the Michigan Board of Medicine, the Department summarily suspended Respondent's license to practice medicine in the state of Michigan by Order of Summary Suspension dated August 13, 2021.

After the August 13, 2021 Administrative Complaint was issued, the Department became aware of the following:

On June 3, 2021, in the 34th District Court in Romulus, Michigan, Respondent was convicted of "Operated While Visibly Impaired," a misdemeanor, in case number 20WM03290. At the time of his arrest on December 15, 2020, breath tests revealed Respondent's bodily alcohol content to be 0.13 and

0.14, law enforcement located four whippets¹ in Respondent's pocket, and minors were in the vehicle while Respondent was driving impaired. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

Respondent failed to notify the Department of the June 3, 2021 conviction within 30 days after the date of the conviction.

On January 27, 2022, in the 40th Circuit Court in Lapeer, Michigan, Respondent was convicted of "Reckless Driving," a misdemeanor, and "Controlled Substance – Possession of Methamphetamine," a felony, in case number 2022 0000014204-FH. The conviction stemmed from a June 5, 2020 incident when law enforcement recorded Respondent's vehicle driving 92 mph in a 55 mph zone and passing in a no passing zone. During a search of Respondent's vehicle, law enforcement located open intoxicants, multiple whippets, cocaine², methylenedioxymethamphetamine (MDMA)³, eutylone⁴, and Xanax⁵. A copy of the conviction documents, marked Exhibit B, is attached and incorporated.

On April 12, 2022, in the 4th District Court in Jackson, Michigan, Respondent was convicted of "Operating Impaired," a misdemeanor, and "Possession of Methamphetamine," a felony, in case number 21-1684-FH. A blood test taken around the time of Respondent's arrest on June 22, 2021, was positive for benzoylecgonine⁶, cocaine, and fentanyl⁷. Evidence obtained during a search of Respondent's vehicle included several whippets, fentanyl, cocaine, methamphetamine⁸, and drug paraphernalia. A copy of

¹ The term "whippets" refers to pressurized whipped cream chargers recreationally used to huff nitrous oxide.

² Cocaine is a schedule 2 controlled substance.

³ MDMA is a schedule 1 controlled substance.

⁴ Eutylone (pentylone) is a schedule 1 controlled substance.

⁵ Xanax (alprazolam) is a schedule 4 controlled substance and Respondent did not have a valid prescription.

⁶ Benzoylecgonine is a metabolite of cocaine.

⁷ Fentanyl is a schedule 2 controlled substance.

⁸ Methamphetamine is a schedule 2 controlled substance.

the conviction documents, marked Exhibit C, is attached and incorporated.

Respondent's felony convictions, as set forth above, constitute additional violations of the Public Health Code, including a violation of MCL 333.16221(b)(v).

Respondent's misdemeanor convictions, as set forth above, constitute additional violations of the Public Health Code, including convictions of misdemeanors that are reasonably related to or that adversely affect Respondent's ability to practice in a safe and competent manner, in violation of MCL 333.16221(b)(xi).

Respondent's conduct, as set forth above, constitutes an additional violation of the Public Health Code, including a failure to notify the Department of Respondent's June 3, 2021 conviction within 30 days from the date of the conviction, as required by MCL 333.16222(3), in violation of MCL 333.16221(f).

MCL 333.16226 authorizes a disciplinary subcommittee to take disciplinary action against a licensee who violates the Public Health Code. MCL 333.16231(5) authorizes the Department to submit a stipulation and final order to the Michigan Board of Medicine's Disciplinary Subcommittee (DSC) for approval if an agreement is reached resolving alleged violations of the Public Health Code before the issuance of a formal first superseding administrative complaint.

Respondent has admitted to violating MCL 333.16221(b)(v), (b)(xi) and (f) as well as admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Public Health Code, and has agreed that the DSC may execute this

consent order (Order) without detailing the facts as evidence substantiating violations through a formal first superseding administrative complaint. The DSC has reviewed this Order and agrees that the public interest is best served by resolution of this matter without further administrative process.

Therefore, IT IS FOUND that Respondent violated MCL 333.16221(a), (b)(ii), (b)(iii), (b)(v), (b)(xi), (c)(iv) and (f).

The Order of Summary Suspension dated August 13, 2021, is DISSOLVED, as of the effective date of this Order.

IT IS ORDERED for the cited violations 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 to practice medicine. The terms of probation shall be as follows:

1. MONITORING AGREEMENT. Within 30 days of the date of this order, Respondent shall enter into and comply with a disciplinary monitoring agreement with the Health Professional Recovery Program (HPRP). This disciplinary monitoring agreement shall contain the same terms and conditions as the previously entered into non-disciplinary monitoring agreement dated February 4, 2022, unless HPRP determines that a change in terms or conditions is required. The duration of the monitoring agreement may exceed the period of probation.

All information and documentation acquired by HPRP in developing and implementing a monitoring

agreement shall be made available to the Department upon request to establish Respondent's compliance or noncompliance with the monitoring agreement and this order.

If Respondent fails to comply with the terms of the monitoring agreement, HPRP shall immediately notify the Department in writing.

