

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

In the Matter of

AARON YORK, D.O., Ed. Ltd.
License No. 51-51-012457,

File No. 51-20-000881

Respondent.

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On October 13, 2020, the Department of Licensing and Regulatory Affairs executed a First Superseding 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 Osteopathic Medicine and Surgery, the Department summarily suspended Respondent's license to practice as a physician in the state of Michigan by Order of Summary Suspension dated October 13, 2020.

The parties have stipulated that the Disciplinary Subcommittee (DSC) of the Michigan Board of Osteopathic Medicine and Surgery may enter this Consent Order. The DSC of the Michigan Board of Osteopathic Medicine and Surgery 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 violations of MCL 333.16221(a), (b)(ii), (b)(iii), (b)(vi) and (c)(iv). Accordingly,

The Order of Summary Suspension dated October 13, 2020, is DISSOLVED, as of the effective date of this Order.

IT IS ORDERED that for the cited violation of the Public Health Code, Respondent's license to practice as a physician in the state of Michigan is SUSPENDED for a minimum period of four (4) months, commencing on the effective date of this Order. Respondent shall receive credit for the time during which the summary suspension was in place.

Respondent's license shall be automatically reinstated IF WITHIN SIX (6) MONTHS FROM THE DATE OF THE SUSPENSION the Department has received satisfactory written evidence from the Health Professional Recovery Program (HPRP) verifying that Respondent has undergone an evaluation, has entered into a disciplinary, non-confidential monitoring agreement (monitoring agreement) with HPRP AND that HPRP has endorsed Respondent as safe to practice OR that HPRP has determined that respondent does not require monitoring. It shall be Respondent's responsibility to contact HPRP by telephone at 1-800-453-3784 and to comply with the requests of HPRP regarding submission to an evaluation and entry into a monitoring agreement, if required. All costs associated with this process shall be Respondent's responsibility. If HPRP determines that Respondent needs monitoring, Respondent shall enter into and comply with all terms of a monitoring agreement with HPRP.

Respondents shall submit a signed and fully executed monitoring agreement AND written confirmation that HPRP has endorsed Respondent as safe to practice or written confirmation from HPRP that Respondent is not in need of monitoring to the address set forth below.

If Respondent's license remains suspended for more than six months, reinstatement will not be automatic. Respondent must apply for reinstatement under MCL 333.16245, MCL 333.16247, and Mich Admin Code, R 792.10711.

Respondent is placed on PROBATION for a minimum of two (2) years upon reinstatement of Respondent's license, provided reinstatement occurs within 6 months. The probationary period is reduced only while Respondent is employed in the licensed profession. The maximum period of probation is three (3) years from the date of reinstatement of Respondent's license.

The terms of probation shall be as follows:

1. MONITORING AGREEMENT. If the Health Professional Recovery Program (HPRP) determines that Respondent requires monitoring, and Respondent enters into a disciplinary monitoring agreement as a prerequisite to reinstatement of Respondent's license, Respondent shall comply fully with the terms of the monitoring agreement. 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 promptly 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 a minimum of eight (8) 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 employer or supervisor 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. 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.

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 provided shall be deemed a violation of the Order.

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

Respondent shall be automatically discharged from probation after a minimum of two (2) years, upon receipt of satisfactory evidence of the successful completion of the probationary terms as set forth above, PROVIDED compliance occurs within the maximum three (3) year period, Respondent has paid the fine as set forth below, has complied with the terms of this Order and has not violated the Public Health Code.

Respondent is FINED \$1000.00, to be paid to the State of Michigan prior to reinstatement. 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 51-20-000881.**

If Respondent violates any provision of this Order or fails to complete the probationary period within three years, 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 Board, as set forth below.

**MICHIGAN BOARD OF OSTEOPATHIC MEDICINE
AND SURGERY**

By:  for
Chairperson, Disciplinary Subcommittee

Dated: June 3, 2021

STIPULATION

1. Respondent does not contest the allegations of fact and law in the Complaint. Respondent understands that, by pleading no contest, Respondent does not admit the truth of the allegations but agrees the DSC of the Michigan Board of Osteopathic Medicine and Surgery may treat the allegations as true for the resolution of the complaint and may enter an order treating the allegations as true. Therefore, the DSC of the Michigan Board of Osteopathic Medicine and Surgery finds that the facts alleged in the Complaint are true and constitute violations of MCL 333.16221(a), (b)(ii), (b)(iii), (b)(vi) and (c)(iv).

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 the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waving 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. 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. Factors taken into consideration in the formation of this Order are:

- a. In a compliance conference with a Bureau representative, Respondent maintained that there were difficulties in communicating with HPRP due to the COVID-19 epidemic and that he faced numerous stressors due to living far away from any kind of support system.
- b. Respondent stated that he voluntarily entered a rehabilitation program and Narcotics Anonymous to help cope with substance abuse.
- c. Respondent submitted an evaluation by Dr. Eric Coffman that was completed in January 2021. Among other things, Dr. Coffman indicated that Respondent's drug dependence appeared to be in remission and that he would benefit from ongoing treatment that included HPRP or a similar professional monitoring program.
- d. Respondent does not have a disciplinary history.

5. A Department representative may discuss this matter with the DSC and recommend acceptance of the resolution set forth in this Order.

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

Signatures on Next Page

AGREED TO BY:

Andrew Hudson signing for

Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Dated: 4/21/2021

APPROVED BY:

Robert J. Andretz

Robert J. Andretz (P63994)
Attorney for Respondent

Dated: 4/21/2021

AGREED TO BY:

Aaron York, D.O., Ed. Ltd.

Aaron York, D.O., Ed. Ltd.
Respondent

Dated: 04/21/2021

APPROVED BY:

Mathis Wilkens

Mathis Wilkens, (admitted *pro hac vice*)
Attorney for Respondent

Dated: 4-21-21

ses/jp

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

In the Matter of

AARON YORK, D.O., Ed. Ltd.
License No. 51-51-012457,

File No. 51-20-000881

Respondent.

ORDER OF SUMMARY SUSPENSION

The Department filed a *First Superseding 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 Osteopathic Medicine and Surgery pursuant to MCL 333.16233(5), the Department finds that the public health, safety, and welfare requires emergency action.

Therefore, IT IS ORDERED that Respondent's license to practice osteopathic medicine and surgery 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 by email to BPL-DMS@Michigan.gov. If unable to submit a petition for dissolution 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.

Dated: 10/13/2020

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS



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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Respondent.

FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Debra Gagliardi, Director, Bureau of Professional Licensing, complains against Respondent Aaron York, D.O., Ed. Ltd., as follows:

1. The Michigan Board of Osteopathic Medicine and Surgery 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 violations of the Public Health Code.

2. Respondent holds an educational limited license to practice osteopathic medicine and surgery in the state of Michigan. Respondent also holds an active controlled substance license.

3. After consultation with the Board Chairperson, the Department found that the public health, safety, and welfare requires emergency action. Therefore, pursuant to MCL 333.16233(5), the Department summarily suspended Respondent's educational limited license to practice as an osteopathic physician in the state of Michigan, effective upon service of the accompanying *Order of Summary Suspension*.

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. Ephedrine is a drug used to treat the symptoms of low blood pressure. It requires a prescription and is regulated by the federal Food and Drug Administration (FDA).

8. Methamphetamine (e.g., crystal meth) is a schedule 2 controlled substance and a highly addictive stimulant drug.

Beaumont Hospital

9. Beginning on April 8, 2018, Respondent was employed as an emergency room resident at Beaumont Hospital (facility) in Farmington Hills, Michigan.

10. In the fall of 2019, the emergency medicine residency program director noted that Respondent's performance as a resident began to decline, as Respondent started missing shifts or showing up late and missing lectures.

11. On or about January 17, 2020, the facility received a report that Respondent was using illicit drugs during off hours.