Upon Respondent's successful completion of the monitoring agreement, HPRP shall promptly notify the Department in writing.

2. EMPLOYER REPORTS: If Respondent is employed in the licensed profession, Respondent shall immediately provide copies of this Order and the Complaint to Respondent's employer and supervisor. Respondent's employer or supervisor shall be knowledgeable of Respondent's history and shall file four (4) satisfactory quarterly reports with the Department advising of Respondent's work performance, as provided below. For purposes of these reports, Respondent's immediate supervisor shall be a licensed health professional.

If Respondent fails to comply with minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, Respondent's employer or supervisor shall immediately notify the Department.

Respondent is responsible to ensure that the employer submits quarterly reports.

3. EMPLOYMENT CHANGE: Respondent shall provide written notice to the Department upon entering into or leaving any employment in the licensed profession within 15 days of such action.

Respondent shall provide copies of this Order and the Complaint to each successor employer in the licensed profession. Respondent's successor employer(s) or supervisor(s) shall continue to file reports with the Department advising of Respondent's work performance, as set forth above.

4. REPORT OF NON-EMPLOYMENT: If at any time during the period of probation Respondent is not employed in the licensed profession, Respondent shall file a report of non-employment with the Department within 15 days after becoming unemployed. Respondent shall file a report of non-employment on a quarterly basis until Respondent returns to employment in the licensed profession.
5. 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 333.16221(g), regarding Respondent's duty to report name or mailing address changes to the Department.
6. REPORTING PROCEDURE: Unless immediate notification is required, as indicated above, all reports shall be filed on a quarterly basis. The first report shall be filed at the end of the third month of probation and subsequent reports every three (3) months after that.

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

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 provided shall be deemed a violation of this Order.

7. 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 probation upon receipt 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, has complied with the terms of this Order and has not violated the Public Health Code.

Respondent is FINED \$1,500.00 to be paid to the State of Michigan within 90 days of the effective date of this Order. Respondent shall **direct payment** 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 shall clearly display **File Number 43-21-002082**.

Respondent shall direct all communications, except fines, required by the terms of this order 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 fails to pay the fine, comply with the employment requirements under the terms of this Order, or fails to comply with any other reporting term of probation, 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, reinstatement is not automatic. If Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with sections MCL 333.16245 and 333.16247.

In the event Respondent's license is suspended, pursuant to MCL 333.7311(6), Respondent's controlled substance license is automatically void, commencing on the effective date that Respondent's license to practice medicine in the state of Michigan is suspended.

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 Order shall be effective on the date signed by the DSC, as set forth below.

MICHIGAN BOARD OF MEDICINE

By:  for
Chairperson, Disciplinary Subcommittee

Dated: November 16, 2022

STIPULATION

1. The facts alleged in the Complaint are true and Respondent's conduct constitutes violation(s) of MCL 333.16221(a), (b)(ii), (b)(iii), (b)(v), (b)(xi), (c)(iv) 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. Factors considered in the formulation of this Order are as follows:

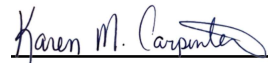
Respondent entered into a monitoring agreement with HPRP on February 4, 2022, and is currently compliant with the terms of the monitoring agreement.

5. Michael Lewis, 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.

6. 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.

7. 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:

 signing for
Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing


Dated: October 20, 2022

AGREED TO BY:


Pawel Andrzej Galecki, M.D.
Respondent

Dated: 10/5/22

Approved as to form by:


Kim J. Sveska (P46303)
Julie M. Janeway (P52465)
Attorneys for Respondent

Dated: 10/6/2022

Attachments

sgc

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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PAWEL ANDRZEJ GALECKI, M.D.
License No. 43-01-103595
Respondent.

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ORDER OF SUMMARY SUSPENSION

The Department filed an Administrative Complaint against Respondent, as provided by the Public Health Code, MCL 333.1101 *et seq*; the rules promulgated under the Code; and the Administrative Procedures Act, MCL 24.201 *et seq*.

After careful consideration, and after consultation with the Chairperson of the Board of Medicine, pursuant to MCL 333.16233(5), the Department finds that the public health, safety, or welfare requires emergency action.

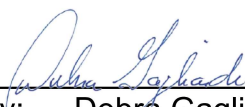
Therefore, IT IS ORDERED that Respondent's license to practice medicine in the state of Michigan is SUMMARILY SUSPENDED, commencing the date this Order is served.

MCL 333.7311(6) provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15 of the Code.

Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of this Order by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, via email to: LARA-BPL-RegulationSection@michigan.gov. If Respondent is unable to submit a response via email, Respondent may submit a response by regular mail as indicated in the enclosed cover letter to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 8/13/2021


By: Debra Gagliardi, Director
Bureau of Professional Licensing

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
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In the Matter of

PAWEL ANDRZEJ GALECKI, M.D.

License No. 43-01-103595

Respondent.

File No. 43-21-002082

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Debra Gagliardi, 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. Pursuant to MCL 333.16233(5):

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section

92 of the administrative procedures act of 1969, MCL 24.292.