12. On or about January 22, 2020, the facility confronted Respondent about his behavior and the allegations of illicit drug use. Respondent had no response. Respondent was given a drug test and tested positive for amphetamines. Respondent was later placed on administrative leave by the facility.

Health Professional Recovery Program (HPRP) Discharge

13. On or about January 22, 2020, Respondent was referred by the facility to the HPRP due to his concerning behavior and potential substance abuse. Respondent told HPRP staff that he has used methamphetamine a few times in the past but not since becoming a resident physician.

14. On or about January 27, 2020, Respondent completed an intake with HPRP staff. Respondent admitted using methamphetamine as recently as January 25, 2020. HPRP identified Respondent as a high risk and that he would have to be in a safety agreement to work in any health care setting.

15. On or about February 14, 2020, Respondent underwent an evaluation with an HPRP evaluator. Respondent stated he began using methamphetamine in November 2019 and has used methamphetamine ten times total. Respondent was diagnosed with Stimulant Use Disorder, moderate to severe, and amphetamine dependence. The evaluator recommended monitoring, complete abstinence from addictive substances, a psychiatric evaluation, and intensive outpatient therapy (IOP).

16. On or about February 19, 2020, Respondent entered into an Interim Monitoring Agreement, where he would be required to submit to urine drug screens by the HPRP designated laboratory (First Source) and, when instructed, submit a specimen in the manner requested. Respondent was required to seek HPRP approval before any out-of-state travel.

17. On or about March 13, 2020, Respondent made an unapproved out of state trip and failed to report to First Source for a scheduled UDS.

18. On or about March 16, 2020, Respondent failed to report to First Source for a scheduled UDS.

19. On or about March 16, 2020, Respondent failed to complete a scheduled telehealth psychiatric consultation.

20. On or about March 17 and 18, 2020, Respondent failed to check into First Source.

21. On or about March 25, 2020, HPRP learned that Respondent had not been to IOP since March 10, 2020.

22. On or about March 27, 2020, HPRP closed Respondent's case non-compliant.

Respondent's Interview

23. On or about June 2, 2020, Respondent was interviewed by a Department investigator. Respondent admitted he had used methamphetamine in the past, most recently in February 2020.

Second Health Professional Recovery Program (HPRP) Discharge

24. On or about April 14, 2020, Respondent was referred by the Department to the HPRP due to the previous closure on March 27, 2020.

25. On or about July 20, 2020, Respondent entered into a 3-year , Dual Diagnosis Monitoring Agreement, where he would be required to submit to urine drug screens by the HPRP designated laboratory (First Source) and, when instructed, submit a specimen in the manner requested and abstain from any mood-altering substances, including alcohol and controlled substances.

26. On or about August 4, 2020, First Source informed HPRP that a drug screen completed by Respondent on July 27, 2020 was positive for ephedrine. HPRP revoked Respondent's safety to practice.

27. On or about August 13, 2020, HPRP reinstated Respondent's safety to practice.

28. On or about August 17, 2020, the facility informed HPRP that Respondent had disclosed to them that he had relapsed over the previous weekend. HPRP revoked Respondent's safety to practice.

29. From August 18 through August 26, 2020, Respondent failed to check into First Source.

30. On or about August 27, 2020, HPRP mandated that Respondent enter residential substance abuse treatment and provide HPRP with a signed release of information.

31. From August 27 through September 25, 2020, Respondent failed to check into First Source.

32. On or about September 28, 2020, HPRP closed Respondent's case non-compliant and referred the matter to the Department.

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, 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 described above constitutes a lack of good moral character in violation of MCL 333.16221(b)(vi).

COUNT V

Respondent's conduct constitutes 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).

The Administrative Complaint previously executed against Respondent on July 14, 2020, is WITHDRAWN and replaced in full by this First Superseding Administrative Complaint.

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: 10/13/2020


By: Debra Gagliardi, Director
Bureau of Professional Licensing

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