4. MCL 333.16106a(c) defines substance abuse as a “substance use disorder as defined in section 100d of the mental health code, 1974 PA 258, MCL 330.1100d.”

5. MCL 330.1100d(11) defines substance use disorder as a “chronic disorder in which repeated use of alcohol, drugs, or both, results in significant and adverse consequences. Substance use disorder includes substance abuse.”

6. MCL 330.1100d(10) defines substance abuse as:

. . . the taking of alcohol or other drugs at dosages that place an individual’s social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.

7. Cocaine is a schedule 2 controlled substance.

8. On June 9, 2020, Respondent self-reported to the Health Professional Recovery Program (HPRP). Respondent completed an HPRP intake interview and was directed to undergo an evaluation.

9. On June 26, 2020, Respondent underwent an evaluation and was diagnosed with “Alcohol use disorder, severe,” “Cocaine use disorder, moderate,” and

“Cannabis use.” The evaluator determined Respondent was not safe to practice and recommended a residential treatment program and subsequent treatment monitoring for Respondent.

10. Between July 14, 2020, and December 16, 2020, Respondent entered multiple inpatient treatment facilities and left multiple detox/inpatient treatment facilities due to multiple relapses involving alcohol and marijuana.

11. On November 17, 2020, Respondent entered into an interim monitoring agreement, in order to participate in the HPRP program while he sought additional residential treatment programs. The terms of the interim monitoring agreement required, in part, that Respondent attend and comply with the terms of his inpatient treatment, abstain from any mood-altering substances (including alcohol and controlled substances), and submit to urine drug screens via the HPRP designated laboratory (FirstSource) or the treatment facility.

12. Respondent violated the interim monitoring agreement as follows:

- a) On December 21, 2020, Respondent's drug screen was positive for cocaine metabolite.
- b) On December 23, 2020, Respondent admitted to relapsing on cocaine and alcohol.

13. On January 20, 2021, Respondent entered into a five-year dual diagnosis monitoring agreement with HPRP. The terms of the monitoring agreement required, in part, that Respondent provide quarterly self/sponsor reports and logs, attend mutual and self-help meetings, meet with an HPRP approved addictionist regularly,

submit to urine drug screens by calling the HPRP designated laboratory (FirstSource), submit a specimen in the manner requested when instructed, and abstain from any mood-altering substances, including alcohol and controlled substances.

14. Respondent violated the monitoring agreement as follows:

- a) On January 27, 2021, Respondent informed HPRP that he had relapsed on alcohol. Accordingly, Respondent's monitoring agreement was amended to require that Respondent submit to Soberlink¹ monitoring.
- b) On January 28, 2021, and February 2, 2021, Respondent's drug screen was positive for the unapproved herbal medication mitragynine (kratom)².
- c) On January 26, 2021, and February 16, 2021, Respondent's drug screen was positive for Phosphatidylethanol (PEth)³.
- d) Between January 21, 2021, and February 21, 2021, on multiple occasions, Respondent failed to complete required Soberlink tests.

15. As a result of the above violations of the monitoring agreement, HPRP extended Respondent's monitoring agreement for 6 months.

16. Between February 22, 2021, and July 8, 2021, Respondent's drug screen was positive for the unapproved herbal medication mitragynine and PEth. Additionally, Respondent, on multiple occasions during this period, failed to timely

¹ Soberlink is an at home BAC testing device and service, allowing for daily monitoring of alcohol consumption.

² Kratom is a stimulant and pain-relieving herb. The herb is a psychoactive substance that can produce effects similar to opiates.

³ PEth is an alcohol-specific biomarker, evidencing chronic excessive alcohol abuse over the previous 3 to 4 weeks.

complete Soberlink tests, missed Soberlink tests, failed to contact FirstSource to determine if he was to submit to drug screens, and failed to submit to observed drug screens on multiple occasions. Accordingly, HPRP initiated non-compliant closure of Respondent's file.

17. On July 30, 2021, HPRP closed Respondent's file as non-compliant and unsafe to practice, forwarding the matter to the Department.

COUNT I

Respondent's conduct, as set forth above, evidences a conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, evidences a substance use disorder, in violation of MCL 333.16221(b)(ii).

COUNT III

Respondent's conduct, as set forth above, evidences a mental or physical inability reasonably related to and adversely affecting Respondent's ability to practice in a safe and competent manner, in violation of MCL 333.16221(b)(iii).

COUNT IV

Respondent's conduct, as set forth above, evidences obtaining, possessing, or attempting to obtain or possess a controlled substance or drug without lawful authority, and/or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of MCL 333.16221(c)(iv).

RESPONDENT IS NOTIFIED that, after consultation with the chairperson of the Board, or his or her designee, and pursuant to MCL 333.16233(5), the Department states that the public health, safety, or welfare requires emergency action, and, accordingly, Respondent's license to practice medicine in the state of Michigan is summarily suspended, pending a hearing and final determination of this matter.

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 MCL 333.16192(2), 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. 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 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: 8/13/2021



Debra Gagliardi, Director
Bureau of Professional Licensing

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